

STATES OF JERSEY

OFFICIAL REPORT

TUESDAY, 9th OCTOBER 2018

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[9:30]

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

COMMUNICATIONS BY THE PRESIDING OFFICER

The Bailiff:

1.1 Welcome to His Excellency The Lieutenant Governor

Under A, I can start by welcoming His Excellency, the Lieutenant Governor on your behalf. [Approbation]

1.2 Lead-up to Remembrance weekend

Just as advance notice, there are a number of events going on in the 10 days or so leading up to Remembrance weekend. Members will be circulated with those. I very much hope that you will feel able to come out and support at least some of them. [Approbation]

QUESTIONS

2. Written Questions

2.1 DEPUTY M.R. LE HEGARAT OF ST. HELIER OF THE CHAIRMAN OF THE STATES EMPLOYMENT BOARD REGARDING THE ‘ONE GOV’ MODERNISATION OF THE STATES OF JERSEY: [WR.157/2018]

Question

Further to the response to Written Question 1(565) on 31st October 2017, will the Chairman –

- (a) advise how many people (including interim appointments) have worked on the ‘OneGov’ modernisation of the States of Jersey since October 2017 (when the Transition Team arrived) to date, with the breakdown by cost and F.T.E. as follows:
 - i. States of Jersey employees (whether contracted or permanent);
 - ii. people employed through agencies;
 - iii. people paid through a supplier such as KPMG, EY etc.;
- (b) include within this breakdown any costs associated with the above in respect of travel, accommodation and other expenses;
- (c) provide the forecasted costs of this work until the end of 2018; and
- (d) state when this work on reviewing and amending the operations of the public service will be complete?

Answer

The data necessary to fully answer the question is being collated from multiple data sets. A full response will be tabled by the end of the month.

2.2 DEPUTY J.M. MAÇON OF ST. SAVIOUR OF THE MINISTER FOR THE ENVIRONMENT REGARDING THE RESPONSE TO THE ASIAN HORNET THREAT TO JERSEY: [WQ.173/2018]

Question

Will the Minister explain how his Department has prioritised responding to the Asian hornet threat to Jersey and will he advise whether it is intended to make the response a higher priority and, if so, how; and will he

further explain what has been committed in the way of resources by the Department to this issue, if any, and, if none, will he explain why?

Answer

The Department for Growth, Housing and Environment (GHE) prioritise the existing and increasing threat of Asian Hornets highly. The seasonal operational requirements provided by this species and the strategic approach to managing associated risks are increasing. Senior officers and staff from several disciplines across the team have been working tirelessly throughout the summer to combat and control this invasive species. This includes working in partnership with the Island's bee keeping community, a group of dedicated hornet hunters and with the support of technical experts from Exeter University. Monitoring of the threat has been ongoing since 2016.

It is recognised that Asian Hornets and the wider global challenge of Invasive Non Native Species (INNS) require the seasonal use of resources and staff. The ongoing development of an INNS strategy for Jersey will tackle not just Asian Hornets, but a miscellany of species, which historically may not have been prevalent in our geographic region. These species are now becoming more regularly seen and may have detrimental effects to our way of life and to our local and regional biodiversity. This issue will gain increasingly higher priority in future years.

Resources allocated to this work to date have been proportionate, and allocated with a great deal of consideration and consultation with partner organisations, bearing in mind the risks, the resources available, and other work streams and priorities. Funding, personnel and equipment has been put in place to better control Asian Hornets. This includes using local expertise, contracting of scientific technical specialists, delivering bespoke training both in Jersey and France; and following recent discussions with the bee keeping community and hornet hunters, the contracting of a coordinating resource. An extra £25,000 has been made available from existing GHE budgets, and £14,000 has been spent (excluding officer costs) year to date on Asian Hornet matters. This has allowed continued responses, training, equipment purchase and, where necessary, hire; and the offer of financial recompense to volunteers working in partnership with States officials. To date in 2018, 52 nests have been dealt with and appropriate budgets will be allocated for 2019 following evaluations of the 2018 season.

Jersey, being the closest of the British Isles to the larger population of Asian Hornets in France, is at the forefront of techniques to identify, track, and destroy hornets and their nests. The Natural Environment team within GHE recently hosted a British Irish Council (BIC) workshop. This involved scientists and government officers from all the BIC jurisdictions sharing technical knowledge, techniques and experience. The work undertaken in our Island is now contributing to the training of officers and experts in those jurisdictions, assisting them in their readiness for when Asian Hornets arrive. This cooperation is something that those jurisdictions have been thankful for and something the Island should be proud of.

2.3 THE DEPUTY OF ST. PETER OF THE MINISTER FOR EDUCATION REGARDING THE EDUCATION OF VISUALLY-IMPAIRED CHILDREN: [WQ.174/2018]

Question

How many children in education in Jersey are registered as visually impaired; and what is the funding mechanism to ensure they receive the necessary support so they have, as far as possible, equal opportunities?

Answer

There are currently 41 Children and Young people (CYP) in education in Jersey with a visual impairment. A Visual Impairment Team (VIT) which consists of a 0.8FTE qualified teacher for Visual Impairment and a Grade 7 Specialist Lead Keyworker is responsible for advising and supporting schools to ensure they have

the necessary arrangements to meet their needs. VIT work alongside a local charity 'Eyecan' (formerly The Jersey Blind Society) and the 2 Orthoptists at Jersey General Hospital.

In line with the National Sensory Impairment Partnership (NatSIP) two main criteria determine levels of support:

1. Professional assessments determine the degree of visual impairment into the following categories:
 - Mild Vision Loss
 - Moderate Vision Loss
 - Severe Vision Loss
 - Profound Vision Loss

2. Other factors that may impact upon a CYP's functioning such as:
 - Additional factors relating to VI (deteriorating / fluctuating condition, recently acquired VI)
 - Impact of the VI on language and communication development and on access to learning and the curriculum
 - Development of habilitation skills
 - Training and mentoring requirement
 - Transition support
 - Support for use of specialist equipment
 - Physical Learning environment
 - Impact of CYP's VI on personal, social and emotional learning
 - Additional factors relating to family support (acceptance of VI, EAL, LAC)
 - Multi-agency role (including safeguarding)

Once levels of support are determined support is provided through the following ways:

- All schools receive delegated funding to meet the needs of pupils with special educational needs. Most CYP with a VI have their arrangements (support, resources and equipment) to meet their needs met through this funding.
- Some children's needs require more specialist arrangements. In these circumstances needs and arrangements to meet them are detailed in a Record of Need (a RoN). Some of these children access mainstream schools who receive higher level funding to meet these requirements. Other access Mont a l'Abbé School which is resourced to meet specialist requirements.

Advances in technology result in continual review of specialist equipment. The QTVI works to ensure that the CYP with VI have the most effective solution to enable access to learning and promote independence. If evidence of best practice determines an advanced solution the QTVI writes a Business Paper to the Senior Management Team in Education for funding to implement the initiative. A successful bid enabled IPAD technology (for e.g.) for all pupils who required magnification of resources. However, caution has to be used as individual pupils may require an individual solution.

2.4 DEPUTY R.J. WARD OF ST. HELIER OF THE ASSISTANT MINISTER FOR EDUCATION REGARDING THE FUNDING OF HIGHER EDUCATION STUDENTS AT UNIVERSITY COLLEGE JERSEY: [WQ.176/2018]

Question

Will the Assistant Minister advise –

- (a) what formulae are used to calculate funding for Higher Education students at University College Jersey;
- (b) what formulae are used to calculate Higher Education student fees at University College Jersey; and
- (c) what the mechanism is for awarding waivers for Higher Education fees to students wanting to complete either the Access to Higher Education course or degree courses at University College Jersey?

Answer

- (a) Higher Education (HE) students at University College are charged for the costs of the course. There is no subsidy received by the college for HE as the costs are recovered entirely from the student income fee (see response to (b) below). Students apply to Student Finance for fee assistance in the same way they do for off island degrees.
- (b) There is no formulae for setting Higher Education student fees for University College Jersey. HE student fees are set at an average level across all courses to cover costs. Fees for 18/19 were set at £7,900 to cover the anticipated enrolment figures and was agreed by Ministerial decision (MD-ESC-2018-0016).
- (c) There are **no** fee waivers available for degree courses at University College Jersey as all applicants can apply to Student Finance for financial support.

The Access to Higher Education course is a further education course and is intended for mature students who have been unable to study at level 3 when they were younger. If the applicant is 19 or over on the 1st September in the year the course starts, there are no course fees if the student has **not** previously studied and gained qualifications at level 3 (A levels or equivalent).

The fee policy for those who wish to return to study at this level, having already achieved A Levels or other Level 3 qualifications, is based on the same principle as the States not paying the fees of students who have to repeat a year of a university degree course. The fee of £3,050 still represents a 50% subsidy of the actual per student cost. The Children, Young People, Education and Skills Department does **not** fund the College for Access to HE students who have already achieved A levels for which they will already have received States' funding.

In **exceptional** circumstances the Principal will consider waiving the tuition fee if (a) the student has sufficient level 2 qualifications (b) the minimum number of funded students have enrolled on the course (c) the student is receiving financial support from social security and/or (d) the student is **not** repeating a course at this level just to improve their original level 3 grades or to study a different subject (e.g. science) that they did not study at A level. The Principal's decision is final.

2.5 DEPUTY R.J. WARD OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING PAY OFFERS TO THE CONTROLLING EXECUTIVES OF STATES-OWNED BODIES: [WQ.176/2018]

Question

Further to the response to Written Question 151/2018, will the Minister, as shareholder representative, advise –

- (a) what pay rises, if any, have been awarded to members of the controlling executive of 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;
- (b) what pay offers for this group have been made for 2018 and 2019 by such States-owned bodies; and
- (c) what the current levels of pay of the chief executives (or equivalent) of these States-owned bodies are?

Answer

- (a) Remuneration packages for the Executive Directors of States-owned businesses are published in the individual Report and Accounts for each of the companies. These Report and Accounts are presented to the States each year and are available on the websites of each of the companies.

For the purpose of this question and in the context of the previous Written Question 151/2018, information provided in response to part (a) relates to the base pay element of the remuneration package:-

Company	2016 (£,000)	2017 (£,000)	%
<u>JT</u>			
• Chief Executive	224	230	2.7
• Finance Director	189	197	4.2
<u>Jersey Post</u>			
• Chief Executive	195 ¹	196 ¹	0.5
• Finance Director	58 ²	135	n/a
<u>SoJDC</u>			
• Chief Executive	168	168	0.0
• Finance Director	118	135	14.4
<u>Andium</u>			
• Chief Executive	150	189	26.0
• Finance Director	120	141	17.5
<u>Ports of Jersey</u>			
• Chief Executive	181	220	21.5
• Finance Director	131 ³	156 ³	19.1

Notes

1. Includes £25,000 Accommodation allowance
2. Part year – new appointment
3. Includes £11,000 in Duty Executive Standby payments

In respect of the significant increases at Andium and Ports of Jersey, both have recently been incorporated. As they transition from the civil service into fully incorporated businesses the corporate responsibilities and accountabilities of their Executive Directors has increased. This has resulted in pay adjustments being phased in over 2016 and 2017 which reflect that responsibility and accountability.

Overall remuneration packages are based on the specific requirements of each of the businesses, resulting in individual terms and conditions, driven by performance targets for the business and the individual. This can distort any year on year comparisons.

(b) Pay negotiations with the individual Executive Directors are undertaken by the Remuneration Committee of each Board and their recommendations approved by their Board and are ongoing for 2018. These will have regard however to the general pay policies for the business as a whole. Increases will be considered and approved by the Shareholder, in accordance with the Memorandum of Understandings in place for each of the companies.

(c) The current levels of pay are as set out in the table in (a) above.

2.6 DEPUTY R.J. WARD OF ST. HELIER OF THE MINISTER FOR ECONOMIC DEVELOPMENT, TOURISM, SPORT AND CULTURE REGARDING THE RETURN TO STATES FUNDS ARISING FROM THE TRIATHLON SERIES BROUGHT TO JERSEY: [WQ.177/2018]

Question

Given the investment of States funds to bring the triathlon series to Jersey, what is the estimated return to States funds from the event, if any; and how was this estimate calculated?

Answer

The strategic objectives of securing the event are: to create a Jersey wide legacy of sport and health through mass participation leading to increased ongoing participation in sport; to increase visitor numbers to Jersey; and to provide Jersey with a significant direct and indirect economic benefits from hosting a high profile international event.

Economic benefit is not measured by 'the return to States funds'. A very conservative estimate by Visit Jersey of the additional on Island expenditure estimated to be directly attributable to Super League Triathlon 2017 event supported through the Tourism Development Fund (TDF) was over £385,000. With a much longer lead in to this years' event this is expected to rise significantly. The intangible benefits of securing the event whilst difficult to assess have the potential to be significant. With a global reach of 375 million individuals across 147 countries, the impact on inward investment, longer term visitor trends and Jersey's standing on the international stage are difficult to quantify but are considered valuable potential upsides of the financial support being provided to secure the event in Jersey.

2.7 DEPUTY R.J. WARD OF ST. HELIER OF THE MINISTER FOR ECONOMIC DEVELOPMENT, TOURISM, SPORT AND CULTURE REGARDING BUSKING LICENCES: [WQ.178/2018]

Question

What consideration, if any, is being given to amending the current provisions for busking (particularly in relation to amplified instruments) with regard to reducing or abolishing the license fee and to allowing buskers to keep their earnings during December?

Answer

Busking remains within the scope of the Bailiff's common law power to regulate public entertainment. In turn, the Bailiff has for some years now delegated to the Jersey Arts Centre responsibility for operating a permit system. Guidelines for busking in Jersey are available from the Jersey Arts Centre.

In his capacity as Assistant Minister for Economic Development, Tourism, Sport and Culture, Deputy M. Tadier is currently reviewing previous relevant policy development work carried out by officials, together with the position in Guernsey – where a more liberal approach to busking and street entertainment is understood to work well – with a view to considering possible options for reform.

In the intervening period, the provisional view of the Assistant Minister is –

- (a) that the prohibition on using electrical amplification is a blunt tool for controlling noise and one that discriminates against certain types of instruments and musicians. For example, it possible for a brass band, with full percussion to be able to play without amplification, whereas a musician with an electric guitar or keyboard would be unable to play at all;
- (b) that the £30 busking fee might deter or be excessive for occasional buskers, as well as those who busk solely for charity. Given that there are only 20 official buskers registered this year, the Assistant Minister considers that a trial reduction or waiving of the fee might help establish whether a lower fee would generate more interest; and
- (c) that the fairness and equity of the current obligation on buskers to give all earnings to charity during ‘the Christmas period’ may be open to challenge.

2.8 SENATOR S.Y. MÉZEC OF THE CHAIRMAN OF THE COMITÉ DES CONNÉTABLES REGARDING A WORKSHOP HELD IN RESPECT OF RECRUITMENT TO THE HONORARY POLICE: [WQ.179/2018]

Question

Further to the response to Written Question 102/2018, will the Chairman provide an update on the outcome of the workshop held on 14th July 2018 to begin reviewing recruitment to the Honorary Police?

Answer

At the workshop held on 14 July 2018 to begin reviewing recruitment to the Honorary Police there was a wide ranging discussion of options which might be considered to encourage more people to seek election as a member of the Honorary Police.

It was recognised that a range of methods have been used to date, and can be used again, for example advertisements and articles in the Jersey Evening Post, social media and parish magazines as well as outreach events on various parish and island occasions and presentations to groups such as business representatives.

We also considered whether the current age and residence criteria are a barrier to seeking election and so these are being reviewed.

The Connétables are responsible for the efficient and effective policing of their parish; this includes the provision of resources. The Chef de Police is responsible for all operational policing matters. The Honorary Police Association represents its members in matters affecting their welfare. Notwithstanding the separate responsibilities, all parties have begun to work collaboratively on a recruitment campaign although following general agreement the Connétable and Chef de Police of the parish will take the lead in seeking officers to serve in their parish.

We recognise that the public must have sufficient information on the benefits of serving as a member of the Honorary Police. The wide range of training that is available covers problem solving, decision

making, team building, leadership and responsibility skills, all of which are transferable to the workplace and are of benefit to employers and businesses.

Our aim is to ensure that individuals who wish to support their Parish and community, to help maintain law and order, can aspire to seek election to serve as a Centenier, Vingtenier or Constable's Officer.

2.9 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR EDUCATION REGARDING DEPARTMENTAL FUNDING OF FEE-PAYING SCHOOLS: [WQ.181/2018]

Question

In order that a direct comparison of the relevant figures may be made, will the Minister give a full breakdown of departmental funding for 2018 of all fee-paying primary and secondary schools using the formula presented in her response to Written Question 160/2018; and, further to the figures presented in response to Written Question 167/2018, will she further state what the current level of headroom funding is in the 11 to 16 sections of Victoria College and Jersey College for Girls?

Answer

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.
- The AWPU in fee-paying primary schools is 23.5% of the AWPU funded in non-fee paying primary schools.
- The AWPU in fee-paying secondary schools is 48.5% of the AWPU funded in non-fee paying secondary schools.
- States of Jersey fee-paying schools do not receive funding for Special Educational Needs.
- Fee-paying schools do not receive ARC funding.

Table 1 – Department funding for fee-paying primary schools

Fee-paying Primary Schools	AWPU excluding SEN (£)	SEN (£)	Total AWPU (includes SEN) (£)	Jersey Premium (£)	ARC (£)	Other (£)	2018 Funding (agrees to ledger) (£)	ICT funding (from ICT budget) (£)
Jersey College Prep	401,390	0	401,390	3,960	0	18,078	423,428	5,000
Victoria College Prep	286,628	0	286,628	2,250	0	43,878	332,756	3,000
Beaulieu Primary	224,506	7,490	231,996	0	0	0	231,996	0
De La Salle Primary	243,524	8,154	251,678	0	0	0	251,678	0
FCJ	340,695	12,655	353,350	0	0	0	353,350	0
	1,496,744	28,298	1,525,042	6,210	0	61,956	1,593,208	8,000

Table 2 – Department funding for States of Jersey fee-paying secondary schools

Fee-paying Secondary Schools	AWPU excluding SEN (£)	SEN (£)	Total AWPU (includes SEN) (£)	Jersey Premium (£)	ARC (£)	Other (£)	2018 Funding (agrees to ledger) (£)	ICT funding (from ICT budget) (£)
Jersey College for Girls	2,268,506	0	2,268,506	13,920	0	-	2,217,658	14,500
Victoria College	2,044,169	0	2,044,169	4,800	0	91,766	2,140,735	2,200
Beaulieu Secondary	1,823,925	45,230	1,869,155	0	0	0	1,869,155	0
De La Salle Secondary	1,502,475	36,473	1,538,948	0	0	0	1,538,948	0
	7,639,074	81,704	7,720,778	18,720	0	26,998	7,766,496	16,700

Table 3 - AWPUP Rates

Year Group	AWPU Rate / Pupil (£)	Year Group	AWPU Rate / Pupil (£)
Reception	3,770.54	Year 7	4,582.00
Year 1	3,280.64	Year8	4,582.00
Year 2	3,280.64	Year9	4,582.00
Year 3	2,845.48	Year10	4,930.09
Year 4	2,845.48	Year11	5,271.42
Year 5	2,899.87	Year12	6,795.71
Year 6	2,899.87	Year13	6,795.71

Headroom at Jersey College for Girls and Victoria College

Due to the way budgets are allocated in secondary schools it is not possible to isolate the 11-16 element from the overall school budget. This makes a comparison with the budget allocation in the 11-16 schools, as referenced in written question 167/2018, more difficult. Nevertheless, figures have been provided for Jersey College for Girls and Victoria College to indicate the headroom available, based on the methodology applied in written question 167/2018.

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.
- Headroom funding will include income generated by the school.

Table 3 – Headroom at Jersey College for Girls and Victoria College

Based on 2018 Budgets					
11-18 Schools	Staffing (£)	Premises Costs (£)	Income (£)	Other Expenditure (Headroom Funding) (£)	Total Budget (£)
Jersey College for Girls	5,234,952	581,617	-4,368,813	769,902	2,217,658
Victoria College	4,859,746	628,200	-3,836,944	489,733	2,140,735
Total	10,094,698	1,209,817	-8,205,757	1,259,635	4,358,393

2.10 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING RECRUITMENT WITHIN MENTAL HEALTH SERVICES: [WQ.182/2018]

Question

Will the Minister state –

- what additions have been made to the budget for mental health services for the use of bank or agency nurses and temporary locum staff in 2017 to 2018;
- what lengths of contract are put in place with such staff to ensure continuity within the services delivered;
- whether the Ambitions for 2017 and the Data Quality Improvement Plan (contained in the ‘Mental Health Quality Report 2017’) have been achieved; and
- what specific measures, if any, he has in place in respect of mental health services to respond to items (vii) and (viii) of the ten fundamental failings of the care system, as listed on page 52 of the report of the Independent Jersey Care Inquiry (R.59/2017), regarding staff recruitment, retention and development?

Answer

- There have been no additions to the budget in 2017/18 for the use of bank or agency nurses and temporary locum staff.
- The length of an agency contract is specified according to service need with a defined end date. Generally bank contracts are issued on a zero hour permanent basis which allows flexibility and deployment of staff according to service need. This can be on a short-term basis as well as on a longer-term basis to cover vacancies and long-term periods of sickness/absence. Individuals can exercise choice by working on the bank as well as choosing to apply for posts which are vacant.
- The following ambitions were identified within the Mental Health Quality Report 2017:
 - Population-based indicator: **By 2018, 70% of respondents know where to find information about local services**

In 2017 the proportion of people who said they knew where to find local information on Mental Health was 46%; this is slightly down from the response of the previous year.

ii) Prevention & early intervention: **By 2018, 75% of people referred to the JTT Service begin treatment within 6 weeks**

A new information system has been introduced and staff are now working to extract the data in order to accurately report activity against this indicator. In 2017 the service received 1,861 referrals. The number of clients discharged as having completed treatment in 2017 was 380, up from 123 the previous year.

iii) Service access, care co-ordination, and continuity of care:

a. **By 2018, 95% of referrals will meet set waiting times (CAMHS)**

Overall 60% of referrals in 2017 were seen within agreed waiting times

b. **By 2018, 95% of referrals will meet set waiting times (Adults)**

In 2017, 45% of clients were seen within the target timescale

iv) Social Inclusion & Recovery: **% of school days lost to exclusion - Re-establish a baseline for 2017**

The % of school days lost in 2017 was 0.056% - an increase compared to 2016

v) Quality Improvement Leadership & innovation:

a. Staff satisfaction: **Maintain the baseline (90%)**

There is no new data beyond the 2017 report

b. Reduce sickness: **By 2018, reduce sickness and absence rate to below 4% for the mental health workforce**

Sickness and absence rates for the mental health workforce were below 5% during each quarter of 2017. The annual sickness rate for the mental health workforce is 4.5%

c. % of whole time equivalent mental health staff posts that are vacant: **By 2018 establish a baseline according to professional group**

Vacancy rates across the Mental Health workforce decreased compared to 2016. The vacancy rate for 2017 was 21%.

Work has continued to improve data quality in line with the Data Quality Improvement Plan. During 2017, a number of workshops were held with key stakeholders to capture a more accurate picture of the Jersey Mental Health system which is continually reviewed throughout the year. New indicators were identified and are now in development.

d) The government response to the Care Inquiry was lodged with the States Assembly in October 2017 (link below). The response includes 43 projects that make up a comprehensive programme of work. Currently, all projects have been started with 11 projects completed. The Director General of Policy, Performance and Population provides governance and oversight via a programme board that meets every two weeks.

<https://www.gov.je/government/departments/homeaffairs/respondingtoindependentjerseycareinquiry/Pages/home.aspx>

The Children in Jersey Review Panel has provided public scrutiny of the Care Inquiry response to date. The legacy report presented to the States on the 23rd April 2018 provides a clear overview of progress made to date.

<https://statesassembly.gov.je/scrutinyreports/2018/care%20of%20children%20in%20jersey%20review%20panel%20-%20legacy%20report%20-%2023%20april%202018.pdf>

The publication of the Council of Ministers' Common Strategic Policy Statement gives a very clear indication of how the government is learning the lessons identified by the Care Inquiry. The link to the Policy Statement and the agreed priorities is here.

<https://www.gov.je/sitecollectiondocuments/government%20and%20administration/r%20common%20strategic%20policy%20summary%20english%2020181003.pdf>

2.11 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR CHILDREN AND HOUSING REGARDING A REVIEW OF THE POLICY UNDERPINNING THE SALE OF SOCIAL RENTED HOMES: [WQ.183/2018]

Question

Further to the response to Written Question 162/2018, which reported a doubling in the number of social rental homes sold each year by Andium Homes (and the former Housing Department) during the period 2010 to 2018 and a commitment to further increases in annual sales, will the Minister agree to implement a fundamental review of policy in this area that will include all providers of social rental homes and the Affordable Housing Gateway?

Answer

Yes – the Minister for Housing will implement a fundamental review of policy in this area, which will include all providers of social rental homes and the Affordable Housing Gateway.

The Council of Ministers has made a commitment in the draft Common Strategic Policy 2018-2022 to secure a consistent supply of affordable and good quality homes. In order to deliver upon this commitment, a supply of homes across all categories of tenures will be required – social rented, private rented and owner-occupied accommodation.

The Chief Minister intends to establish an Affordable Housing Policy Development Board, and it would be appropriate for the Board to examine the supply of social rented housing and the need for assisted ownership schemes. The work of the Board will be informed by two independent reviews that are presently ongoing:

- *'The Objective Assessment of Housing Need Report'* will inform decisions about the numbers, sizes and tenures of new homes required in the coming years.
- *'The Review of Access to Social Housing'* will make recommendations about the potential to expand the eligibility criteria for social housing in Jersey.

The Board will need to recommend measures to improve the affordability of and access to housing in Jersey, including the balance of provision in terms of social rented housing and assisted ownership schemes. It will also need to consider the organisations (such as Andium Homes and the housing trusts) who are best placed to deliver the island's housing requirements at scale, and the resources they require to do so.

2.12 DEPUTY C.S. ALVES OF ST. HELIER OF THE CHAIRMAN FOR STATES EMPLOYMENT BOARD REGARDING THE SUBSIDISING OF RENTS FOR ESSENTIAL EMPLOYEES: [WQ.184/2018]

Question

What policies or practices, if any, are there in place to subsidise rents for essential employees?

How many times has the States subsidised rent for an essential employee in the last 5 years?

Answer

What policies or practices, if any, are there in place to subsidise rents for essential employees?

Rent Subsidy is an option available within the overall Relocation Agreement. Whereas the Relocation Agreement is available to all licensed employees who relocate to the Island, Rent Subsidy is available only to licensed employees on **non**-permanent contracts. It is not available to licensed employees who have been offered permanent licensed employment. Typically the Relocation Agreement is utilised by Social Workers, Teachers, Nurses, Medical Staff and Civil Servants.

The terms of the policy are as follows:

Where the (approved) cost of rental accommodation exceeds 25% of the family’s gross family income (ie. not just the income of the licensed employee) the employee is entitled to a rent subsidy equal to the difference between the rental cost and 25% of the gross family income. This is capped at £6,000 per year.

How many times has the States subsidised rent for an essential employee in the last 5 years?

2013	2014	2015	2016	2017
12	8	6	3	7

2.13 DEPUTY C.S. ALVES OF ST. HELIER OF THE MINISTER FOR INFRASTRUCTURE REGARDING THE LEASE AGREEMENTS FOR STATES-OWNED PROPERTIES ON THE WATERFRONT: [WQ.185/2018]

Question

When are the lease agreements for States-owned properties on the Waterfront, such as the Aquasplash, due for renewal?

What consideration, if any, has been given to alternative options with regard to the ownership of those sites?

Answer

The controlling interest in landholdings on the Waterfront is with the States of Jersey Development Company through a number of a 150 year leases. These leasehold interests have been sub-divided through a series of sub-leases and sub-sub leases. A summary of the headlease arrangements are set out below:

HEADLEASES

Underground Car Park & Marina Area

The Underground Car Park & Marina Park area (part of the area known as Area 6, which excludes the Leisure Complex & Pool) is under a 150 Year Lease from the 9th July 2004 by the Public to the "States of Jersey Development Company" - SoJDC (formerly known as the "Waterfront Enterprise Board" -

WEB). This site consists of the 521 spaces "Underground Car Park" with "Marina Park" (Public Open Space) above.

Leisure Complex & Pool

The area of the Leisure Complex & Pool (excluding the Underground Car Park and Marina Park) is under a 150 Year Lease from the 14th September 2001 by the Public to "CTP (Jersey) Limited".

On the 26th March 2004 the Public were party to the Sale, Cession & Transfer of rights in the remainder of the 150 year lease of an area of land at the Leisure Complex to accept "AXA Sun Life plc" as the new lessee in place of "CTP (Jersey) Limited".

On the 5th February 2010 there was the Acquisition by way of Appropriation from "AXA Sun Life plc" of a certain leasehold interest in an area of land situated at the rear of the "Leisure Centre Complex" which forms part of the site of the proposed "Esplanade Quarter", measuring approximately 500.60 sq m. The area is shown hatched on the "Professional Hi-Tech Services Ltd" drawing "P 580 82".

On the 21st October 2011 "AXA Sun Life plc" changed its' name to "Friends Life Company Limited".

Harbour Reach

Forms part of Area 6, along with the Car Park and Marina Park, leased to SoJDC by the Public on the 9th July 2004 for 150 years. On 16th July 2004 SoJDC sub-leased the land for the remainder of the term to Spinnaker Developments Limited.

On 23rd December 2016 SoJDC sold its interest in one of the ground floor commercial units to Netherton Investments Limited for £1.65m.

Radisson Blu Waterfront Hotel Groundsite

Leased to SoJDC (formerly WEB) by The Public for a term of 150 years, from the 21st November 2003. On 9th September 2005 SoJDC sub-leased the site for the remainder of the term to Jersey Waterfront Hotel Holding Limited.

On 26th May 2017 SoJDC sold its interest in the head lease to Point Properties Limited for £3.149m

Liberty Wharf and Liberation House Liberty Wharf Annexe Site

On the 7th November 2003 there was the passing in the Royal Court of the 150 Year Headlease to the "Waterfront Enterprise Board" (WEB/SoJDC) (Lease No 4094) at £1 per year. There were amendments (Deeds of Arrangements) made to this Lease on the 16th July 2004 and again on the 26th August 2005. The 150 Year Headlease to WEB, recorded here, covers the whole of Liberty Wharf (JPH Refs 1239, 1386, 2023 & 2024). On 14th October 2005 SoJDC sub-leased the site (in various parcels) for the remainder of the term to Islands Development Limited.

Esplanade Quarter

This land is on a 150 year lease to SoJDC (formerly WEB) originally from the 9th July 2004, which was cancelled and passed again on the 19th December 2008.

On the 19th December 2008 the cancellation of the Contract Lease dated 9th July 2004 between the Public of the Island and "Waterfront Enterprise Board Limited" of the Esplanade Car Park, St Helier, was passed in the Royal Court.

On the 19th December 2008 the 150 Year Contract Lease by the Public of the Island to Waterfront Enterprise Board Limited (WEB) of the "Esplanade Quarter Site" was passed in the Royal Court.

On the 5th February 2010 there was the Acquisition by way of Appropriation from "AXA Sun Life plc" of a certain leasehold interest in an area of land situated at the rear of the "Leisure Centre Complex" which forms part of the site of the proposed "Esplanade Quarter", measuring approximately 500.60 sq m. The area is shown hatched on the "Professional Hi-Tech Services Ltd" drawing "P 580 82".

Weighbridge

On the 15th February 2008 the Public Leased to WEB the Weighbridge site for a term of 150 years.

On the 26th June 2009 the Public of the Island were party to the Sub-Lease of a piece of land situate to the west of the "Royal Yacht Hotel" (forming part of "The Weighbridge Bus Station Head Lease") by "WEB" to "The Yacht Hotel Limited", in order to consent to the Sub-Lease and to confirm that the Sub-Lessee will become a lessee in the event of cancellation of the Head Lease. The Sub Lease has a term of 25 years, commencing on 1st January 2008.

On the 10th March 2017 the Public of the Island was Party (as Head Landlord) to an extension of the Sub-Lease between the "States of Jersey Development Company Limited" and "Yacht Hotel Limited" dated the 1st January 2008 of the Royal Yacht Hotel Al Fresco area, situate on part of the site known as "Weighbridge Park", for a further term of 25 years to terminate on the 31st December 2057.

Alternative Ownership Options

Due to commercial confidentiality, it is not possible to provide information regarding any discussions about alternative ownership that may or may not be ongoing.

2.14 DEPUTY C.S. ALVES OF ST. HELIER OF THE MINISTER FOR EDUCATION REGARDING THE PROVISIONS FOR STUDENTS DIAGNOSED WITH AUTISM: [WQ.186/2018]

Question

What provisions are currently in place for students who are diagnosed with Autism both in and out of mainstream schools?

Answer

Autism is a diagnostic condition characterised by a pattern of strengths and difficulties. These exist on a continuum from mild to severe and complex. In addition, some individuals present with a range of needs alongside their autism (learning difficulties, family dysfunction; sensory needs etc.) and in this respect, individuals with autism present very differently and as such there are different levels of arrangements and support for pupils.

Arrangements at Universal Level

Some children and young people (CYP) with a diagnosis of autism have a special need by nature of their diagnosis but not a special educational need. A special educational need (SEN) is defined in the Jersey Special Educational Needs Code of practice 2017 as:

“A pupil has SEN where their learning difficulty calls for special educational provision, namely provision different from or additional to that normally available to pupils of the same age”

Their needs can be met through access to high quality teaching in a mainstream classroom.

Arrangements at SEN Support level

Some CYP with a diagnosis of Autism require provision that is different from or additional to that normally available to pupils of the same age. At SEN Support level this is called 'ordinarily available provision'. For a CYP with Autism this support may involve considerations of the teaching environment and groupings, adaptations of curriculum and teaching methods and close liaisons with families and external agencies.

All mainstream States schools receive SEN funding to ensure that all pupils have a minimum entitlement to this 'ordinarily available provision' regardless of which school is attended. There is an expectation that schools plan provision for CYP with Autism and demonstrate the extent to which it is making a difference.

The Autism and Social Communication Team (ASCIT) provide an outreach service to schools to support them with their implementation of 'ordinarily available provision'.

Arrangements at Specialist Level

A small minority of CYP with a diagnosis of Autism require more specialist arrangements to meet their needs. These can be met via:

1. A Record of Need in any mainstream school. This document details the specialist educational arrangements a mainstream school has to provide the pupil in addition to 'ordinarily available provision' and states the amount of higher level funding a school will receive to resource this. At this level ASCIT provide support to schools to implement and review these arrangements.
2. A Record of Need with a Specialist Placement in an Additionally Resourced Centre (ARC) for Social Communication and Autism. There are four ARCS, two in primary schools (St Saviours and Rouge Bouillon) and two in secondary schools (Grainville and Haute Vallée). The Record of Need details the specialist educational arrangements the mainstream school with support of the specialist staffing in the ARC has to provide for the pupil. Typically the aim for a CYP with Autism at this level will be for them to access their mainstream classroom with a level of specialist support for approximately 80 per cent of the timetable and to access specialist interventions for the remaining 20 per cent of the timetable in a dedicated suite of low arousal rooms.
3. A Record of Need with a Specialist Placement in a Special School. The Record of Need details the specialist educational arrangements the special school has to provide the pupil. CYP with Autism at this level access a more specialist environment with high ratios of staff to pupils and a bespoke curriculum tailored to their individual needs.

2.15 DEPUTY C.S. ALVES OF ST. HELIER OF THE MINISTER FOR EDUCATION REGARDING THE SUPPORT FOR STUDENTS WHO ARE HOME-SCHOOLED: [WQ.187/2018]

Question

What support and resources are provided to students who are home schooled?

Answer

According to Jersey Education Law, education is compulsory, but attendance at a school is not. Parents are allowed to apply to educate a child or young person (CYP) of compulsory school age other than at school. This is referred to as being EOTAS.

There are currently 51 CYP educated other than at school within the compulsory school years.

The Children, Young People, Education and Skills Department (CYPES) have an EOTAS policy (November 2017) which ensures that Education are meeting their responsibilities for this group in line with the Law.

The Director of Inclusion and Intervention, on behalf of the Minister, may approve applications for education other than at school if he is satisfied that the education to be received by the CYP is:

- at least equal to the education that a CYP of the same age would receive in a provided school;
- is efficient and suitable to the CYP's age, ability and aptitude;
- meets any special educational needs the CYP may have.

Once a child embarks on EOTAS it is the parents' responsibility to provide a balanced and broad education. At the outset parents are informed that if they undertake this route support, services and resources normally provided by schools/ education are not accessible to them.

It is recognised that EOTAS requires a significant commitment on behalf of the parents. However, the CYPES Department will offer assistance in a number of ways:

- Safeguarding. If parents choose to have other people educate their child, they should be aware that they remain responsible for the education of their child and for the continued requirement to ensure their child is safe. Should there be any concerns regarding a child's welfare the Advisory Teacher will report to the CYPES Department who may request input from a Designated Officer for Safeguarding.
- Signposting parents to the local 'Home-schooling Parents Group'.
- Supporting the system and process for application, approval and assessment.
- Signposting parents to suitable services.
- In partnership with health, all families are offered all the routine health services generally provided at schools. This includes all vaccinations.
- Providing evidence that the pupil is in full time education so families can access student benefits, for example, bus passes at Liberation and entitlement to work at Social Security.
- Reviewing plans and arrangements annually.
- Home visiting annually.
- Conducting annual assessments for children in core areas of Literary and Maths in Years 3 -9, as well as standardised assessments required by all Jersey pupils according to the CYPES Department ensuring that children are showing progress in their learning.

2.16 SENATOR S.C. FERGUSON OF H.M. ATTORNEY GENERAL REGARDING THE CONSTITUTIONALITY OF THE BAILIFF CEASING TO BE PRESIDENT OF THE STATES: [WQ.188/2018]

Question

Further to his answers to questions on the matter during the debate on 'Elected Speaker and Deputy Speaker of the States Assembly: selection and appointment' (P.84/2017) on 15th November 2017, could H.M. Attorney General indicate whether his advice on whether the removal of the Bailiff from the role of President of the Assembly raises a constitutional issue for the Island remains his considered view; and does he have anything further to add to his comments to the Assembly during that debate?

Answer

During the debate on 15 November 2017 ("the debate") I expressed the view that the removal of the Bailiff from the role of President of the States is clearly a constitutional issue. The Solicitor General and I remain of that view.

As I explained during the debate, Articles 2 and 3 of the States of Jersey Law 2005 provide that the States of Jersey are constituted of, inter alia, the Bailiff (Article 2) who shall be President of the States (Article 3). Articles 2 and 3 were not innovative, but gave statutory underpinning to a fundamental aspect of the constitutional role of the Bailiff.

As I said during the debate, the role of the Bailiff goes to the heart of the Island's constitutional identity. The term "Bailiwick" ("*Bailliage*") is inextricably bound up with the word "Bailiff" ("*Bailli*"). Jersey is called a Bailiwick because of the constitutional role of the Bailiff as its civic head. This is not simply a matter of status but (as Lord Carswell put it) a "reflection of his dominant position in public affairs in Jersey over the centuries".¹ This derived from Jersey's constitutional identity as a *bailliage* within Normandy, headed by *un bailli*.² To this day Jersey remains a *bailliage*, or bailiwick, under the English Crown in place of the Duke of Normandy, and still headed by a bailiff. Sir Philip Bailhache in his submission to the Carswell Review,³ was therefore correct to state that, in constitutional terms, the head of the Bailiwick of Jersey is the Bailiff.

Sir Michael Birt explained, when Bailiff, in his letter to the Chairman of the Privileges and Procedures Committee⁴ in 2011 "*The Bailiff has an important role to play in safeguarding the constitutional position of the Island*"; and he went on to say "*it is hard to see how this role could continue if the Bailiff were simply Chief Justice. The underpinning [of this role] is that he is President of the States*".

I explained in the debate that I shared that view and that remains the case.

Whether the role of the Bailiff as President of the States continues is a political issue and, as such, an issue upon which I express no view. However, such a change to the role of the Bailiff would be a constitutional matter, and would inevitably impact upon the Bailiff's constitutional role as civic head of the Bailiwick of Jersey, particularly when Lord Carswell recommended that the Bailiff remain both civic head and guardian of the constitution of the Island.

2.17 DEPUTY M.R. LE HEGARAT OF ST. HELIER OF THE CHAIRMAN OF THE STATES EMPLOYMENT BOARD REGARDING THE RECRUITMENT OF DIRECTOR GENERALS: [WQ.189/2018]

Question

With regard to the recent recruitment to the new Director General roles, can the Minister advise:

- (a) how many applicants there were for each of the new Director General roles;
- (b) how many applicants for each role were local, and how many were from the U.K., stating which region of the U.K.;
- (c) how many local applicants were interviewed;
- (d) what salary range the Director Generals have been appointed to;
- (e) the annual salary cost of the team of Director Generals;
- (f) the salary range of the previous Chief Officers;

¹ Carswell Review, Chapter 5.

² Pesnelle: *Ancienne Coutume de Normandie*, first volume (4th edition) "de jurisdiction", first Article. « *Bailli signifie la même chose que Gardien; comme Baillie signifie Garde & Protection. Le Bailli donc étoit comme le conservateur du Peuple & des Loix.* » [*Bailli* means the same thing as guardian; as *Baillie* means Guard and Protection. The Bailiff thus was in the position of preserver (*conservateur*) of the People and of the Laws."]

³ <https://www.gov.je/SiteCollectionDocuments/Government%20and%20administration/R%20Bailhache%20Submission%2020100406%20PB%20v1.pdf>

⁴ R28/2011

- (g) the annual salary cost of the previous team of Chief Officers; and
 (h) how many of the new Director Generals have worked with the Chief Executive previously in the U.K.?

Answer

(a)& (b) &(c)

Role	No of Applicants	Local applicant	Local Interview	UK/Overs eas	Regions
Treasurer	1 (Ring fenced)	1			
Chief Operating Officer	33	3	0	30	London, Sussex, Midlands, Wales, South West, Surrey, Kent, Essex, Bucks, Oxford, Herts, York, USA, Ireland, Dubai.
DG Children's/YP/E&S	14	3	1	11	Midlands, Cheshire, Bucks, Tynes and Wear, Oxford Bosnia Dubai
DG Justice & Home Affairs	20	4	1	16	London, Kent, Chorley, Warwicks, Scotland, Cambridge, Cornwall
DG Growth /Housing /Economy	1 (Ring fenced)				
DG Strategy Policy /Performance/Population	1 (Ring fenced)				
DG Customer Local Services	1 (Ring fenced)				
DG Health & Social Services	Interim – Recruitment due to commence				

- (d) The Directors General have been appointed to a salary range of £116,667 to £175,000.
 (e) The annual salary cost of the team of Directors General is £1,250,074.
 (f) The salary range of the previous Chief Officers was £130,522 to £187,639 p.a.
 (g) The annual basic salary cost of the previous team of Chief Officers was £1,339,455
 (h) One Director General has worked with the CEO in the past

2.18 DEPUTY M. TADIER OF ST. BRELADE OF THE MINISTER FOR ENVIRONMENT REGARDING AIR QUALITY IN THE TUNNEL: [WQ.190/2018]

Question

Further to the Minister's answer to Written Question 170/2018 regarding air quality in the Tunnel, which stated that 'people walking or cycling through the Tunnel are safe' –

- (a) what evidence does the Minister and the Environmental Health Department have to justify that statement;
 (b) what levels of air pollution and exposure would be necessary for the Minister to deem it 'unsafe';

(c) what is the maximum amount of weekly peak-time exposure that the Minister would deem as 'safe';

(d) what action, if any, does the Minister intend to take to assist cyclists and pedestrians to 'minimize the time they spend in the Tunnel', in accordance with the advice given in answer to WQ.170/2018?

Answer

I've answered the question in four parts, as the question was asked:

(a) what evidence does the Minister and the Environmental Health Department have to justify that statement;

In determining if people walking or cycling through the tunnel are safe the environmental health team looked at several factors. The first and perhaps most obvious is the level of NO_x (oxides of nitrogen) and particulates in the Tunnel.

The levels used by the EU and others to measure exposure are based on longer exposure times and are specifically designed for community exposure for example living by major roads.

Occupational exposure levels are designed to ensure people working in potentially polluted environments are a better guide to the safety, or otherwise, of people using the Tunnel. Even these are based on pollution levels assuming exposure during a working day.

Environmental Health also take account of international standards. New Zealand and France currently lead the way in Tunnel Air Quality matters, along with the UK.

Taking these factors into account the environmental health team conclude that 'people walking or cycling through the tunnel are safe'.

(b) what levels of air pollution and exposure would be necessary for the Minister to deem it 'unsafe';

For levels of pollution to be deemed unsafe there would have to be very high nitrous oxide levels, very high particulate levels with PM_{2.5} being the predominant particulate pollutant, or a combination of these pollutants. (PM_{2.5} are particulate matter with a diameter less than 2.5 micrometres which is about 3% the diameter of a human hair)

If NO_x (oxides of nitrogen) concentrations were to reach 400 ppb (parts per billion) I would be concerned for the possible effects on those suffering from asthma. Even so, this is based on a 15 minute average, whereas in Jersey a pedestrian takes only around 3 minutes to pass through the tunnel. The highest level of exposure measured in the tunnel was to the cyclist at 268.8 ppb for 1 minute.

I am unable to recommend guidelines for particulates at this moment, due to the lack of international health-based evidence on the risk posed by very brief exposures (seconds to minutes) as apply to users of our tunnel.

(c) what is the maximum amount of weekly peak-time exposure that the Minister would deem as 'safe';

Answering this part of the question is not straightforward. To reach the maximum exposure levels in (b) of 400 ppb for 15 minutes would require someone to be in the tunnel at peak times for over 20 minutes continuously. However, exposure is not linear, so this should not be equated with a maximum peak time exposure. That would vary dependant on other factors such as time between trips through the tunnel. Hong

Kong sets a limit of 1000 ppb for 5 minutes as the limiting concentration for NO_x in road tunnels with France setting 400 ppb for 15 minutes, Sweden and Belgium 200 ppb for 1 hour and Belgium 500 ppb for less than 20 minutes. PIARC (Permanent International Association of Road Congresses) has proposed a level of 1000 ppb. Maximum exposure levels for particulate pollution are not available for short term exposure.

(d) what action, if any, does the Minister intend to take to assist cyclists and pedestrians to 'minimize the time they spend in the tunnel', in accordance with the advice given in answer to W.Q.170/2018?

In addition to the advice already given, officers are working on real time monitoring. The previously reported trials of NO_x detectors on lamp posts have progressed well. The next phase is to trial and calibrate these sensors on vehicles. We hope to use buses. If they work that will lead to rolling out the system to provide a near real time app showing air quality across the island.

I hope this will highlight the need for us to reduce emissions from vehicles.

2.19 DEPUTY M. TADIER OF ST. BRELADE OF THE MINISTER FOR EDUCATION REGARDING STUDENTS TAKING GCSEs OR A-LEVELS IN MODERN LANGUAGES: [WQ.191/2018]

Question

Will the Minister provide statistics for the last ten years for the number of pupils being entered for GCSE and A Level modern foreign languages, including a breakdown of figures by school and language?

Answer

Figures below cover GCSEs and A levels taken at States schools. Private schools are not included as the department does not hold sufficiently detailed results for all ten years.

Results are shown against the academic year where pupils finished KS4 and KS5 for GCSEs and A levels respectively. In some cases the exams may have been sat in earlier academic years.

Results have been extracted from schools' management information systems (CMIS up until 2016 and SIMS from 2017 onwards) and may differ slightly from those held by schools.

In addition to the results in Table 1, 2 and 3, some pupils take A level Portuguese as an evening class between years 12 and 14. Results are shown in Table 4 but are shown for the academic year of entry, not necessarily as a final Key Stage 5 (end of year 13) result. Data is only available since 2012/13.

Table 1: Number of pupils entering any language qualification by school

Qualification	School	2008/2009	2009/2010	2010/2011	2011/2012	2012/2013	2013/2014	2014/2015	2015/2016	2016/2017	2017/2018
A level	Hautlieu	29	23	26	10	12	18	15	24	25	16
A level	Jersey College for Girls	14	28	17	28	19	18	12	21	11	17
A level	Victoria College	9	15	8	13	7	11	6	13	8	8
Full-course GCSE	Grainville	89	99	66	50	59	47	41	46	44	45
Full-course GCSE	Haute Vallée	105	99	105	102	112	80	115	85	104	73
Full-course GCSE	Hautlieu	120	111	185	120	117	119	145	149	123	89
Full-course GCSE	Jersey College for Girls	107	88	87	103	95	104	95	103	100	105
Full-course GCSE	Le Rocquier	65	42	53	44	69	64	54	74	62	57
Full-course GCSE	Les Quennevais	60	41	82	41	34	34	37	25	31	34
Full-course GCSE	Victoria College	98	99	104	98	104	102	99	86	91	79

Table 2: Number of pupils entering language qualifications by school, subject and academic year – A Level

Qualification	School	Subject	2008/2009	2009/2010	2010/2011	2011/2012	2012/2013	2013/2014	2014/2015	2015/2016	2016/2017	2017/2018
A level	Hautlieu	French	19	12	20	8	9	13	11	16	15	8
A level	Hautlieu	German		<5				<5				
A level	Hautlieu	Portuguese	<5		<5						<5	
A level	Hautlieu	Russian		<5	<5							
A level	Hautlieu	Spanish	9	16	7	<5	6	9	5	11	12	9
A level	Jersey College for Girls	French	11	24	17	22	14	12	11	11	7	6
A level	Jersey College for Girls	German								<5		
A level	Jersey College for Girls	Italian	7	<5			5	9	<5	8	<5	<5
A level	Jersey College for Girls	Spanish	<5	6		11	<5	5	<5	8	<5	7
A level	Victoria College	French	7	11	8	13	<5	8	<5	13	5	6
A level	Victoria College	German						<5				
A level	Victoria College	Spanish	<5	6	<5	<5	<5	<5	<5	<5	<5	<5

Table 3: Number of pupils entering language qualifications by school, subject and academic year – GCSE

Qualification	School	Subject	2008/2009	2009/2010	2010/2011	2011/2012	2012/2013	2013/2014	2014/2015
Full-course GCSE	Grainville	French	44	39	33	16	24	18	20
Full-course GCSE	Grainville	German							
Full-course GCSE	Grainville	Italian	10	24	13	17	14	10	12
Full-course GCSE	Grainville	Polish	<5		<5				
Full-course GCSE	Grainville	Portuguese	19	17	12	21	19	23	25
Full-course GCSE	Grainville	Spanish	34	35	17	21	28	16	18
Full-course GCSE	Haute Vallée	Chinese				<5			
Full-course GCSE	Haute Vallée	French	101	92	89	100	102	76	78
Full-course GCSE	Haute Vallée	German		<5					
Full-course GCSE	Haute Vallée	Polish	<5	<5	7		<5		
Full-course GCSE	Haute Vallée	Portuguese	20	20	23	14	20	22	24
Full-course GCSE	Haute Vallée	Spanish	11	16	10	13	15	5	7
Full-course GCSE	Hautlieu	French	79	86	140	91	91	77	79
Full-course GCSE	Hautlieu	German					<5	<5	
Full-course GCSE	Hautlieu	Polish						<5	
Full-course GCSE	Hautlieu	Portuguese	<5	<5		<5	5	<5	
Full-course GCSE	Hautlieu	Russian	<5						
Full-course GCSE	Hautlieu	Spanish	49	32	56	34	38	49	51
Full-course GCSE	Jersey College for Girls	Chinese							
Full-course GCSE	Jersey College for Girls	French	107	87	87	100	93	102	104
Full-course GCSE	Jersey College for Girls	Italian	13	11	19	27	20	23	25
Full-course GCSE	Jersey College for Girls	Portuguese							
Full-course GCSE	Jersey College for Girls	Russian							
Full-course GCSE	Jersey College for Girls	Spanish	17	25	12	21	21	36	38
Full-course GCSE	Le Rocquier	Dutch							
Full-course GCSE	Le Rocquier	French	50	33	37	29	43	48	50
Full-course GCSE	Le Rocquier	German		<5					
Full-course GCSE	Le Rocquier	Polish							
Full-course GCSE	Le Rocquier	Portuguese	8	<5	9	9	23	<5	
Full-course GCSE	Le Rocquier	Spanish	12	7	15	15	16	18	20
Full-course GCSE	Les Quennevais	French	42	34	61	31	18	18	20
Full-course GCSE	Les Quennevais	German	6		10				
Full-course GCSE	Les Quennevais	Polish			<5		<5	<5	
Full-course GCSE	Les Quennevais	Portuguese	8		7	<5	8	8	10
Full-course GCSE	Les Quennevais	Spanish	7	7	9	7	12	10	12
Full-course GCSE	Victoria College	French	90	90	98	92	99	93	95
Full-course GCSE	Victoria College	German	<5						
Full-course GCSE	Victoria College	Portuguese	<5					<5	
Full-course GCSE	Victoria College	Spanish	22	29	22	33	26	23	25

Table 4: Number of pupils entering A level Portuguese at Highlands, by academic year

Qualification	School	Subject	2012/2013	2013/2014	2014/2015	2015/2016	2016/2017	2017/2018
A level	Highlands College	Portuguese	18	12	19	14	18	20

2.20 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING PARKING PERMITS ON ANDIUM HOMES SITES: [WQ.192/2018]

Question

Further to the response to Written Question 163/2018 can the Minister advise –

- (a) why more permits have been issued to tenants than there are spaces available for parking at Andium Homes sites, including De Quetteville Court; and
- (b) why members of the public have been issued parking permits for Andium Homes sites, such as Liberation Court?

Answer

The following answer has been provided by Andium Homes:-

- a. Whilst every effort is made to answer the demand for parking from residents there is a need to be equitable to all. The permit system used on many of Andium Homes' sites has been proven to be a reasonable means of giving residents access to parking on a first come first served basis. In most instances demand for permits from residents is within the overall estate capacity.
- b. A number of non-residents 'General Public' have been provided with permits for use at Liberation Court. A proportion of these are for medical reasons, generally family members supporting tenants who are allowed to park for a maximum of 3 hours at a time and a number of permits are provided for tenants of a neighbouring Housing Trust development. In addition, there are a number of fee-paying parkers paying a commercial rate for parking on the site. There are 120 such paid parkers across Andium Homes' various sites. The majority of these will be commuters and because of the general working hours the usage has minimal impact on residents. The resultant income stream is important for Andium Homes and essentially covers the cost of managing the permit system across the entire stock, this is particularly important given that unlike many other landlords Andium Homes does not charge its tenants for parking.

2.21 DEPUTY M. TADIER OF ST. BRELADE OF THE CHIEF MINISTER REGARDING ACCESS TO, AND EDUCATION IN, FRENCH IN THE ISLAND: [WQ.193/2018]

Question

What assessment has the Chief Minister made of the benefits to the Island of retaining French as an official language of the States? Given that French is an official language of the States, what obligations, if any, does government have to ensure access to French, and education in French, for citizens, particularly in view of French not being a compulsory subject in schools after Year 9?

Answer

A)

I have not considered this matter in any depth, although I am keen to retain the best traditions of the States. As a French speaker I am keen to promote the use of languages where possible however at present I believe that we have a good balance of languages spoken within the Assembly.

B)

Whilst there is no obligation to ensure access to French for citizens, both the Minister for Education and myself are keen to promote the teaching of languages in our schools, and the promotion of languages in general to the wider population.

Schools are obliged to teach French from Years 3 to 9. Although there is no obligation for schools to deliver French after year 9, all secondary schools offer French as a GCSE option and students from all secondary

schools are able to access A Level French. Jersey schools are committed to pupils developing a love of learning languages and it is in this connection that French has been an identified area of significance and priority for Jersey Education for some time. It features specifically in both the revised and re-launched Jersey Curriculum 2014 and in the Education Business Plan 2015-18. To ensure that Jersey pupils have an entitlement to learn the language, French was made the target language for all primary school modern foreign languages teaching in 2014 and the provision for pupils was doubled so that all are entitled to learn French as part of their balanced Key Stage 2 provision between the ages of 7 and 11. In many schools the teaching of French starts younger than Year 3, according to the schools' own curriculum planning.

In addition the Education team have built on the well-established Heads of Secondary MFL network to effectively support the training and development of primary school teachers to deliver French to a high standard. This is being achieved through the identification and employment of a Lead Teacher of French. This has enabled a range of in school bespoke training opportunities to be delivered this year as well as an opportunity for all teachers to attend a termly French Network meeting where best practice is shared by a range of teachers and resources evaluated and developed.

Finally, the team has created and delivered an intensive French teaching programme for pupils in Year 5 of primary. The first phase of this programme ran last year, with 75 pupils with a range of starting points and experience of French, across three classes in two schools. This pilot was successful: the pupils demonstrated impressive progress in the development of their knowledge and understanding of French, gaining enormous confidence and enthusiasm, and the programme was very positively received by their parents and carers. The pilot has been extended this school year to 200 Year 5 pupils in 6 schools (8 classes in total) across the island who are all having daily French lessons for 6 weeks, and I would very much like to visit one of these schools to see the lessons for myself.

This primary school focus on French is expected to have a positive impact on pupil progress with the language in secondary schools moving forward, giving pupils a strong starting point from which to undertake a GCSE in the subject. In addition these early successes for primary pupils helps pupils to identify languages as a positive area of learning for them, offering them a platform from which to move to the study of other languages such as Spanish, Portuguese, Italian, German or Mandarin (and, separately, Jèrriais).

All schools offer French in Year 7 and most broaden the offer to include additional choices that year or in Year 8. Although French is not compulsory as a GCSE option in every school, it is still the most popular language option across the Island, with Spanish coming second. A higher proportion of pupils in Jersey take a GCSE in a modern foreign language than in England, and it is our expectation that the support of the language in primary school will have a long term effect in maintaining and developing these levels of engagement.

2.22 DEPUTY G.P. SOUTHERN OF ST. HELIER of THE CHIEF MINISTER REGARDING THE VALUE FOR MONBEY OF EXPENDITURE ON COMMUNICATIONS: [WQ.194/2018]

Question

What assessment, if any, has the Chief Minister made of the value for money of spending over £3 million per annum on communications, as detailed in the November 2017 'Audit and review of communications in the States of Jersey'?

Answer

The initial audit of communications carried out in 2017 identified a range of external contracts for communications-related services provided to States of Jersey departments. However, the report indicated that the figures quoted needed caveating and that further work was needed on them, saying:

“The audit process has identified 38 distinct agencies/suppliers being used by the States of Jersey for communications-related support, much of which is for marketing (see Appendix A), although a

significant amount is related to web and is not necessarily attributable to communications. We asked Supply Jersey for details of spend on these external suppliers, and in the time allowed, they were able to provide some information, which we were unable to verify. This will therefore require a further, detailed exercise to ensure that the full extent of communications-related spend on external agencies is understood, and the savings that can be made by bringing the work in house.”

It has since been identified that a significant portion of the costs listed by Supply Jersey related to technical web-support, rather than specifically for communications, and these costs should be excluded from the figures. For instance, the costs of web support from one supplier amounted to £2.2 million over the three years 2015-17.

As part of the modernisation of the States of Jersey, a new Communications Directorate is being formed, and new team members have started to join the Communications Directorate within the past five weeks, and will be following up on the outstanding 60 actions arising from the audit, including a more detailed review of external suppliers and costs.

2.23 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE SURVEY OF HEALTH STAFF IN RESPECT OF THE NEW HOSPITAL DEVELOPMENT: [WQ.195/2018]

Question

In respect of his role in establishing a policy development board on the future hospital, will the Chief Minister advise members who initially drafted the survey of doctors, nurses and other health workers regarding the new hospital development; who was involved in making any amendments to the draft prior to distribution; and who approved the final draft before it was distributed?

Answer

The survey questions were initially drafted by the Chair of the Hospital Policy Development Board and amendments were discussed and made to the survey following meetings with States officers and the Board held on 6th, 11th and 17th September 2018.

Final adjustments were made to ensure that none of the questions were considered ‘leading’ by 4Insight, who have been contracted by the Board to carry out the survey independently. The Board signed off the final version of the survey at their meeting held on 17th September 2018.

2.24 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR ECONOMIC DEVELOPMENT, TOURISM, SPORT AND CULTURE REGARDING GRANTS AND LOANS PROVIDED TO ARABLE FARMERS: [WQ.196/2018]

Question

Will the Minister provide members with a table showing the following information in respect of arable farmers?

- (a) the number of arable farmers in the Island for each of the last five years;
- (b) the number of such farmers who were given grants or loans in each year, with the amount and purpose of any such grants or loans;
- (c) in the case of any loans provided, the terms under which they were made (including interest rates and repayment periods); and
- (d) any other assistance provided by the Department to these farmers during each year.

Answer

(a)

Table shows number of arable farms each year claiming support under Rural Support Scheme.

Year	2013	2014	2015	2016	2017
Number Farms	56	56	54	48	24

(b)

Rural Support Scheme Grant Payments to Arable Farmers

Policy details as defined in Rural Economy Strategy (RES)

Aim GSA 3

Rural Support Scheme

To incentivise all farms in Jersey to deliver an integrated and sustainable agricultural production model based on world class consumer and customer assurance schemes, in order to increase productivity, reduce the environmental cost of farming and establish Jersey as the first jurisdiction in the world where all farms are LEAF Marque Global Standard accredited.

Policy GSA 3

Rural Support Scheme

A new Rural Support Scheme (RSS) will be introduced and developed over the lifetime of the RES. Tier 1 of the Scheme will employ the Red Tractor audit to ensure all practice is at a basic minimum standard. Tier 2 will provide a higher level of financial support to those businesses who successfully complete the LEAF Marque Assurance Standard. Completion of Tier 2 and a Business Health Check will give access to Tier 3 RIS and CES funding.

RRS Area Payment and Accreditation Standards Payment to Arable Sector 2013-2017

Year	2013	2014	2015	2016	2017
Number Farms	56	56	54	48	24
RSS	£613,756	£587,474	£503,777	£475,725	£403,040

Policy BDP 1

Rural Initiative Scheme (RIS)

The Government of Jersey will reserve RIS funding for businesses entering Tier3 of the Rural Support Scheme (RSS - See Section 2) to invest in training, precision application equipment (fertiliser placement), develop alternative cropping and continue supporting productivity, diversification, energy efficiency and rural innovation.

RIS Payments to Arable Sector 2013-2017

Year	2013	2014	2015	2016	2017
RIS	£39,691	£14,014	£159,750	£157,734	£150,000

Policy BDP 2

Countryside Enhancement Scheme (CES) (DoE Scheme)

The Government of Jersey should retain an agri-environment programme with elements of the current CES made available via Tier 3 of the Rural Support Scheme, to invest in environmental initiatives and training that will benefit the Island's landscape, habitats and wildlife. Projects will be geographically co-ordinated to provide linkage with other environmental projects in order to add value to the funds allocated.

CES Payments to Arable Sector 2013-2017

Year	2013	2014	2015	2016	2017
CES	£18,590	£25,954	£2,300	£66,184	£6,312

(c)

No new agricultural loans have been provided within the last 5 years.

(d)

Please refer to Rural Economy Strategy for information on all other assistance provided by the Department.

2.25 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR ECONOMIC DEVELOPMENT, TOURISM, SPORT AND CULTURE REGARDING GRANTS AND LOANS PROVIDED TO DAIRY FARMERS: [WQ.197/2018]

Question

Will the Minister provide members with a table showing the following information in respect of dairy farmers?

- the number of dairy farmers in the Island for each of the last five years and the size of their herds;
- the number of such farmers who were given grants or loans in each year, with the amount and purpose of any such grants or loans;
- in the case of any loans provided, the terms under which they were made (including interest rates and repayment periods); and
- any other assistance provided by the Department to these farmers during each year.

Answer

(a)

Classification of Herd (cows and heifers in milk)	2013		2014		2015		2016		2017	
	Herds	Cows	Herds	Cows	Herds	Cows	Herds	Cows	Herds	Cows
1-19	4	39	4	45	2	20	2	23	2	21
20-49	1	45	1	38	3	96	3	109	3	119
50-69	3	174	3	176	2	124	1	56	2	136

70-99	4	335	3	245	3	278	4	326	3	274
100-149	3	359	4	480	1	140	1	124	1	148
150-199	2	378	3	581	2	387	2	372	3	589
200-299	7	1587	6	1381	8	1762	8	1721	7	1556
Total milking animals										
Herds and animals	24	2917	24	2946	21	2807	21	2731	21	2843
Average number cows and heifers per herd		122		123		134		130		135

(b)

Rural Support Scheme Grant Payments to Dairy Farmers

Policy details as defined in Rural Economy Strategy (RES)

Aim GSA 3

Rural Support Scheme

To incentivise all farms in Jersey to deliver an integrated and sustainable agricultural production model based on world class consumer and customer assurance schemes, in order to increase productivity, reduce the environmental cost of farming and establish Jersey as the first jurisdiction in the world where all farms are LEAF Marque Global Standard accredited.

Policy GSA 3

Rural Support Scheme

A new Rural Support Scheme (RSS) will be introduced and developed over the lifetime of the RES. Tier 1 of the Scheme will employ the Red Tractor audit to ensure all practice is at a basic minimum standard. Tier 2 will provide a higher level of financial support to those businesses who successfully complete the LEAF Marque Assurance Standard. Completion of Tier 2 and a Business Health Check will give access to Tier 3 RIS and CES funding.

*Note that figures include mixed enterprises of dairy and arable

RRS Area Payment and Accreditation Standards Payment to Dairy Sector 2013-2017

Year	2013	2014	2015	2016	2017
Number Farms	24	24	21	21	21
RSS	£234,849	£222,639	£221,604	£218,764	£195,061

Policy GSA 11**Quality Milk Payment (QMP)**

The Government of Jersey will continue to fund the QMP at 2015 levels until 2019 at which point the level of subsidy will be reviewed in line with the completion of the current Medium Term Financial Plan (2017-2019). From 2019 QMP payments will require recipient dairy farms to be individually LEAF Marque accredited (see RSS). The objective of the QMP will be to support dairy farmers whilst legislation governing the marketing of milk and milk products is modernised and until greater and more sustainable level of profitability in the industry is realised.

QMP Payments to Dairy Sector 2013-2017

Year	2013	2014	2015	2016	2017
Number Farms	24	24	21	21	21
QMP	£459,630	£432,018	£393,176	£391,031	£386,515

Policy BDP 1**Rural Initiative Scheme (RIS)**

The Government of Jersey will reserve RIS funding for businesses entering Tier3 of the Rural Support Scheme (RSS - See Section 2) to invest in training, precision application equipment (fertiliser placement), develop alternative cropping and continue supporting productivity, diversification, energy efficiency and rural innovation.

RIS Payments to Dairy Sector 2013-2017

Year	2013	2014	2015	2016	2017
RIS	£26,355	£7,026	£35,943	£0	£0

Policy BDP 2**Countryside Enhancement Scheme (CES) (DoE Scheme)**

The Government of Jersey should retain an agri-environment programme with elements of the current CES made available via Tier 3 of the Rural Support Scheme, to invest in environmental initiatives and training that will benefit the Island's landscape, habitats and wildlife. Projects will be geographically co-ordinated to provide linkage with other environmental projects in order to add value to the funds allocated.

CES Payments to Dairy Sector 2013-2017

Year	2013	2014	2015	2016	2017
CES	£2,337	£0	£8,820	£12,568	£0

(c)

No new agricultural loans have been provided within the last 5 years.

(d)

Policy GSA 9

Dairy Industry Support

The Government of Jersey will continue to support the development of a sustainable future for the dairy industry on the basis that it is a fundamental part of the rural economy, culturally and historically significant and that it represents an increasingly important ‘brand’ that can be used to promote the Island as a whole. This will be achieved through the continued provision of the Quality Milk Payment, an abattoir, support for essential dairy services, advice provision and the modernisation of the legislation governing the Jersey Milk Marketing Board (JMMB).

Please refer to Rural Economy Strategy for information on all other assistance provided by the Department.

2.26 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR ECONOMIC DEVELOPMENT, TOURISM, SPORT AND CULTURE REGARDING GRANTS AND LOANS TO WOODSIDE FARMS: [WQ.198/2018]

Question

Will the Minister advise members whether any grants or loans have been made to Woodside Farms over the last five years and, if so, will he state the purpose, terms and repayments made in respect of any such loans or grants?

Answer

To the extent that the relevant information is publicly disclosable, details of farmers who have received grants in the years 2015 – 2017, together with the amounts and the purposes of the grant awards, are a matter of public record. The information can be found in successive Rural Economy Strategies ([R.4/2011](#) and [R.19/2017](#) refer) and in the States of Jersey Financial Report and Accounts for the relevant years, which are free to access online via the following link –

<https://www.gov.je/government/planningperformance/budgetaccounts/pages/statesofjerseyaccounts.aspx>

Grants made to Woodside Farms over the last five years, in accordance with the terms of several schemes, were as follows -

Woodside	2013		2014		2015		2016		2017	
Rural Initiative Scheme	£ 33,130	-£	8,024	£ 150,000	£	150,000	£150,000			
Rural Support Scheme	£ 45,348	£	46,512	£ 59,585	£	56,102	£ 49,970			
Countryside										
Enhancement Scheme	£ 800	£	4,809	£ -	£	9,000	£ 1,575			

No loans were made to Woodside Farms.

3. Oral Questions

3.1 Deputy M.R. Higgins of St. Helier of the Minister for Children and Housing regarding a meeting with the lawyer representing children who had been sent to Les Chênes children’s home: [OQ.152/2018]

Given the commitment of the Council of Ministers to put children at the centre of everything we do in the States, why did Ministers or officers not agree earlier to a meeting with the lawyer representing children who had been sent to Les Chênes children's home?

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

Lacey Advocates, which is the law firm appointed by the Council of Ministers to manage the historic abuse redress scheme, has been in regular and ongoing contact with the lawyer in question. But subsequent to this, a meeting between officers, Lacey Advocates and the claimant's lawyer is scheduled to take place later this month.

3.1.1 Deputy M.R. Higgins:

Can the Minister elaborate on those meetings because effectively he appears to be saying that the lawyer is not telling us the truth?

Senator S.Y. Mézec:

No, I do not think that is necessarily the case. We know that this news story that has provoked this question is one that did come up, I think around about a month ago as well, when this lawyer publicly raised concerns about this. At the time we said that we were looking at the options that there are for providing some sort of redress scheme that may not necessarily be equivalent to the one that had previously existed. So that information was put in the public domain. I think where there is a difference here is that, I think quite understandably, the lawyer and those who he represents, are keen for a decision to be made, and rightly want to push us on getting that decision made. But we have said that we are not in a position to make that decision right now, however it will be made in the next few months as to what road we go down in providing some sort of redress scheme. I think there is just a difference of emphasis there rather than one side having it right or wrong.

3.1.2 Deputy M.R. Higgins:

Can the Minister tell me what his involvement has been in these negotiations, as the Minister for Children? Secondly, can he also say whether there are any other claims to be made against the States for child abuse that has not been covered by the existing scheme?

Senator S.Y. Mézec:

In terms of my involvement, I have been speaking to the officers who are doing the work in putting together options, which will be presented to the Council of Ministers later this year. That is being led by officers in the Chief Minister's Department. In terms of any other potential claims that may be made; we will not know about what potential claims there could be before they come out and say that they would like to make a claim. But I am not aware of any other immediately pending claims, apart from the one that this lawyer has made clear about.

3.2 Deputy S.M. Ahier of St. Helier of the Minister for Health and Social Services regarding the death of an elderly man at the Jersey General Hospital; [OQ.138/2018]

Will the Minister advise whether there will be an inquiry into whether there was any lack of care, attention and treatment which resulted in the death of an elderly man at the Jersey General Hospital, as reported in the *Jersey Evening Post* on 21st September 2018, and will he further assure the Assembly that any recommendations arising from any such inquiry will be met with defined and measurable actions?

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

The case to which Deputy Ahier refers has been subject to an inquest. This is a public proceeding held by the Viscount in order to establish, among other matters, the cause of a person's death. In the

case of this gentleman's death - therefore information is a matter of public record - the Viscount inquired into the circumstances and, in this case, she has not made any recommendations relating to the care, attention or treatment offered at the hospital.

3.2.1 Deputy S.M. Ahier:

Will the Minister further assure the Assembly that everything possible will be done to ensure that all members of society, regardless of age or cognitive ability, will receive the appropriate treatment, care and consideration without prejudice?

The Deputy of St. Ouen:

Absolutely, I can give that assurance. Our hospital is staffed by professional people whose whole ethos is to deliver the best care without fear or favour.

[9:45]

They are all subject to codes of practice imposed by various professional bodies and those, of course, as to be expected, are taken very seriously. The hospital has robust procedures to investigate incidents, particularly such as this, an unexpected death, but of course unexpected things and unexpected deaths will happen in a hospital. They are properly investigated. I can go into details of procedures but it is perhaps not appropriate for an oral question. But in written questions or in Scrutiny hearings, if the Deputy wished to tease out the detail of these procedures, I would gladly assist.

3.3 Deputy L.M.C. Doublet of St. Saviour of the Minister for Health and Social Services regarding the decision not to fund a lead midwife with responsibility for breastfeeding: [OQ.136/2018]

What was the process behind the decision not to fund a lead midwife with responsibility for breastfeeding and how does this fit in with the commitment of the new Council of Ministers to put children first?

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

Promotion in support of breastfeeding is a key remit of every midwife and every other healthcare professional that comes into contact with new mothers and infants. It need not be seen as the role of one individual. We currently have a breastfeeding champion who, as part of her role as a community midwife, advises other midwives and individual mothers on breastfeeding. We would like to expand this role further as standards for the U.N.I.C.E.F. (United Nations International Children's Emergency Fund) Baby Friendly Initiative are worked through, and therefore a bid for funding was sought for this. At present, no final decision has been taken. There is in progress a priority setting process, which has not yet been completed. As you can imagine, the Health and Community Services Department has many demands on funding of which this is just one of them.

3.3.1 Deputy L.M.C. Doublet:

I thank the Minister for his support with this and with the Baby Friendly Initiative. Does he agree that increasing breastfeeding rates, as per the food and nutrition strategy, and for example as well the new Council of Ministers' well-being priority, it is extremely important that we should get it right. That having a lead midwife in the first 3 to 5 days, when a mother is in hospital or being visited at home by the midwife, is very important. The lead that we have at the moment is the health visitor that kicks-in after the fifth day. Would the Minister agree, when he is going through the prioritisation process, will he try to put the funding in for this lead midwife, if possible?

The Deputy of St. Ouen:

I think we need to consider whether having a dedicated midwife - one only - is a prerequisite and is necessary to support the delivery of the U.N.I.C.E.F. initiative. Perhaps far better if the whole initiative was supported by all midwives and all other healthcare professionals so that that support for breastfeeding was given at an early stage. But as I have said, the process is still under review, and I welcome the Deputy's involvement. Just at the moment, we cannot give a final yes or no as to the question asked.

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

Does the Minister believe that breastfeeding mothers are fully aware of the facility now offered at the Town Hall on the ground floor, with a comfortable family room set aside for their use? Would he agree to help the Parish in getting that message out more effectively?

The Deputy of St. Ouen:

In answer to the Connétable: perhaps not all expectant mothers are aware of that. I will do what I can to assist the Parish in that worthy initiative by the Parish of St. Helier?

3.3.3 Deputy L.M.C. Doublet:

I thank the Minister for his support. The evidence does show that having a champion or a lead in the area, as well as having some training across the workforce, having a champion is really important for increasing breastfeeding rates. Would the Minister please update the B.F.I. (Baby Friendly Initiative) steering group on the progress of this funding bid and the prioritisation that is taking place please?

The Deputy of St. Ouen:

Yes, I commit we will update the group as and when the process continues and completes.

3.4 The Connétable of St. Helier of the Minister for Infrastructure regarding strategies to encourage travel by bicycle or on foot: [OQ.148/2018]

Further to the reply to my oral question on 18th July 2017, when the Minister's predecessor said that he would bring forward strategies to encourage travel by bicycle or on foot prior to the end of his term of office, will the Minister advise the Assembly when these strategies will be presented to the States?

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

The Constable will have seen the recent publication of the proposed Common Strategic Policy which sets out in the Council of Minister's priority to develop a new sustainable transport plan within the States term. As part of this document, we will be bringing forward proposals for improving walking and cycling, which will formalise much of the progress we have already made in this area. This is anticipated to be published alongside the Government plan next year.

3.4.1 The Connétable of St. Helier:

Does the Minister feel this is adequate? The Assembly was promised specific strategies, long overdue strategies, before the end of the previous Minister's term. Does the Minister not think it would be more appropriate, apart from wrapping this up in the new policies, to bring forward those strategies that have been promised by his predecessor?

Deputy K.C. Lewis:

My predecessor has already outlined, in his answer to the 2017 question, many of the projects we have delivered, which have had a positive effect of walking and cycling. It is also correctly stated that we have a sustainable transport policy and although the targets are out of date the aims of the policy are to deliver the right message.

3.4.2 Deputy L.M.C. Doublet:

Could the Minister outline how we measure whether more people are walking or cycling please?

Deputy K.C. Lewis:

The department takes regular stats and interview the public regularly coming in on the cycle track, *et cetera*. Some of the safeway paths to school we have in St. Mary, St. Lawrence, Bel Royal. We have pedestrian crossings: Janvrin Road, Chasse Brunet, St. Saviour and many other schemes. St. Peter's Valley Path is also complete now. Things are pretty much on line.

3.4.3 Deputy D. Johnson of St. Mary:

With a view to discouraging the workforce from bringing their cars into town, has the Minister recently had discussions with the Minister for Treasury and Resources to ensure that provision of parking spaces to staff are taxed as a benefit in kind?

Deputy K.C. Lewis:

No, I have not as a benefit in kind. But I have regular meetings with colleagues. I met yesterday with my colleague, the Minister behind me here, regarding better provision and walking in town. This is ongoing.

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

As part of his rehash of sustainable transport development, will the Minister reinforce his previously given commitment to engaging a low-cost hoppa bus in the town areas in order that we may get people around and about more easily?

Deputy K.C. Lewis:

A hoppa bus has been tried before, as the Deputy is aware. I think it is a good idea. I would like to see it tried again, subject to funding. If not, sponsorship. I would like to see that come to fruition.

3.4.5 Deputy G.P. Southern:

In developing his sustainable transport plan, will he press for that funding to be made available because that is what happened last time. The Minister left the project at the starting blocks, as it were, because funding was not provided and the Minister then did not fight hard enough.

Deputy K.C. Lewis:

Yes, I would like to pursue that. As I say, subject to funding, but if we could find a private sponsor for that, that would be excellent.

3.4.6 Deputy R.J. Ward of St. Helier

Can I ask, as part of the sustainable transport policy, there is a consideration made for providing facilities to shower and change in the centre of St. Helier for cyclists who travel in? As this is something that I have been speaking to some of the people who travel into St. Helier about.

Deputy K.C. Lewis:

Anything we can do to encourage more people to walk and cycle is to be welcomed. Several private companies do provide such a facility. We even have one in our own States Building here. There is the new cycling company that has moved into the new finance centre, and I believe they offer such facilities. That is to be welcomed.

3.4.7 Deputy S.G. Luce of St. Martin:

There is an enormous amount of work that has been done on improving cycling around St. Helier and walking routes. Does the Minister not consider that it would be better to bring forward some of those low-cost schemes and not wait for a new strategy next year?

Deputy K.C. Lewis:

Absolutely. We are still working on it. The final sections of the cycling route from Corbiere to Havre des Pas is nearly complete. There are still 2 small sections - one at French Harbour, one at English Harbour - to be completed. Work is starting on that in the very near future. So one will be able to cycling literally from Corbiere to Havre des Pas without leaving a cycle track. Obviously, the eastern cycle track is ongoing.

3.4.8 Deputy M. Tadier of St. Brelade:

While the cycle network may be joined-up, the bus network certainly is not. It is not possible to get through fares on the buses when one changes to St. Helier, for example. Will the Minister raise this as an issue of urgency with the LibertyBus?

The Bailiff:

I am sorry, that does not arise out of travel by bicycle or on foot.

Deputy M. Tadier:

It is part of the sustainable transport plan and people do need to obviously get on and off the bus. I think LibertyBus provide cycles as well, which you can take on the bus. So I think it is a joined-up sustainable policy. **[Members: Oh!]**

The Bailiff:

Deputy, it is an extraordinarily good question but just not as a supplementary to this one.

3.4.9 The Connétable of St. Helier:

I am, I must say, flabbergasted that a ministerial promise to the Assembly is simply being dropped by the new Minister who says: "Anything we can do to encourage more people to walk and cycle is to be welcomed." How about strategies connecting up walking and cycling routes? Certainly very little reference has been made to walking, which currently accounts, according to the Stats Unit, for 31 per cent of commuters. 31 per cent of people are walking into town with no proper facilities. Will the Minister agree to bring forward a walking strategy in short order?

Deputy K.C. Lewis:

As the Constable is well aware, we are working on walking and cycling strategies to make more cycle and pedestrian-friendly, working with the Parish of St. Helier and the Department for Infrastructure, to bring this forward. This is happening now. Talks are ongoing and I would be delighted to talk further with the Constable of St. Helier to bring that through. But we are 9 miles by 5 miles and everything we do is a retrofit. So we have to make swingeing cuts. We have to possibly remove parking spaces. There are lots of things we have to do to bring in bicycle lanes to make the town more accessible. I have spoken at length about the western cycle route and the eastern cycle route, which is ongoing. Obviously, we need to join up the dots and bring things through St. Helier itself so people can get to where they are going on their bike and on foot. That is ongoing.

The Bailiff:

We come to question 5 which Deputy Labey is to ask of the Chief Minister, not the Minister for Economic Development.

Deputy R. Labey of St. Helier:

Is that right, Sir?

The Bailiff:

It is addressed to the Chief Minister: “Will the Chief Minister provide ...”

Deputy R. Labey:

It is, but I think that was changed so that the Minister for Economic ...

The Bailiff:

It is the Chief Minister, so I am told.

Deputy R. Labey:

It is the Chief Minister? Sorry.

3.5 Deputy R. Labey of the Chief Minister regarding the implementation of the People’s Directory: [OQ.137/2018]

Will the Chief Minister provide a progress report on implementation of the e-gov project “People’s Directory”, and advise what prospect there is of the People’s Directory being in place within the next 2 years?

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

I am always happy not to answer a question if it is going to be diverted to another Minister but unfortunately the clue is in the: “Will the Chief Minister provide ...” It landed on my desk despite my best protestations. Anyway, the answer that the Deputy is looking for is the technical design and build of the People’s Directory has been completed. I am informed it will be operational by January as part of the launch that will take place by the end of this year.

3.5.1 Deputy R. Labey:

The People’s Directory was due to go online in 2018. Do we know what the delay was?

Senator J.A.N. Le Fondré:

In terms of specifics off the top of my head, no, I do not. What I can say is what I have been told is the technical design and build of the directory has been completed. The legal basis for use, which I suspect may well have been one of the issues, has been determined under G.D.P.R. (General Data Protection Regulation) and now we are into the test phase, which is near completion. On the basis of the information I have been given as a result of the question is that that test phase will be completed shortly and then they can launch it and make it go live. The launch is by the end of the year and it is expected to go live in January.

[10:00]

3.5.2 Deputy G.P. Southern:

The provision of a names and address directory, now electronified, can the Minister explain how it will be peopled, and why it has taken 5 years to develop such a simple names and address register?

Senator J.A.N. Le Fondré:

The initial population, in terms of the data that is going to populate it, is going to be from the Social Security database. In terms of the time, no, I am not sighted as to why it has taken 5 years to get to the point. Obviously, this is fairly new in our regime. But there have obviously been complexities involved in developing it.

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

For the benefit of the listening public, and maybe for some Members in the Assembly, will the Chief Minister remind us of the reasoning behind the People's Directory and how it is going to benefit the general public?

Senator J.A.N. Le Fondré:

Simplistically, one aspect is that it will allow people one place - a one-stop-shop, if you like - digitally to change your name and address. So rather than have to go to different departments and having to do it a variety of times, you go to one place on a website and input your details once.

3.5.4 The Connétable of St. Lawrence:

And for those people who do not use the internet?

Senator J.A.N. Le Fondré:

Good question, as always from the Connétable of St. Lawrence. Also a question I am in the process of asking and determining. In my view, there should be a position whereby one can take those details to one place - perhaps in relation to a question that is coming up - La Motte Street at the moment, and give that in one place and hope that can be input. I do not know the details and I will come back to the Connétable.

3.5.5 Deputy S.M. Wickenden of St. Helier:

When I left my last post as the champion for e-gov, we were going to be going live with e-gov in July. Then I heard it is October. Now it seems to be put back to January. Could the Chief Minister please inform who is the current champion that is overseeing this and please give me an update on why the delay is happening, as I would be very interested to know why such a delay?

Senator J.A.N. Le Fondré:

The delay, I cannot add anything else to what I have said already. In terms of e-gov, it is one of the aspects we are dealing with, as the Deputy will be aware. Digital, which is different, has gone to Senator Farnham and that is a separate aspect. The question was whether it went the same or whether it stays as part of the overall transformation programme.

3.5.6 Deputy R. Labey:

Would the Chief Minister agree that it is really important for the Assembly to start work now on making our next election in 2022 better, fairer, with more people being able to stand, more people being able to vote, and that computer literacy is something we should all be helping our older generation with? Would it not be a good idea for an initiative in the Parishes for Parish Halls to help the senior members of their Parishes with computer literacy?

Senator J.A.N. Le Fondré:

I am always in favour of improving computer literacy or even language literacy, if we can. But the issue on all of that ... the short answer is yes, there will always be people ... and I can think of members of my family who do not have a computer and feel they are too old to learn. I do not agree with that, I have to say. But there will always be people one has to cater for who do not have access to computers. How we deal with that is obviously the thing that is going to challenge us for the next few years.

3.6 Deputy T. Pointon of St. John of the Chief Minister regarding the availability of parking and the ease of accessibility at the La Motte Street location for a single access point to front-of-house services: [OQ.142/2018]

Was an analysis of available parking and ease of accessibility conducted before the La Motte Street location was chosen as a single access point for Islanders who need to make personal contact with front-of-house services such as Social Security and the Taxes Office; and if such a study was conducted, what were the results?

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

To be fair, I had similar views when I was first briefed on the La Motte plan, but there are several aspects to the issue being raised. Firstly, it was considered in the overall context as part of the plans but there was no specific analysis done, as I understand it. The main reason there was no specific analysis is because Social Security at the moment has the highest footfall of any of the States departments that are front-facing. They receive around 100,000 visits a year already. Therefore it was a logical extension that that should be the location for this initiative. To date, there has been no negative feedback this year about the location. I am informed there has been a survey of about 1,200 people who have used the service, and 93 per cent of them rated it as good or excellent. The other comment I would make is that although ... as I say, I also expressed similar reservations, the point was made that obviously we do have parking in the vicinity. We have Green Street, we have Snow Hill, we do have some disabled parking and obviously we will have Ann Court. For example, relative to Cyril Le Marquand, that is better. Not ideal but it is important about bringing the services together under one roof, which is about making things easier for people who use our services. I think the main thing is we will monitor it. We will respond as necessary and obviously it will be through the good officers of D.f.I. (Department for Infrastructure) as to whether we can make any improvements, if they are deemed necessary.

3.6.1 Deputy T. Pointon:

Would the Chief Minister accept that the majority of people utilising that centre at present will be younger people, that most of the car parking in the area is in fact commuter car parking and is not available to people visiting from the Parishes during the day? The most accessible car park in town currently is Sand Street, and it is a fair distance from Sand Street to La Motte Street, especially for people who are elderly and may well have some level of disability. Would he consider putting some form of transport from car parks on the distant side of town to La Motte Street?

Senator J.A.N. Le Fondré:

I think a specific link between Sand Street and La Motte Street for the moment would not be realistic, however obviously Snow Hill is shopper parking, it is not commuter parking. There are some disabled spaces in the vicinity as well. I would certainly be open but it is a matter for the Minister for Infrastructure seeing if there could be some short drop-off parking spaces in the vicinity. I think let us see how the matter progresses and whether there is a need or not.

3.6.2 The Connétable of St. Helier:

I presume that if the one-stop shop happened in St. John then the department concerned would have visited the Constable and the Parish Roads Committee to discuss it. Could the Chief Minister explain why the Parish of St. Helier has had so little involvement with this scheme? If we had known about it we might have suggested something imaginative like Deputy Southern's hoppa bus coming down from a largely empty Pier Road car park.

Senator J.A.N. Le Fondré:

I am probably going to regret saying this but I am probably sympathetic to Deputy Southern's hoppla bus principle, but we have just always got to find the money for it. I go back to the point that the Social Security building receives the biggest footfall of people coming into States services already and that was the logic for doing it. I think it is an incentive or initiative that should be welcomed because it is about organisational change. If there are improvements to be made let us assess it in 3 to 6 months' time and see what improvements we can make.

3.6.3 The Connétable of St. Helier:

Could the Minister answer my question which was about the ... perhaps I was being a little bit indirect but does he not think that this kind of proposal in any Parish should involve consultation with the Constable and the Roads Committee?

Senator J.A.N. Le Fondré:

I am all for consultation. Absolutely. I will take this point for future things and make sure the Connétables are consulted. I shall pass that message on. When I say it is an internal organisational matter, it in theory is not going to have that much change on roads traffic because, as I said, the Social Security Department in the La Motte Street building is already used by a lot of people. So it will be swings and roundabouts. But the point is taken and I shall make sure that for significant changes that the appropriate consultation does take place.

3.6.4 Deputy R. Labey:

I must record that the front line staff at the Tax Office, when I have been there for help with my tax return, have been always universally excellent, and so too the staff at Social Security when I have gone with constituents. It is extremely busy there and always very, very helpful and try their best. Is this going to be one queue? Are you going to take your ticket, as you do at the charcuterie counter, and wait alongside Social Security and Taxes or will they be separate? You will go into the same building but it will be a separate department?

Senator J.A.N. Le Fondré:

I agree with the sentiments of the Deputy on the combining of centres of excellence and also, more importantly, the comments he makes about the staff, in particular at Social Security and Income Tax, but also that applies elsewhere as well. I am not sighted directly on the queuing system. I have been informed by people who have experience that the queuing system is good. But I shall endeavour to find out the details.

3.6.5 Deputy G.P. Southern:

Will the Chief Minister release the survey from which he has plucked this 93 per cent satisfaction rating and, in particular, highlight any issues on the survey to do with acceptability or parking to get to the particular centre?

Senator J.A.N. Le Fondré:

Just to clarify, I did not say the survey related to parking. I said it related to the overall service is excellent or good. I have probably walked into the trap that the Deputy often accuses us, which is not looking at the data behind the survey, which is unusual for me, but the volume of stuff that comes through I might be excused on this occasion, but, yes, I shall endeavour to get the survey to the Deputy. I would point out that I suspect the Deputy already has access to the survey, as he is Assistant Minister for Social Security.

3.6.6 Senator S.C. Ferguson:

Prior to the election, talking to people from St. Mary, they said that if they want to go to Social Security they have to allow 3 to 4 hours and take up a whole morning. During the election there was

talk of a Flying Squad of specialised officers using the Parish Halls on a regular basis for people to call in on Social Security matters - it could easily be extended to tax and other matters - so why are we suddenly centralising this? What has happened to the Flying Squad?

Senator J.A.N. Le Fondré:

The Senator's memory is far better than mine on the existence of a Flying Squad. I do not recall that one in the Senatorial hustings, however this is obviously about making better services for ... it is taking the existing structure and making it more efficient, is the principle. In other words, it is meant to be easier for the existing ... when I say "the existing users", the ones who will automatically come into departments. If we are going to introduce an additional service, which is there is an intention to work more closely with the Parishes and to go out, if that is part of that work, then let us include that under the Government plans that are being developed and will be lodged in June of next year.

3.6.7 Deputy T. Pointon:

Does the Chief Minister accept that the sum total of the effect upon distant parishioners will be that they will be inconvenienced? The set-up here is really for the convenience of the organisation rather than the users.

Senator J.A.N. Le Fondré:

Unfortunately I do not. There is this issue around ... it ties-in to the comments previously around how we deal with people who do not have online access, for example. Part of the whole transformation is about it is meant to be one location to go to, so you do not want people wanting to drop items in or speak to people, do not have to work out which building they go to for which service. They can go to one place. In theory, that should be easier. Obviously, for those who have access to I.T. (information technology) the intention is that there will be more things made available online. I heard something on the radio this morning which is saying how that is changing, but that does not yet address the people, as we have discussed, who do not have access to online services. However, the intention is to make it easier for people using our services, they only have to go to one place rather than scattered around town. I am afraid I disagree with the Deputy on that one.

The Bailiff:

For those disappointed, can I point out the Chief Minister is up for questions without notice so remember your questions for later on.

[10:15]

3.7 Connétable R.A. Buchanan of St. Ouen of the Chairman of the Privileges and Procedures Committee regarding the working party established to examine the Bailiff's role: [OQ.135/2018]

Does the Privileges and Procedures Committee intend to contribute to the working party established on the Bailiff's role, in order to ensure that views from across the Chamber contribute to its work?

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

I can announce that the working party will comprise the Chief Minister and myself, Deputy Judy Martin, Deputy Graham Truscott and Deputy Lindsay Ash, so Members will be immediately cognisant that a wide range of views exist on the working party. We are about to have our first meeting on the adjournment of this sitting, and I do not want to pre-empt anything before we discuss terms of reference, but, yes, P.P.C. (Privileges and Procedures Committee) has a very important contribution to make to this as any conclusions that the working party might arrive at or come to will have to go to P.P.C. who will bring any resulting proposition to the Assembly.

3.7.1 The Connétable of St. Ouen:

Thank you for your answer. Will the chairman confirm that he will press for due consideration to be given to holding an all-Island referendum on this important constitutional issue?

Deputy R. Labey:

Well, I do not want to pre-empt the working party but we are trying to come together and trying to leave our entrenched positions at the door at the Blampied Room rather than taking them in with us when we meet. I think this initiative, which was the idea of the Chief Minister, was to try to not get entrenched, to not build fences but rather build bridges. Personally, I take issue what the questioner states in his question, and it is debatable, but for the moment I am not going to make comment on that.

3.7.2 Senator S.Y. Mézec:

We are here again discussing an issue that has been discussed 100 times before. Can the chairman indicate whether he thinks there is any chance at all of this working party coming up with anything that is an improvement on P.84 which was lodged last year on the separation of powers? Never before, and not since, has there been a better proposal for moving towards a separation of powers. Does the chairman believe that this is a good use of time?

Deputy R. Labey:

The Senator says that but a lot of people had questions with P.84. On either side of the fence a lot of people had very real issue with P.84 and I think that possibly this initiative is to try and iron out any more details, any more difficulties that people might have before the debate once again comes to the floor of this Assembly.

3.7.3 Senator S.Y. Mézec:

Of course, there were questions, this is a political chamber; making up questions is our job. There is never going to be a situation where everybody is 100 per cent satisfied, and if he is looking for a consensus he will be looking for a very long time because one does not exist. Does the chairman of P.P.C. believe that it would be a much better use of all of our time if he relodged P.84 and allowed this Assembly to make that decision? It has not had the chance to make that decision yet and that is more appropriate way forward.

Deputy R. Labey:

No, I believe in giving the Chief Minister a chance. When he came to me with this initiative ... it is not going to slow down the process any, P.P.C. has a huge agenda and workload at the moment, it will allow this matter to be considered in tandem with all the work that P.P.C. is already doing and has started and aims to bring to the Assembly in the New Year. P.84 could be slammed in by any Member at any time; I would just ask, give the Chief Minister a chance with this initiative. We already have 5 meetings scheduled to take us up to November. We are going to work quickly on this because there is a finite time, Sir, on the announcement of your retirement. You have kindly and graciously given us 12 months, and we should make any changes, if changes are going to be made, in the interregnum between Bailiffs, not during a Bailiff's term, is my belief.

3.7.4 Deputy M. Tadier:

Once the working party has concluded its deliberations on the role of the Bailiff in this Assembly, perhaps the P.P.C. chairman could set up a working party on whether we bring back hanging, because there is probably just as much chance of getting consensus on that very emotive issue as there is of rehashing the arguments when it comes to who should be the speaker of this Assembly. Does the chairman agree that it is an exercise in complete futility but also one of procrastination to go over these arguments and rather what he should be doing is showing some form of leadership as the chairperson of P.P.C., to either bring back a debate straight away, which as my colleague Senator

Mézec said, is already there and waiting or just let the matter die and leave it to a Back-Bencher who could just as easily lodge that proposition? It will happen one way or the other.

Deputy R. Labey:

Yes, and I used to call the Deputy's proposition on this issue the pregnancy proposition because it used to come around every 9 months. [Laughter] Where did it get us? It did not get us anywhere, so I reject most of what the Deputy is saying, although I understand his frustrations, for the reasons that I have expressed in the previous answer.

Deputy M. Tadier:

Supplementary?

The Bailiff:

No, I am sorry, we are short of time.

3.7.5 Deputy M.R. Higgins:

The chairman has answered part of the question but I would like to ask him to elaborate on it. I am very much concerned about the delay. One of the problems we have with determining this issue, it gets personal. Now it is not personal in terms of the existing Bailiff or the future Bailiff, it is whether the Bailiff should be chairing this Assembly. It is vitally important that this matter is dealt with in the period between now and, I think it is, October when the current Bailiff leaves. In fact well before that, because the appointment will be made well before that. Will the chairman agree to a cut-off date on these discussions by the end of this year so we can come to a decision, say in January, well before any decision is made to replace the existing Bailiff?

Deputy R. Labey:

I will not make promises I cannot keep, but I have already elucidated on my opinion on the time frame being critical and that we should work backwards from that time frame, continue our deliberations, get P.P.C. involved with the eventual proposition that will result from it, have the debate in this Assembly early enough. I give that categorical assurance.

3.7.6 Senator I.J. Gorst:

I welcome the chairman's announcement but bearing in mind he has just told me that he is creating a committee where 2 people are in favour of change and 3 are in favour of the *status quo*, who he has in support from officers will be critical and consultation with every Member will be critical. Can you confirm who the support officers will be and can he confirm a process which will allow sufficient consultation with every Member?

Deputy R. Labey:

It really is unwise of the Minister for External Affairs to jump to these conclusions. I do not think his maths is correct but I could be wrong. That is not my understanding. I think I have said all I have to say on this.

3.8 Senator K.L. Moore of the Minister for Infrastructure regarding facilities for breastfeeding mothers in States-owned buildings: [OQ.134/2018]

Will the Minister commit to providing a proper facility for breastfeeding mothers for both staff and members of the public in States-owned buildings such as sports centres, the hospital, the Customer and Local Services Department and C.A.M.H.S. (Child and Adolescent Mental Health Service)?

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

Any decision to provide facilities for breastfeeding within buildings occupied by States departments is a matter for the occupying department to determine. If the occupiers consider that there is a demonstratable demand for such facilities my department will work with them to determine how best they can be provided subject to the necessary approvals and funding provisions.

3.8.1 Senator K.L. Moore:

As the Minister with responsibility for policy of all States-owned buildings, would the Minister consider revising his approach so that he has a policy for all States-owned buildings which supports and encourages mothers to breastfeed their children so we, as a community, can support and encourage people to do so and to understand the health and well-being benefits of breastfeeding?

Deputy K.C. Lewis:

The States of Jersey Human Resources Department have in place a policy and guidance to line managers to ensure that they are best equipped to plan for and meet the needs of new and expecting mothers. We are more than happy to work with the department.

3.8.2 Deputy R. Labey:

Is it not about facilities for nursing mothers or feeding mothers? There is a danger, is there not, with this drive that the amount of mothers who, for very good reasons, cannot breastfeed are made to feel like second-class citizens. I hear nothing about them and I am worried about that. I wonder if the Minister shares that concern?

Deputy K.C. Lewis:

Yes, absolutely. I am in full support of the sentiments expressed by the Deputy and the more we can do to assist, we would be more than happy to go along with that. We have papers from U.N.I.C.E.F. on the Baby Friendly Initiatives. It is crucial for new mothers to have a supporting working environment that allows the flexibility and time needed to develop a healthy and strong relationship with their child. I would support all these sentiments expressed by the Deputy.

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

In his answer to the original question the Minister mentioned the need to demonstrate demand. Would 1,000 births, and therefore approximately 1,000 mothers, not demonstrate that demand?

Deputy K.C. Lewis:

As I say, we are led by the various departments. If the demand is there, then we will meet that demand.

3.8.4 Deputy R.J. Ward:

I would like to voice my entire support for a States policy and provision for breastfeeding facilities in all States buildings. This must be part of a cultural change in our society that makes breastfeeding part of everyday life. It is natural and the best way to bring our children up, if possible. We understand the difficulties that some mothers have and they need to be supported in that. But it is a natural part of what we should be doing and we must be supporting it as a States body if we are to genuinely put children first.

The Bailiff:

In that area there must be a telephone or a computer which is upsetting the arrangements. Could you all check your arrangements?

Deputy M. Tadier:

I think it is a faulty mic for Deputy Ward.

The Bailiff:

The Greffier says that will be checked at lunch time. In the meantime, just in case that is so, Deputy Ward, perhaps you will share a mic with Deputy Tadier. Minister.

Deputy K.C. Lewis:

I think I have the gist of the question from the Deputy. Yes, we are more than happy if the demand is there to convert existing rooms or even build new ones, we are happy to support that. It is led by the various departments but we are more than happy to lend our support to that and I fully support breastfeeding and expectant mothers' privacy.

3.8.5 Deputy L.M.C. Doublet:

I can perhaps help some of the previous questioners. The Baby Friendly Initiative: the focus is on a society and the support, not on the mother having a sole responsibility and it is never, ever the failure of the mother, it is the failure of the support systems. Nearly 80 per cent of mothers initiate breastfeeding so there is a very high demand. Given this high demand, and also given that it is likely with the new family friendly legislation coming in, the next round of that in September this year, workplaces will be required to provide facilities. If States-owned buildings, workplaces are providing these facilities for their employees, could the Minister commit to looking creatively at this and see perhaps if the facilities could be shared between the public and the employees of those States-owned buildings.

Deputy K.C. Lewis:

As I have said previously, for any new buildings coming on line obviously this can be factored-in. Old buildings can be retrofitted or a spare room allocated if it is suitable for such a purpose. More than happy to do that.

3.8.6 Deputy G.P. Southern:

Would he further promote these facilities by arranging for a map indicating where those facilities are in place so that feeding mothers know that they have a place to go to should their baby suddenly start crying and need feeding?

Deputy K.C. Lewis:

That should be very useful in both States and private premises throughout St. Helier, for instance. More than happy to pursue that.

3.8.7 Senator K.L. Moore:

Given the support and the excellent points raised by Members, particularly in relation to the demand for breastfeeding facilities, would the Minister agree to revisit his view and approach on policy with the emphasis being that the important part is that we as a public body encourage and support breastfeeding in our community.

Deputy K.C. Lewis:

Indeed. I do not think I need to review my opinion, as I support it. I am fully supportive of nursing mothers and we must do whatever we can to assist in that respect. Obviously, there is a cost involved but so be it.

[10:30]

3.9 Deputy R.J. Ward of the Minister for Education regarding fees for Higher Education courses at Highlands College: [OQ.143/2018]

Will the Minister confirm whether any additional monies from increased student fees for higher education courses at Highlands College this year only went directly to funding the costs of delivering higher education at the college?

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

Apologies on behalf of my Assistant Minister, and in the interests of openness and transparency to advise the States that I do have a family member that works at Highlands. I think it is important to declare that. Yes, I have been advised that additional monies from increased student fees went directly to funding the costs of delivering higher education at the college.

3.9.1 Deputy R.J. Ward:

May I ask, is there is any monitoring of the effects of the fee increases on uptake of courses? In particular, those returning to higher education who may not qualify for funding of their courses in the future, particularly at a time when we want to train on-Island. Will you be monitoring whether there is the same uptake of courses given the increase in fees?

Senator T. A. Vallois:

Due to the recent changes to student finance, of course it is early days and we have so many bumps in the road with regards to the higher education new student financing system, so we are monitoring a lot of the issues that have come about but also the uptake or the not so much uptake and seeing where it is leading to. Of course, next year we will be looking at reviewing that and ensuring that we amend some of these issues that we have come across and also in terms of the maintenance for on-Island as well.

Deputy R.J. Ward:

Thank you for your direct answer to the first question. It is very welcome. We look forward to seeing the impact of this increase in resources for H.E. (higher education) funding Jersey University.

3.10 Deputy G.P. Southern of the Minister for Economic Development, Tourism, Sport and Culture regarding the recent real-term decrease in GDP per head of population: [OQ.150/2018]

What is the Minister's assessment of the finding in the Statistics Jersey report, *Measuring Jersey's Economy 2017*, that G.D.P. (Gross Domestic Product) per head of population has decreased in real terms and will he state what initiatives he has, if any, to address this and thereby to help improve the standard of living of residents?

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

My assessment of the 2017 report is that it shows our economy grew for a fourth consecutive year and that our G.D.P. per head of population in Jersey remains almost a quarter higher than that of the U.K. (United Kingdom) although a little lower than that of Guernsey. A number of sectors performed strongly in 2017, however a fall in profits by the banks, with a relatively small footprint in Jersey, had a bigger impact on our overall G.V.A. (Gross Value Added) figure. Improving productivity is going to be critical to improving the standard of living in Jersey, that is why improving productivity is at the heart of the new draft Common Strategic Policy. My department will be leading on a new economic framework to ensure we can prioritise measures to support productivity across all of the key sectors. The economic framework plan will help inform our skills strategy, which in turn will help us secure a workforce fit for the future and reduce our reliance on inward immigration.

3.10.1 Deputy G.P. Southern:

I love it when I get new words. Now we have a framework. Would the Minister mind explaining to Members what this framework consists of and how it will improve productivity which has been flatlining for the past 20 years?

Senator L.J. Farnham:

I cannot because we have not built the framework yet, although I can say that our first meeting is this coming Friday and we intend to develop it quickly from there. We cannot underestimate the size of the challenge. Members will know that our economic output and our productivity are calculated by the output of businesses and the compensation of employees, and of course the population. As long as our population is growing at the rate that it is that will put improving productivity under great pressure, and we can be under no illusions that that is a huge challenge. There are no quick answers. The new economic framework plan will reprioritise how we deal with that and I would urge Members, including Deputy Southern, to work with us and help jointly find a way through this challenge.

3.10.2 Deputy M.R. Higgins:

The Minister has actually answered part of the question, basically that was that, as all Members will know, G.D.P. per capita means you divide the G.D.P. by the number of people in the Island who are here. Therefore, if the population is increasing at the rate that it has done we will always have declining productivity and, therefore, will the Minister not accept that addressing population policy, with all the problems that it has, trying to restrict the growth of it, is going to be his priority and that of the Council of Ministers?

Senator L.J. Farnham:

Yes, well, of course, the total G.V.A. figure is worked out on the total population but the productivity per sector is worked out on the total number of F.T.E.s (full-time equivalent), on the total working population. But, yes, that is the challenge as long as our population and our working population is growing. It is. In actual fact we have more people in employment than ever before and while that is good it does put pressure on our productivity because our financial services sector is shrinking, that has a much bigger impact across the whole economy. Yes, I do agree with Deputy Higgins, as long as our population, our workforce, is growing there will be pressure on productivity. But we can address that. The key drivers of productivity are improving competition and skills, those are 2 particular areas where we need to particularly place our focus.

3.10.3 Deputy M.R. Higgins:

The Minister will also be aware that increasingly within the banking and finance sector we are getting increased automation and artificial intelligence machine learning programmes which are going to reduce employment in those sectors but it will have the effect of driving up productivity. How is he going to deal with that particular aspect of, yes, you will increase productivity through A.I. (artificial intelligence) but you are going to have greater unemployment?

Senator L.J. Farnham:

There was very little unemployment at the moment. In fact, we have the opposite problem. We have an acute labour shortage in certain sectors of the economy so a redistribution of the workforce might be helpful moving forward but I would like to also reassure businesses, especially businesses in the tourism, agriculture and retail sectors, that we will not desert them. We will be fully behind their development and growth and their importance in our Island life and community. That is why I, together with, I hope, many States Members will support finding a way to ensure that we provide those sectors with a good labour force, perhaps with a permit scheme and engaging with skilled

labour from outside the E.U. (European Union) without it having a long-term negative or unsustainable impact on our population.

3.10.4 Deputy K.F. Morel:

There is one key fact, which is productivity has fallen by 25 per cent in the last 11 years. A second key fact is that the Minister has been in post for 4 years but he is only starting his productivity strategy and economic framework on Friday. Does the Minister accept that this is work that should have started 4 years ago?

Senator L.J. Farnham:

We have been trying. If you analyse the figures, financial services versus non-financial services sector, the non-financial sectors have seen real growth, growth in real terms. Not across the board, some sectors have grown, some have not but we have seen growth outside of the financial services sector. My department has been trying to help that. For example, a new rural economy strategy is actively trying to engage with farmers to find more productive use of the land. Visit Jersey, our tourism strategy, is aimed at increasing visitor numbers in the shoulder months. Of course that will, in turn, help other areas of commerce. I think perhaps with hindsight we have been placing too much emphasis on growing the economy and not improving productivity. I think that has to change slightly now.

3.10.5 Deputy G.P. Southern:

The Minister referred to the fact that we have a higher G.D.P. than the U.K. Is he also aware that within between 5 and 7 years the G.D.P. in the U.K. is likely to match ours and, in fact, exceed it?

Senator L.J. Farnham:

I was not aware of that and I think if we were to do nothing perhaps it could catch up, so we are going to do something to work hard on our G.V.A. and our productivity. But I would issue a small health warning. We would be making a huge mistake if we placed all of our interpretation of how the Island was performing on our G.V.A. figures. While they are important we, the Council of Ministers and this Assembly, as stated in our strategic policy, need to focus totally on the well-being of all Islanders. An economic well-being is not always aligned with G.V.A. so I would think we should focus on improving the standard of living for all Islanders through improving productivity.

3.11 Deputy K.G. Pamplin of St. Saviour of the Chief Minister regarding the registration of charities by the Charity Commissioner: [OQ.140/2018]

Will the Chief Minister confirm how many charities have been officially registered by the Charity Commissioner; and will he advise whether any provision has been made for the commissioner to be provided with extra resources to process anticipated applications?

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

339 online applications have been created but not yet submitted for approval, 62 applications have been submitted for approval, 43 of which have been reviewed by the commissioner and 13 registered. The commissioner has a small team of officers to support him in the discharge of his functions, he does not anticipate that extra resources will be required to process applications at present.

3.11.1 Deputy K.G. Pamplin:

I thank the Chief Minister for his answer. I just refer to the website with the first application which was publicly made through the media, which was Durrell, and the statement reads that: "It is important to note that there is no rush as there will be no impact on the current tax reliefs enjoyed by any charity in the short term provided that it has applied for registration by the end of the year, even

if that registration has not been determined by the end of the year.” However, it is important to stress that there are charities out there who are yet to apply. There are 315 noted on the Association of Jersey Charities. Does the Chief Minister agree that more could be done to raise this in the community sector?

Senator J.A.N. Le Fondré:

Just for clarification, does the Deputy mean raise awareness?

Deputy K.G. Pamplin:

Yes.

Senator J.A.N. Le Fondré:

One can always raise more awareness. I think the fact that there are 339 online applications, I believe is the figure I have been given, would imply there is certainly awareness out there. Do we need to do more? If the Deputy thinks we need to do more, then please let me know.

3.12 Deputy M. Tadier of the Minister for Infrastructure regarding health hazards at Fort Regent: [OQ.146/2018]

Further to the recent closure of certain parts of Fort Regent due to fears of asbestos contamination, will the Minister confirm whether the facility is safe for the public and staff; and will he advise whether any other health hazards, including the presence of legionella, have been tested for recently; and, if so, what were the results?

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

The safety of staff and users of Fort Regent is of paramount importance. As a result of increased incidents of debris being found Fort Regent underwent an extensive re-inspection for asbestos containing materials or A.C.M.s. The resulting report has identified A.C.M.s classified as containing low concentrations of asbestos which are heavily bonded. This substance is an unlicensed material and, as such, is not subject to the Health and Safety at Work (Asbestos-Licensing) (Jersey) Regulations 2008. Where debris has been found the areas were closed until a reassurance air monitoring was undertaken. All such monitoring has returned within normal limits and the area is safe for public and staff to use. While asbestos was removed from one area of the Fort, a number of showers were isolated. Prior to the reopening of the area the water was routinely tested for legionella. The results show the presence of legionella species; therefore, the area and outlets remain closed while chlorination of the system involved is undertaken, followed by reassurance testing of the water.

[10:45]

The microbiology results have identified the legionella species as one of the lesser of the risk categories, meaning there is low risk to health. The Health and Safety Inspectorate have been involved at all stages. They have been provided with the microbiology results and are fully aware of the remedial action undertaken.

3.12.1 Deputy M. Tadier:

Was the Minister planning on telling us and the public about the legionella which was found at Fort Regent or was it necessary for a States Member to ask the question before he would publicise that?

Deputy K.C. Lewis:

There are so many people involved it is more or less in the public domain. The Deputy, as Assistant Minister, was well aware of it, as are many other people. So it is not a secret, it is a standard procedure

when legionella is found, the system is chlorinated and flushed. It is a lesser species and it was returned well within limits.

3.12.2 Deputy R. Labey:

Could the Minister expand on his mention of the unlicensed material and that the law of 2008 does not apply to it? What does that mean?

Deputy K.C. Lewis:

It does not come within the law but we regulate it anyway in a sense that A.C.M.s could be paint with fibres in, it could be ceiling tiles with very few fibres but there is asbestos there in minute quantities but it is still there and, of course, we will not take any chances with asbestos containing materials.

3.12.3 Senator S.W. Pallett:

Could I ask the Minister at what stage he intended to tell the Assistant Minister responsible for the users, public and staff, at Fort Regent that these tests were carried out, because to my knowledge the Assistant Minister has not been formally told.

Deputy K.C. Lewis:

Indeed, I was not aware that the Assistant Minister was unaware and apologies for that. I will make sure that he is informed if there are any incidents in the future.

3.12.4 Deputy M. Tadier:

I think one lesson we have learnt today is that as a means of communication telepathy is not an effective method when it comes to Ministers communicating between each other. Will the Minister inform us whether he has a management plan to cover all areas of Fort Regent and its infrastructure and will the Minister share this management plan with Members, or at very least with those Ministers who effectively are responsible for the management of Fort Regent?

Deputy K.C. Lewis:

There is a management plan, there are also records kept of all buildings that contain A.C.M.s or asbestos containing materials. Everything is marked, everything is logged in the event of any workmen coming in to do any work. Everything is recorded to make sure nothing is disturbed that should not be disturbed. As I say, I was not aware that the Assistant Ministers were not aware of this.

3.13 Deputy R.J. Ward of the Minister for Treasury and Resources regarding funding for restructuring of the public sector: [OQ.144/2018]

Will the Minister confirm the amount of money available from the current M.T.F.P. (Medium Term Financial Plan) for restructuring of the public sector, and will she advise how much of this has been spent and how much money is left of the contingency funding for 2019?

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

Summary Table C on page 141 of the Medium Term Financial Plan 2016 to 2019 document illustrates the amount of central contingency money allocated to restructuring and redundancy in 2016: £7 million and £16 million respectively. In 2017 the restructuring and redundancy provisions were brought together. Summary Table C on page 150 of the M.T.F.P. Addition document illustrates the amount of money allocated to restructuring and redundancy provision, a total of £12.2 million over the 3 years 2017 to 2019. At present it is forecast that £850,000 of these allocations are not earmarked by the end of 2019. Since the announcement of the target operating model work has been going on

to deliver the new structure. Costs are likely to be incurred during that process which may be funded by other means but within existing resources.

3.13.1 Deputy R.J. Ward:

Would the Minister accept that the merging of restructuring costs and public sector pay rise has confused negotiation, indeed allowed a level of confusion to reign that has masked real and consistent cuts to pay for public sector workers?

Deputy S.J. Pinel:

No, any confusion arising is almost certainly down to the change from the workforce modernisation programme to the new restructuring programme. In the M.T.F.P. 2017-2019 a reduced savings target was proposed and approved by this Assembly of £77 million reflecting improved forecasts, delivering pay restraint formed an important part of that target.

3.13.2 Deputy R.J. Ward:

Given the 4 years of growth in the economy quoted by Senator Farnham earlier, can I voice a concern linked to this, a percentage of States workers have faced pay protection measures following restructuring meaning that significant pay cuts will be faced at the end of the next 3 years, which can only be detrimental to our service provision.

Deputy S.J. Pinel:

The restructuring, as the Deputy will be well aware, is underway at the moment and it is very difficult to ascertain quite what redundancies will be made and what pay restructuring and pay protection will be allocated.

The Bailiff:

The Minister seems to have disappeared, I just noticed that. Is there an Assistant Minister for Health here? [Laughter] Well, Deputy Pamplin, I think you win. Perhaps in the circumstances we might come back to this question in just a moment. Deputy Higgins, perhaps we will go on to question 15.

3.14 Deputy M.R. Higgins of the Minister for Treasury and Resources regarding the application of the Goods and Services Tax (G.S.T.) to goods imported into the Island: [OQ.153/2018]

Following her answers in the States on 23rd September 2018 regarding the *de minimis* level for goods imported into the Island and whether they are subject to G.S.T. (Goods and Services Tax), will the Minister provide an update on whether she plans to bring in new proposals on this matter in the Budget?

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

For those present at yesterday's States Members briefing, they will have heard that the *de minimis* reduction will not be pursued. Today I have lodged the draft 2019 Budget with the Assembly and I can confirm that following discussions with ministerial colleagues, there are no proposals within the budget to reduce the G.S.T. *de minimis* threshold. However, the Treasury will keep the *de minimis* threshold under close review monitoring the data available on the importation of low value goods. As has been said before, the longer term for the G.S.T. *de minimis* is clear. In the not too distant future the *de minimis* thresholds will disappear across the globe as large countries move the collection of G.S.T. on low value goods away from the border and place the responsibility for collection on to those who supply the goods. When this happens Jersey will be fast follower, eradicating the *de minimis* and the levelling the playing field between local and off-Island retailers.

3.14.1 Deputy M. R. Higgins:

Can the Minister tell us when that is likely to happen? Is it going to be 5 years, 10 years or 50 years, because we are talking about an international agreement? Otherwise how can she follow through on the promise that she will reduce it or the inevitable abolition of it in the future?

Deputy S.J. Pinel:

As the Deputy will well know that decision will largely depend on what happens with Brexit.

The Bailiff:

It is a pleasure to see you back, Minister.

The Deputy of St. Ouen:

May I offer my apologies to the Assembly, Sir, and to Deputy Pamplin.

3.15 Deputy K.G. Pamplin of the Minister for Health and Social Services regarding governance arrangements for health and social care: [OQ.141/2018]

Given the recent report from the Comptroller and Auditor General on the governance arrangements for health and social care, in which she concluded that such arrangements were inadequate, will the Minister advise what measurable actions are being taken in response?

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

Yes, the report did identify shortcomings in the way the former Health and Social Security Department was run. The interim Director General of the Health and Community Services has already written to the Comptroller and Auditor General indicating that the department fully accepts the findings. A response is now being produced as required and the response looks to apply the lesson learned swiftly and comprehensively. This will be considered by the Corporate Management Board and the Council of Ministers and is subject to consultation with other States departments involved.

3.15.1 Deputy K.G. Pamplin:

The quote again from the Comptroller says: "I have discussed my major findings from this review with the Chief Executive and other chief officers during the past few months." Will the Minister for Health and Social Services be seeking a similar meeting?

The Deputy of St. Ouen:

I think it is unusual for Ministers to meet directly with the Comptroller and Auditor General. The line would usually proceed through the departmental heads, the director generals, so I would welcome an engagement with the Scrutiny Panel about this, which I believe is the more established way of proceeding, and the director general of the department will proceed and respond as required to the report. I hope that answers the question.

3.15.2 Senator S.C. Ferguson:

Yes, the Public Accounts Committee will be following up the particular report of the Auditor General. Would the Minister like to comment on the Auditor General's comment in her report that the department has been better or is better at planning spending rather than applying savings?

The Deputy of St. Ouen:

That is a finding which is accepted. Looking back at the past we are working to achieve effective savings where required but to ensure better planning, clearer governance, clearer accountability within the department. I welcome the new leadership team that has been brought into the department.

They are developing a robust action plan to ensure that the right level of oversight and the right procedures for moving ahead are established within the department. I believe we will improve upon the shortcomings that have been identified.

3.15.3 Senator S.C. Ferguson:

Will the Minister be following up the question of efficiencies, bearing in mind that when a department operates efficiently the costs will automatically fall away?

The Deputy of St. Ouen:

Running an efficient health service is a high priority for the department.

Senator S.C. Ferguson:

Yes, but what steps is the Minister going to take to ensure that happens?

The Deputy of St. Ouen:

There is much in the planning. The department is putting together its formal response, which will detail steps. There are improvement plans that are being prepared and will be coming forward shortly.

3.15.4 Deputy K.G. Pamplin:

I welcome the Minister for Health's comments. I have said it publicly and privately to the Minister, we need him to succeed. The Island needs the health services it demands and requires now and for the future.

[11:00]

Dare I say, this takes us on to the hospital subject, because at the end of the day, our health and our health system has to match the deliverance of the hospital. That is obviously another question. Lastly, my final question, because obviously the general public would have seen this report in the media, the hardworking staff in all areas, from primary care to doctors to charity providers. What assurances can he give them that the work has been going on? What message would he like them to hear?

The Deputy of St. Ouen:

First of all, I thank the Deputy for his vision and enthusiasm, which is shared, and I hope shared by all in this Assembly. The message that I might give to the public at large and those within the health service and our partners in it is that the need for change is fully recognised by myself and by the department. We are working to achieve that and do better. I believe there is a change of culture that is emerging within the department. There is a new openness, a new transparency which is shared across the board. I am looking forward and I am working with a really good team who are keen to advance and make changes. I am not in a position to announce details at the moment, but I can assure the Deputy that we will be announcing changes in due course, and I trust he will be pleased with the progress we are making.

**3.16 Deputy G.P. Southern of the Chief Minister regarding measures to improve productivity:
[OQ.151/2018]**

What measures is the Chief Minister considering to improve productivity in order to reduce population pressures, as stated in the proposed Common Strategic Policy 2018 to 2022, P.110/2018?

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

There are 2 aspects to the question, I suspect. First, as we heard earlier, Senator Farnham is tasked with developing the new economic framework that we have touched on. That is intended to deliver productivity growth in the medium and long term. Secondly, there is a working group in the process of being created - I believe its first meeting is next week - which is to focus particularly on productivity. Given that the Minister for Social Security is one of the invitees, and as the Deputy is her Assistant Minister, I am sure she will keep him well apprised of the progress of that.

3.16.1 Deputy G.P. Southern:

Given the results demonstrated in figure 7 - G.D.P. per head of population in real terms, Jersey, Guernsey and the U.K. - which shows economic growth and productivity growing in both the U.K. and in Guernsey, whereas productivity is reducing in Jersey, does the Chief Minister accept that the difference between Jersey and Guernsey is that Guernsey is managing its population growth and we are not? Will that consideration, in comparison with Guernsey, go into the discussions on productivity and population?

Senator J.A.N. Le Fondré:

I think I have lost the flow of the question there. The short answer is that any work, whether it is productivity or the separate workstream on population, there will be overlaps on both. In other words, as has been identified already, productivity is impacted, as far as we can see, by changes in population as well. It is a little bit of be careful of what one wishes for, because if we want maximum productivity you will have an Island full of hedge fund managers and that would not be what we want as a society.

The Bailiff:

Deputy Southern, did you have a further supplementary? If you are not ready, I will ask Deputy Higgins.

3.16.2 Deputy M.R. Higgins:

In his answer, the Chief Minister mentioned how the meeting is going to take place, I think it is next week, which will involve the Minister for Social Security. With no disrespect to her, Deputy Southern, who is the Assistant Minister, knows more about economics than she does. Would it not be better either to invite Deputy Southern ... I said "with no disrespect." I know from experience that Deputy Southern knows a great deal more knowledge of this subject. Would it not be better to invite him to come along to the meeting as well as the Minister for Social Security? I may have made an enemy there, I think.

Senator J.A.N. Le Fondré:

The only response I will give to that is if Deputy Higgins would look to his right and about the end of the middle row and the expression on the Minister's face, I think that will answer the question for him. The point I was making, in slight levity, was that obviously there will be communication between the Minister and the Assistant Minister, Deputy Southern. I would expect that exchange to be taking place. As to who arranged the group, it has been arranged, I believe, by the Minister for Economic Development and I am sure he will take your comments on board.

3.16.3 Deputy G.P. Southern:

Avoiding controversy altogether, can I just ask when we are likely to see a paper from the Chief Minister on future population policy in order for a debate to take place in here? Because it is completely missing from the Strategic Plan.

Senator J.A.N. Le Fondré:

The short answer is that on population, we have said we will come back within 12 months to produce a paper. The terms of reference are being drafted for the policy development board that are going to look at this and a piece of work has already been requested from the Stats Department, which will feed into that piece of work. It was implemented probably about 4 to 6 weeks ago. I have to go and speak to them at some point to get a catch-up on what it looks like, but I am told that finalising that piece was going to take 3 to 4 months. That is the time frame to get some basic data in place.

3.17 Deputy M. Tadier of the Minister for Education regarding acts of worship in schools: [OQ.147/2018]

Will the Minister explain what policy underpins Article 19 of the Education (Jersey) Law 1999 in determining what constitutes an act of worship for the purposes of the law? Will she advise what enforcement of this Article is carried out, if any?

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

The department provides head teachers with guidance on collective worship reflections for Jersey schools. This guidance supports head teachers in meeting their requirements under Article 19 of the law. This includes an understanding of what worship is, worship and the law, what worship is deemed to be broadly, but not exclusively, Christian, defining the difference between an assembly and an act of worship and the differences between collective worship in schools and a corporate worship of a faith community. This law is expected to be adhered to in all States of Jersey schools in the same way that the Jersey curriculum is expected to be delivered. Schools are required, on request by school advisers from the department, to produce a rota of act of worships that have taken place, any themes explored or visiting speakers that have led collective worship. School advisers and external reviewers will observe and make notes when they occur.

3.17.1 Deputy M. Tadier:

May I ask the Minister whether she agrees with the sentiment in Article 19, which says that a pupil at a compulsory school of that age in provided education shall attend an act of worship at least once a week? Furthermore, does she believe that there should be a separation between church and state?

Senator T.A. Vallois:

Purely on the particular legislation, there is a right for the child to withdraw from that act of worship by the parents, who are able to withdraw them from that. That is under Article 20. I do have to admit personally, in my personal view, I am uncomfortable with this being set in primary legislation and whether I believe in a separation of church and state, I have always agreed with the separation of powers. I stated that 8 years ago when I wrote to the Lord Carswell review and I have not changed my mind since.

3.17.2 Deputy L.M.C. Doublet:

Given that the make-up of the younger age groups is more non-religious than religious in Jersey - data from the 2015 Social Survey - and that many of the religious families would send their children to religious Catholic private schools, does the Minister agree with me that the make-up of families that are sending their children to state schools, the majority are likely to be non-religious? I understand the Minister is reviewing education law as a whole, that is part of her plan, but as a stopgap before she comes to review this law, would she consider making the act of worship an opt-in rather than opt-out, as it is at the moment, to reflect the make-up of the population?

Senator T.A. Vallois:

In order to make it an opt-in, I would have to amend the legislation as it currently stands, and rather than just picking at different parts of the legislation, I want to ensure that when reviewing the

legislation, of course I am taking into account the U.N.C.R.C. (United Nations Convention on the Rights of the Child), the rights respecting schools from U.N.I.C.E.F. and also how this would act with regards to children's rights, particularly in regard to Article 14.

3.17.3 Deputy L.M.C. Doublet:

While keeping the law that the schools have to provide the act of worship, it seems to me that the school could still be providing the act of worship, but the students would be opting-in to it rather than opting-out. I do not think that would necessarily require a change of the law. Would the Minister agree to perhaps explore that option?

Senator T.A. Vallois:

I am happy to explore the option, but it does require an amendment to the legislation. Article 20 in the legislation specifically states: "The right of a parent to withdraw a pupil from religious education and acts of worship." If I was to change it the other way around - I would of course need to get legal advice- but because it is worded in such a clear way, I would suggest that I would need to change the legislation in order to achieve what the Deputy is asking me to do.

3.17.4 Deputy R. Labey:

Would the Minister agree that schools should be moving towards being secular rather than spiritual?

Senator T.A. Vallois:

I understand the debate around the particular inclusion of this in the law in the U.K. has caused some controversy. I do not like to put my own personal views on a piece of legislation or a requirement for all, so if I had a particular religious belief, I do not believe that should be pushed on an individual. But in terms of whether it should be secular, I think that is a bigger conversation for us to have as a States Assembly. That is why I think it is important for me to review this legislation and to bring that forward and have that within the discussion on the rights of the child and the ability to provide whether it is act of worship or whether it is an act of well-being, mindfulness, all those types of things that we are talking about in the Common Strategic Policy in terms of well-being, mental health and all those types of things.

3.17.5 Deputy M. Tadier:

It seems to me that we have a classic case of special pleading in this law. The Minister mentioned that we could have, for example, a well-being requirement within the law or we could even have a philosophy requirement in the law, may I suggest, that children have to partake in one act of philosophy every week, but that is not what the law says. Does the Minister agree that these 2 Articles, 19 and 20, belong in a bygone era and that the simplest thing for her is to ask for them to be deleted? Does she think that the deletion of these 2 Articles would have no material consequence, apart from a benefit to students so that they can carry on a secular state education?

Senator T.A. Vallois:

On pure logic and complete understanding of the Deputy's question, I completely agree, in terms of the fact that if we, as a States Assembly or as a Council of Ministers, believe that sports is good for people's well-being, why are we not including that in the legislation, such as well-being and all those types of things? There is nothing wrong with having these types of worships in schools. It allows the children to see different points of view, but whether it needs to be engrained in legislation is the bigger question here. That is why I suggest that by reviewing this legislation and reviewing it in regards to the rights of the child and whether we go forward particularly with a secular education, that is rightfully so for this Assembly to have this debate when amended legislation is brought forward.

[11:15]

3.18 The Connétable of St. Helier of the Minister for Home Affairs regarding the level of public safety in Jersey: [OQ.149/2018]

What assessment has the Minister made of whether Jersey is a safe place in which to live and whether there are sufficient police resources available to ensure public safety, especially in urban areas, during the hours of darkness?

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

I am very pleased to have the opportunity once again to say that Jersey is a safe place to live, to work and to visit and I pay tribute to all the services and groups across the Island who have contributed to ensuring that that has happened. Jersey is a safe place to live, to work and to visit, and I say that with confidence because that view is supported by all the available evidence and statistics. Indeed, in the most recent Jersey Opinions and Lifestyle Survey, it recorded that 94 per cent of Islanders feel safe in their neighbourhoods. Recorded crime over the last 5 years has been decreasing. If we take violent crime and the night-time economy, which seemed to be the basis of the Constable's question, the last 12 months has shown a decrease of around 11 per cent in crime. That does indicate at present there are sufficient resources with the police, but we cannot and we will not be complacent. The police are in the process of delivering a new operating model, which will invest greater resources in community policing, allowing them to work more collaboratively with partners, including the Honorary Police, and focus greater efforts on further crime prevention. Such an approach, in my view, can only be of benefit in our common objective of keeping Jersey, and indeed St. Helier, safe.

3.18.1 The Connétable of St. Helier:

I thank the Minister for his answer and endorse his thanks and confidence in the various police forces in the Island. I would like to press him though on numbers, because there is certainly anecdotal evidence that a lot of police officers have resigned from the force in the last year or so. I would like his assurance in terms of numbers: where are we in terms of the number of police officers in the Island and particularly the number of police officers on the beat or involved in community policing?

The Connétable of St. Clement:

The spending review meant that over the last 5 years, the States of Jersey Police, like other departments, had to reduce their budget. The majority of the States of Jersey Police budget is on manpower and therefore the number of actual police officers has reduced over the last 3 years, and there has been virtually - because of the budget restraints - a ban on recruitment. That is now changing and we will be appointing something between 10 and 12 new officers over the next few weeks; some might already be in post. But as I said, what the budget reduction has done is enabled the senior management team at the States of Jersey Police to think more smartly about the way they police this Island using modern technology. We have all heard about the iPads or the tablets that have been issued, which the police can write their reports on. Once they have dealt with an incident, instead having to come back to police headquarters, they can stay out on patrol, whether it is in their cars or on foot. That has been a great asset to the States of Jersey Police. As I said in my comments, there is more emphasis on community policing, where people can know their police officers, respond to their police officers and their police officers can know their communities and the people and be much more proactive in their policing. I have got great confidence in that and I am sure it is going to work.

3.18.2 Deputy L.M.C. Doublet:

I am just referring to the transcript of a public hearing which the Education and Home Affairs Scrutiny Panel held with the then Minister for Home Affairs. At that time, I think it was 2 or 3 years ago, we quoted from a framework document that said: "There are concerns that if the number of

police officers drops below 200 in the near future, this will significantly impact on the States of Jersey Police's ability to fulfil its broad spectrum of functions." I do not know if I missed the Minister giving the actual number of officers just then; sorry if I did miss it. Could the Minister just tell us what the actual number is? Is this still the case, that a number below 200, is that significantly impacting on the ability of the people to fulfil their full range of functions?

The Connétable of St. Clement:

I did not make that statement. I do not know who made that statement or what it means, but certainly the number of police officers at the moment is something just over 200. As I said, we are recruiting another 10 to 12 currently. But I think over the last 3 or 4 years, we have seen the changing attitude, this smarter policing, if you like, which is enabling the police to concentrate on their priorities and to keep the Island safe. The fact that we have seen a continual reduction in crime over the last 5 years, and particularly at night time in the urban area, by 11 per cent in the last 12 months, does show that the policing model is working.

3.18.3 Deputy L.M.C. Doublet:

Could I have a brief supplementary, Sir? Although the crime figures are reducing, is it not true that the police are needed increasingly more in other areas, for example, concerns for welfare and attending people with mental health issues, so that we should not be dropping our police numbers any further?

The Connétable of St. Clement:

Yes, I agree. When I stood for this position as Minister for Home Affairs, I said: "I want to ensure that all the emergency services, including the police, fire service and so on, are adequately resourced to do the job they need to do and the job they should be doing." I think we need to be careful about how deeply the police should be involved in mental health or whether that should be the Health Department. I am working with the States of Jersey management team, my director general at Home Affairs and the police authority and will continue to do so - it will be a continual process - to ensure that the police are adequately resourced to provide the service that Jersey wants and needs.

3.18.4 The Connétable of St. Lawrence:

I am sure that my fellow Connétables were somewhat disappointed recently when we were told that our community police officers were being withdrawn from the Parishes. Although it is an operational matter, I wonder whether the Minister is able to advise us if and when they are going to be reinstated, because my understanding was that it was for a short period of time only. If he is not able to tell us if and when they will be reinstated, will he please undertake to raise this as a matter with the States of Jersey Police?

The Connétable of St. Clement:

As the Constable said, it is an operational matter and not something that I will be aware of. I hope she heard me say in my comments - and I say it again - the new operating model is going to invest greater resources in community policing, but I will get to the Constable and anybody else who wants to know what that will mean in real terms and how quickly. I repeat again, I know we are recruiting 10 new police constables who will all be community police officers, so it is happening and it happening now.

The Bailiff:

It was 12 a minute ago, Minister. It has gone down to 10, has it?

The Connétable of St. Clement:

It is between 10 and 12, Sir.

Connétable M.K. Jackson of St. Brelade:

I am pleased that 11 new recruits will be coming on board soon. **[Laughter]** My initial question is aligned with that of the Connétable of St. Lawrence and has been adequately answered.

3.18.5 The Connétable of St. Helier:

I too am reassured by some of the things the Minister has said, but I would like to ask him directly: if he had a bigger budget would he spend it on more police officers on the beat? Following up from that, would he like me to bring an amendment to the Budget which has just been lodged in order to get more resources in the police force?

The Connétable of St. Clement:

I appreciate the Constable's offer of assistance there, but for the moment perhaps he could leave it to me to have discussions with the police authority and the senior management team at the police and of course the director general, who has great experience of the Jersey Police, to make sure that we are properly resourced. It is important to me that we are properly resourced; it is important to the Island that the police are properly resourced. In fact, all of our emergency services have to be properly resourced. **[Approbation]** But sometimes there are ways of doing things better with less cash and I think the police have proven in the last 2 to 3 years that they are able to do that. There will come a time of course when you cannot become more efficient and more resources may well be needed, but that is something that we are going to work on in the next few years.

3.19 Deputy S.M. Ahier of the Minister for Health and Social Services regarding recycling at the hospital: [OQ.139/2018]

Will the Minister inform the Assembly whether the hospital has a recycling policy and, if not, will he assure Members that such a policy will be introduced for the new hospital to ensure that glass, plastic, cans and other recyclables are not put in with general waste?

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

The hospital does not have a formal recycling policy, but as a matter of course hospital staff are encouraged to recycle as much as possible with appropriate signage and different-coloured waste bags to serve as a reminder. Recyclables include paper, card, cans, metals, glass, plastics and batteries and all are deposited at designated recycling banks. With regard to the future hospital, this approach will be formalised as a recycling policy in advance of the future hospital being opened.

3.19.1 Deputy S.M. Ahier:

Will the Minister vouch that Jersey will be in the van of recycling at the new hospital and a comprehensive recycling policy will be recommended to the future hospital group?

The Deputy of St. Ouen:

I very much hope that we would be in the van, as I think the Deputy said, that we would have the best policy available and recycle to the maximum extent. It is a detail that has yet to be worked out. If the Deputy has any particular thoughts about what should be included in a policy, I would welcome them and will pass them on to appropriate officers.

3.19.2 Deputy K.F. Morel:

Hearing the news that the hospital does not have a formal recycling policy, I was wondering whether that also stands for a larger environmental policy. Does the hospital have a formal environmental policy?

The Deputy of St. Ouen:

To the best of my knowledge, there is not a written document entitled *Environmental Policy* that I have seen, but that is such a wide term, I wonder what the Deputy may be referring to. The hospital deals with a great deal of hazardous waste, which is disposed of very carefully. If he is considering that issue, those sorts of wastes arise by clinical intervention and are strictly managed and controlled and separated at source and it goes to a separate waste incinerator at La Collette. To concentrate perhaps simply on one building within the States realm is perhaps not the right approach. If we are looking at how the States recycles internally, our own staff recycling or how the buildings we operate deal with recycling or deal with environmental issues, there needs to be a policy which is across the board. It is not enough, I think, just to say: "What is the hospital policy on it?" What is the States policy on how it recycles from its buildings? That is perhaps a more pertinent question.

3.19.3 Deputy K.F. Morel:

I welcome the idea that perhaps the Health Department might bring forward an environmental policy, but just to help the Minister understand, is it not a case that the States itself would have an environmental policy which covers the Health Department or the hospital, they would have to set up their own? Because the hospital, for instance, has its own needs. It will, by the nature of its work, be one of the largest organisations in Jersey with an effect on the environment, and as such, along with most corporate bodies nowadays of any size or scale, it would be normal to have an environmental policy. Will the Minister speak to his officers to see whether this is something that would be forthcoming?

The Deputy of St. Ouen:

Yes, I will speak to officers. I do recall now that in the planning for the new hospital, environmental impact assessments were made and mitigation measures for environmental potential harm would have been included within that. I can get back to the Deputy on the specific points he has raised this morning.

3.19.4 Deputy M. Tadier:

I like the word "formal", that we have no formal recycling policy, but of course the Minister could have omitted that word and it would have been equally true to say we have no policy when it comes to recycling. Does the Minister agree that it is unacceptable to wait for the new hospital to be built before there is a hospital policy on recycling, on environmental issues, or indeed a States-wide policy? Would he take the opportunity to lead by example by making sure that the hospital is fully equipped so that there is recycling at the hospital for staff and for users thereof?

The Deputy of St. Ouen:

My first answer would have indicated that there is recycling at the hospital for staff and all visitors. There is much recycling that goes on, so all the facilities are there to make recycling as easy as possible. I used the word "formal" because there is not a written document called a recycling policy that says: "Facilities will be provided for recycling" but they are there and there is every encouragement given to recycle.

[11:30]

I think a lot of recycling must depend on ourselves and the people we work with to encourage each other to make sure that we are all adopting best practice. Best practice does not just arise by writing down what people should do, it is about people working together in a team, they do want to recycle, all the facilities are there for them and it is happening.

3.19.5 The Connétable of St. Brelade:

Given that we have heard that the recycling structure within the present hospital is perhaps informal, would the Minister agree that most of what is disposed of ends up in the clinical waste incinerator

run by the Minister for Infrastructure and would he agree that in the new development that there ought to be communication between he and his Minister to ensure that we make best use of that very expensive facility?

The Deputy of St. Ouen:

The Connétable has said that most of the waste is termed hazardous waste. I do not have those percentages, but there is the general waste, which is much like household waste, which is separated and transported to La Collette for disposal in the incinerator in the usual way. There is the hazardous waste I have mentioned as well and the recyclable waste as well. All of these are separated into those 3 categories and dealt with very efficiently by the hospital. In fact, the department manages by having 3 trucks, which are used for waste disposal. It does not rely on the Parish to take the waste from the hospital, it separates and does it itself and has 3 trucks that are constantly operating for this purpose, so there is a great deal of work that does go on to recycle and separate waste.

The Connétable of St. Brelade:

Can I ask that the Minister answers the question and confirms he will work with the Minister for Infrastructure in developing a policy?

The Deputy of St. Ouen:

Yes. I will ask my officers to discuss with the Infrastructure Department whether the hospital can do anything better to improve recycling and waste disposal. I do not know if that answers the question.

3.19.6 Deputy S.M. Ahier:

Will the Minister guarantee that he will have a meeting with the Future Hospital group to ensure that the future hospital does have recycling facilities within it?

The Deputy of St. Ouen:

I am sorry, the Deputy is referring to the Future Hospital group. I am not sure who the Deputy wishes me to have a meeting with. If it is the Future Hospital team that is developing the programme, my advice is that there will be a formal recycling policy put in place, but I have to say I think it is early for us to be talking about how we recycle from a hospital when there is still doubt about where we are going to put it. If the Deputy wishes me to check with the team that such a policy will be in place, I will do so and I will revert to the Deputy.

3.20 Deputy L.M.C. Doublet of the Chief Minister regarding civil partnerships for mixed-sex couples: [OQ.145/2018]

Further to announcements from the U.K. Prime Minister that legislation there will be changed to allow mixed-sex couples the option of having a civil partnership, what plans, if any, are there for such provision to be made in Jersey's legislation, please?

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

I can confirm that a public consultation will be launched before the end of the year, seeking the public's views on the future of civil partnerships.

3.20.1 Deputy L.M.C. Doublet:

Does the Minister not agree that we should just make this change, rather than spending money on a public consultation? Recently a renowned Jersey advocate has come out saying in her experience this is something that is really needed in Jersey and also, given the line of reasoning behind extending marriage to same-sex couples was that they wanted the tradition behind the marriage and the meaning that a marriage brought, there are lots of couples that do not want the meaning of a marriage and they

might see it as a patriarchal institution and they might prefer a civil partnership. Could the Minister perhaps just bring forward the proposals and we could have the debate in the Assembly and we will naturally take into account the public's views without spending money on any extended consultation, which I believe was done as part of the original marriage consultation?

Senator J.A.N. Le Fondré:

There are quite a lot of points in there. I think the point is do we need to consult? I am advised yes, because although the U.K. have gone down one approach, which I will say personally I have some degree of sympathy with - I think we did cover that in the work we did earlier in the year - but another approach, which is what has happened in Sweden, is that civil partnerships get closed to new couples. I personally would prefer the first one, but I think one has got to understand and see what the outcome of any consultation is on that across the Island community.

3.20.2 Deputy M. Tadier:

The difference is of course that a lot of our workforce does not come from Sweden, was it, or from Scandinavia, it comes from the U.K. and we are part of Great Britain. Part of the issue is of course for couples who will be different sex coming to Jersey and they will not be recognised. Does the Minister accept that there is not really any alternative and that it is almost automatic that Jersey needs to do this? It is the right thing to do anyway, and rather than having a consultation, we should just lodge and inform the public and give them as much information as possible and as much time as possible to get used to the new requirements. It is hardly controversial.

Senator J.A.N. Le Fondré:

I think there are 3 points there. First, around 25 per cent of our working population is from Europe. I have no idea whether that is Sweden or not, but anyway, I cite that as an example of the difference in approach. I have said what my personal view is and my personal view is whatever it is, the present situation is not fair, which is why action will be taken. However, what I have also been advised and the reason there is a consultation being put together is there are a variety of other aspects that need to be consulted upon, which I think has been wrapped up in one document. Then there will be one set of changes that will come through to the law because that does cover divorce reform and obviously the future of civil partnerships, and I understood - and I am not sighted in what this means - the age of marriage.

3.20.3 Deputy M. Tadier:

As a supplementary: is Jersey leaving itself open to legal challenge between now and the eventual time that we bring in the change in law?

Senator J.A.N. Le Fondré:

I am not a lawyer and I cannot answer that question.

3.20.4 Deputy K.G. Pamplin:

As we are naming European countries, may I bring into light that civil partnerships have been in France since 1999, known as the P.A.C.S. (*pacte civil de solidarité*)? In fact, statistically those who fear for the state of marriage in the U.K. should not panic yet, marriage seems to be the most popular choice for couples in France: 184,000 P.A.C.S. were recorded in 2016 and there were 225,000 marriages. As part of the consultation, will he be including speaking to our French colleagues, friends and counterparts in France?

Senator J.A.N. Le Fondré:

If the Deputy insists, I suggest he contacts the relevant officers and asks them to do that. Thank you for the statistics. Bluntly, it is a decision as to whether one retains civil partnerships and expands

them or whether one basically closes it down to new entrants. My personal view is the former, but I believe there has to be a consultation on that process. I hope that helps matters.

The Bailiff:

A final supplementary? No, very well. Congratulations to all Members, you have managed to get through 20 questions in 2 minutes under 2 hours.

4. Questions to Ministers without notice - The Minister for Children and Housing

4.1 Deputy M.R. Higgins:

Is the Minister aware that 6 individuals who were named in the Independent Care Inquiry report for various reasons and removed from their positions while they were being investigated have been reinstated, although not necessarily in the same positions? If he knows, can the Minister inform Members of the details of the investigation that took place and the reason for their reinstatement, and if not, will he undertake to come back to the States with the information?

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

The answer to the first part of that question is that I am aware of it, but the answer to the second part is that I do not have all of the details to hand. If he thinks it would be useful to look into that and see where appropriately explanations can be given, then I am happy to do so.

4.1.1 Deputy M.R. Higgins:

Will the Minister bring the information back to the States as a whole?

Senator S.Y. Mézec:

Yes, pending looking at it and making sure that it is appropriate to do so, then I think we should be as transparent as possible.

4.2 Deputy R.J. Ward:

Can I ask the Minister: will he support the provision of a community and youth centre at the proposed housing development at the Jersey Gas site in St. Helier No. 2, given the commitment to children being at the heart of our work?

Senator S.Y. Mézec:

Just the smallest declaration here; I do live in the area, so it is within my interests as a resident for it to be as nice an area as possible. The Deputy knows that this is something I feel very passionate about. When I was Deputy for St. Helier No. 2, I did work to try to do something in the area. Ideally it would have been with the La Salle building, but it looks like the ship has probably sailed on that one. I have raised this is an issue with the board of Andium, because when such a large proportion of the housing development in that area is being done by Andium, I think it presents a good opportunity for some joined-up thinking and looking at the area as a whole. In my conversations with them, they recognise that there is a need for community services in the area, a youth centre in particular. I have spoken to Deputy Ward about this and we have also spoken to the head of the Youth Service and the Constable of St. Helier as well. I think that this is important and a really good opportunity to add to the much needed community provisions in that part of town and it is something I have very keen to see. I will endeavour to update the Deputy and anyone else who is interested as we move forward on this.

4.3 Deputy S.M. Ahier:

In light of the new measures for high-rise flats to have sprinklers installed, will the Minister make it a requirement for all Andium Homes low-rise flats to provide fire extinguishers on all floors as a basic fire precaution?

Senator S.Y. Mézec:

If that is not already the case, then to me that sounds like an appropriate thing to do. I promise to the Deputy that I will raise that with the Andium board at my next meeting with them. Anything we can do for safety or giving people peace of mind I think would be the right thing to do, so I will bring this up at the next board meeting.

4.4 Deputy M. Tadier:

I am sticking with the theme with Andium. Does the Minister have any thoughts on the recent and well-publicised pay increases that were given to the chief executive officer and to, I think, the finance officer?

Senator S.Y. Mézec:

In terms of the position of the Minister for Housing, the Minister for Housing deals with housing policy and not the governance issues to do with Andium. That is a matter for the shareholder representative, which is the Treasury Department. I will say that both the Minister for Treasury and Resources and the Assistant Minister for Treasury and Resources do liaise with me regularly on these matters and I am particularly grateful to the Assistant Minister for Treasury and Resources, who has kept me up-to-date on this. The Deputy has asked for my opinion and so I will give it. I was very surprised and I will say disappointed when I saw this. It struck me as not being appropriate, the levels of pay rise that were offered, and I am aware that the Treasury Department is looking at this. There are clearly governance questions to answer here and I will continue to liaise with them, but ultimately the Treasury Department has the responsibility for the governance side there, but I am disappointed. I do not think it was appropriate.

Deputy M. Tadier:

May I ask a supplementary?

The Bailiff:

You are rather monopolising this question time, but carry on.

4.4.1 Deputy M. Tadier:

I will take direction from the Chair, but if I may, the supplementary is to ask - if I can remember, having been put off my stride slightly - does the Minister believe that it is appropriate, the justification that was given by one member of Andium who has responsibility for these matters, who was talking about needing to be competitive and saying we need to compare this with other businesses? Does he think that Andium is not like any other businesses and it is in the business of being a social housing provider and that therefore we cannot make those comparisons?

Senator S.Y. Mézec:

I do. Those who work not just in the public sector but in arm's-length bodies, I do think that it is appropriate that they are remunerated properly, according to their responsibility, and those who provide social housing do have a lot of responsibility, so I do not think people should do that sort of work for free. But it is the case that social housing providers are not businesses. I do not believe that a profit motive is the right thing to inspire what actions these bodies undertake. I think that it was inappropriate and I do not accept the justification that has been given for it. It is an arm's-length body owned by the States to deliver social housing to those in need in Jersey and that is the philosophy which is done up in its actions.

Deputy M. Tadier:

May I make a point of order? I do not want to drag this out but I do not think it is fair to say I have been monopolising question time.

[11:45]

I have asked one question during questions without notice and I asked a supplementary. That is all I am saying.

The Bailiff:

Deputy, can I just apologise to you? I had your name down at the top of my list but I have just realised that it was a question that was brought over from the last one, so I am sorry.

4.5 The Deputy of St. Martin:

Given an absolute direct link between the number of people living in Jersey and the demand for housing, was the Minister disappointed when this Council of Ministers' Strategic Plan failed to have a population policy as an immediate priority?

Senator S.Y. Mézec:

No, the population issue was not one of the 5 headline figures in the Strategic Plan but it is referred to in the Strategic Plan. It is a policy that affects pretty much everything that this Government will want to do, whether it is the provision of housing or the provision of public services, so I was not disappointed in that. I know that the Chief Minister is putting a policy development board on population together, and I support him doing that, and I hope that we can do that work as speedy as possible. So the answer directly to his question is, no, I was not disappointed because I have faith that the issue is going to be dealt with. But as an aside, I would say that I am very proud of this Strategic Plan. I voted against the last Strategic Plan and I am looking forward to enthusiastically voting in favour of this one. [Approbation]

The Connétable of St. Lawrence:

Sir, if I may, I have been trying to attract your attention. I would like to ask for clarification on the previous answer given by the Minister. Am I able to do that, please?

The Bailiff:

Well, you can ask a question to him now, yes.

4.6 The Connétable of St. Lawrence:

It was not clear to me from the Minister's answer a few moments ago regarding the increases in pay to members of the Andium Board whether or not he advised the Assembly that the payments had been made with the knowledge and agreement of the Minister for Treasury and Resources and Assistant Minister.

The Bailiff:

Well I am not sure that is necessarily within the scope of this Minister's knowledge, is it?

The Connétable of St. Lawrence:

He referenced it; I was just trying to get clarity.

Senator S.Y. Mézec:

I cannot speak on behalf of the Minister for Treasury and Resources and Assistant Minister for Treasury and Resources for what has been in their minds or what their understanding of particular points has been at any given time. I think the detail of how we have got into the situation that we are

in there I think is a question that is best put directly to the Minister for Treasury and Resources rather than myself. But the involvement from the Minister for Children and Housing in any issues to do with pay has been none at all.

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

I believe negotiations with MyDeposits.com are underway for the renewal of what is a landlord and tenant arbitration service. I believe it is up for renewal in November. Will the Minister share with us his intent to renew or not, as the case may be? If so, are there to be any significant or material changes in the agreement going forward?

Senator S.Y. Mézec:

The Deputy is right that this is up for renewal in November. I have not put pen to paper on that decision to authorise it but I will say that I think that we do not really have many options given that the MyDeposits scheme I think is operating well and meeting the performance indicators we set for it, so we are going to have that discussion imminently. What I will say to him is that if we renew with MyDeposits now, we will have to re-evaluate this again in a few years' time which will be in this term of office. When there are changes to the tenancy protection scheme, I think that it is right that we engage with the users of that service to make sure that we are delivering on what potential issues they may see with that. So I am happy to have further discussions if he thinks there are particular things we can do to improve that service; more than happy to hear them. When we have ideas about how we can improve them, I am more than happy to speak to those with an interest in this to make sure they are happy as well.

4.8 The Deputy of St. Peter:

I understand you have inherited this particular situation and I understand there is a lead-up of consultation required. Can I ask the Minister to keep the negotiations down to say a one-year renewal so that we can bring this forward as fast as possible and have some focus on deciding whether it is the right solution for landlords and tenants alike in the Island and put some focus on that consultation period?

Senator S.Y. Mézec:

I apologise for not being prepared to give that specific guarantee of having it as a one-year rather than 2-year because I think I would need to take advice on whether that is the right thing to do because whatever service provider we engage with on this will want long-term certainty. So I think that there are questions to ask, so I am not prepared to give him that guarantee, but I am always prepared to have that discussion with him and others, though.

4.9 Deputy K.F. Morel:

On the children side of your brief, Minister, I was wondering what work the department and you are doing directly to help support families in terms of helping children. Every time a child is born a family is created and every child who needs the help of the state it is often because of family dysfunction or not coping in some way. So I was wondering if you can update the Chamber on what work you are doing with families.

The Bailiff:

Through the Chair, Deputy.

Senator S.Y. Mézec:

I am interpreting that as a question to do with early years and support, in which case I can say that there is going to be a policy development board put together relatively soon, which I will serve on, as will the Minister for Education, and that is going to be looking at this. At this point I would have

to clarify exactly what the timetable is for putting that together but I know early years provision has been a political priority for the Minister for Education. I of course share that and am looking forward to serving on a board to see what improvement, any offer we can give to new families when they have a new-born child, what can be done to improve service provision for them to give them the best start in life.

4.10 Senator K.L. Moore:

While I congratulate the Council of Ministers on the inclusion of the aim that children will live healthy lives, enjoying the best health and well-being possible, there is no mention in this Common Strategic Policy of breastfeeding or the U.N.I.C.E.F. Baby Friendly Initiative, nor do they appear in the draft indicative programme for government plan which was published today. Will the Minister reassure Members please that he is committed to both breastfeeding and the U.N.I.C.E.F. Baby Friendly Initiative?

Senator S.Y. Mézec:

I can appreciate any Member who may be disappointed in something that was not directly referenced in the Strategic Plan. There are millions of things we can choose to put in it, so I of course sympathise with the Senator's position. As far as I am concerned, it absolutely should be the role of Government to do what we can to support new families. For those who choose to breastfeed their children, they of course should be supported through that by whatever means possible. That is why I have been a long supporter of extending maternity leave provisions in the Island; I think that is an important thing to do. We have already had a discussion in the Assembly today with other Ministers about what practical steps can be done to improve that in the Island. This is something I think for multiple Ministers to be discussing but I share the Senator's view on this, it is important and it is something the Government should be supporting.

4.11 Senator S.C. Ferguson:

With regard to the MyDeposits scheme, have there been many complaints under that, and is it not possible to start looking at operating this on-Island, for instance, through the Community Savings Bank who I understand would have been quite happy to have taken this on?

Senator S.Y. Mézec:

I can confirm that there have been 92 disputes that have been heard since the scheme was introduced. These are disputes that previously would have had to have been heard in court, so I think it is substantially better that they are dealt with this way rather than having to go through that process. When the scheme was set up, there was discussions about having the Community Savings Bank play a role in delivering it and the previous Minister decided that that was not a viable option, I understand because the actual extent of the provision was not as high a standard as was able to have been provided by MyDeposits who of course provide that service across the whole of the U.K., so there was a judgment call made at the time there. As I said in reference to a question from the Deputy of St. Peter, if we renew the current service it will have to be reviewed again within this term of office, and so those discussions can be had. I, of course, want the best service that is possible for both tenants and landlords, and I think that we should always be open to having discussions, not just on-Island but pan-Channel Islands, because I know Guernsey are looking at a deposit protection scheme because of difficulties that they have had there as well. We should always be open to those discussions and I can guarantee her that these will be looked at within this term of office.

5. Questions to Ministers without notice - The Chief Minister

5.1 The Connétable of St. Lawrence:

What plans are in place for Jersey in the event of a ‘no-deal’ Brexit?

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

Obviously, the Minister for External Relations deals with matters for Brexit in detail but the general principle is that we are still planning on a day-one deal even though, I hope - I think many people hope - that there is likely to be some formal arrangement arrived at between the United Kingdom and the European Union. I suspect it is going to go right down to the wire. In terms of specific measures, for example, the Connétable will be aware that we have the vehicle testing regime coming through. There will be further measures coming through in due course which will put us in, we hope, an appropriate space for a day one ‘no-deal’ on day one. Thank you.

The Bailiff:

Connétable, I have put you to the bottom of the list; you will come back up again quickly. Connétable of St. Helier.

5.2 The Connétable of St. Helier:

The United Nations I.P.C.C. (Intergovernmental Panel on Climate Change) has said this week that governments must take “rapid far-reaching and unprecedented changes in all aspects of society” to avoid disastrous levels of global warming in just a dozen years’ time. Yet in the Budget lodged yesterday, we see no new environmental taxes at all. What is the Council of Ministers doing to show that this Government takes the prospect of global warming seriously?

Senator J.A.N. Le Fondré:

I am sure the relevant environmental measures will come through from the policies that the Minister for the Environment develops. However, in relation to the Budget, obviously we deliberately kept it as a fairly low-key budget in terms of the challenges of Brexit that are coming through in the forthcoming year. Thank you.

5.3 Deputy S.M. Wickenden:

Would the Chief Minister please confirm to the Assembly that a whole load of funds have now been amalgamated into a new fund, so funds such as the E.P.G.D.P. (Economic and Productivity Growth Drawdown Provision) Fund, Contingency Fund and other funds that were agreed by this Assembly have been amalgamated to a new fund that is under the control of something called the Investment Appraisal Board? If he confirms in the positive, will he inform the Assembly which funds have been taken and brought into this new fund and what the terms of the use of these funds are, please?

Senator J.A.N. Le Fondré:

I do not have the details fully. I can confirm that some elements of unspent amounts on capital projects have been swept up together to form one lump sum. In relation to the detail that the Deputy has referred to, I believe there has been some discussion on the matter. I am not aware whether the Minister for Treasury and Resources has signed-off on anything as yet.

5.4 Deputy K.G. Pamplin:

Not wanting to get ahead of myself in my public hearing upcoming with the Chief Minister; however, will the Chief Minister confirm that if the planning inspector gives the go ahead for the new hospital site, he will be coming back to this Assembly for a final yes or no vote?

Senator J.A.N. Le Fondré:

My predecessor, as the Deputy well knows, made a commitment to the electorate during the hustings period that there would be a final vote by this Assembly on the Future Hospital project and I feel bound to honour that commitment, so yes.

5.5 Deputy M.R. Higgins:

Further to the Bailiff's comments on the Access to Justice proposition, does the Chief Minister have any indication of what the turnover or profits that are being made by the Island's law firms are?

Senator J.A.N. Le Fondré:

You will be delighted to know, I read the comments with interest, and that also piqued my curiosity. I am given to understand that the turnover of law firms on the Island is in the order of £250 million annually.

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

Would the Chief Minister inform us what objectives the new chief executive has completed in his first 9 months and what is expected by the end of 2018?

Senator J.A.N. Le Fondré:

The Deputy will be aware that there is a 6-monthly report, so there was one that was produced 3 months ago and there will be another one done at the end of the year which will identify progress.

[12:00]

What I can say in terms of, for example, if we are looking at changing of organisational culture, that is why TDP have been appointed, to assist on that process. In terms of delivery of savings, we will be making an announcement on that shortly.

5.7 Deputy J.H. Perchard of St. Saviour:

Does the Chief Minister agree that the complete lack of diversity on the boards of States-owned bodies such as Jersey Water, Jersey Post, Jersey Electricity, Ports of Jersey, Andium, JT and the S.o.J.D.C. (States of Jersey Development Company) should be addressed given the substantial evidence showing the significant risks posed to organisations whose boards do not diversify and given the fact that having a diverse board is increasingly considered best practice within the global business community? Thank you. **[Approbation]**

Senator J.A.N. Le Fondré:

I cannot recite completely all the board members of all the entities that the Deputy has referred to but I am certainly aware, I believe, that the chairman of S.o.J.D.C. is female and I am fairly certain - but I stand to be corrected - that there is a woman member on Andium. I am just picking up on the point on the "complete lack of diversity" just as a clarity point. As a general principle, I take the point. What I will turn around and say is I am not in favour of what I will call "quotas"; it has to be on merit. Personally I do not care what gender someone is, if that makes sense, I want to know they have the ability. So, in other words, there is more to be done, no question, but it has got to be on ability and there are lots of able people out there, not on a quota system, as far as I am concerned. I do take the point the Deputy is making and I do support the general principles.

Deputy J.H. Perchard:

May I ask ...

The Bailiff:

Deputy, I have put you down on the list for ...

Deputy J.H. Perchard:

Thank you.

5.8 Deputy S.M. Ahier:

Will the Chief Minister inform the Assembly why there is scarcely a mention of people with disabilities in his Common Strategic Policy and will he assure us that people with disabilities, who are the most vulnerable members of our society, will be provided for in the same way as our children?

Senator J.A.N. Le Fondré:

Without going directly to the reference, we have definitely said we will implement the disability strategy.

5.9 Connétable K. Shenton-Stone of St. Martin:

The Council of Ministers have stated that they wish to work more closely with Parishes and provide healthcare hubs. As the Chief Minister knows, the Parish of St. Martin is very keen and is actively working on delivering healthcare to its parishioners; however, this costs money. Would the Chief Minister agree that it is important to have funding available for the Parishes to help them deliver these vital services? [Approbation]

Senator J.A.N. Le Fondré:

It is always important to have funding available but of course the source of the funding is the bit we have to establish.

5.10 Deputy K.F. Morel:

Please could the Chief Minister update the Assembly on any activities and efforts he is undertaking since obtaining office to strengthen relationships with Jersey's nearest neighbour, France, and beyond that, the E.U.?

Senator J.A.N. Le Fondré:

I am delighted with the question. Last Friday I was in Guernsey meeting the President of Normandy and the representative of La Manche. On Thursday night I was at the German Embassy where we had discussions - brief discussions - with the Ambassador for Germany, the Ambassador for Austria, the Ambassador for Ireland, although it was at officer level, and one of the members of the Portuguese Embassy, so there are quite widespread contacts. There have been others and there have been other visits; the Deputy will recall we also had the visit of the Portuguese Ambassador not so long ago. So there is a programme of engagement at an E.U. level and there is a programme of engagement at the regional level, France, and we hope that will be increased at some point shortly at a higher level. Obviously also we have the A.P.F. (Assemblée Parlementaire de la Francophonie) conference coming up shortly which I am still intending to attend. Thank you.

5.11 The Deputy of St. Martin:

I was disappointed with the Chief Minister's answer to the Constable of St. Helier. Yesterday the United Nations Intergovernmental Panel on Climate Change stated that the planet has only until 2030 to stem catastrophic climate change. In hindsight, is the Chief Minister not embarrassed that his Strategic Plan is devoid of reference to climate change?

Senator J.A.N. Le Fondré:

We have made the environment one of our top 5 priorities and, as I said, I am expecting the Minister to develop the relevant policies including on the areas that the Deputy has referred to. As I said, the fact that we have not specifically identified certain areas, as the Minister for Children and Housing has already referred to, does not mean it will not be done.

5.12 Deputy R.J. Ward:

Can I ask the Chief Minister what criteria he is using for inclusion and invitation on to policy development boards?

Senator J.A.N. Le Fondré:

At the moment I am waiting for terms of reference to arrive for policy development boards and at that point it will be an assessment in conjunction with the Minister, as to the Executive side, and then I shall put some requests out for any non-Executive members as well. Thank you.

5.13 The Connétable of St. Lawrence:

Notwithstanding that Brexit comes under the remit of the Minister for External Relations, the Chief Minister is the Chief Minister, and I would like to ask him in the event of a ‘no-deal’ Brexit, what consideration has been given to independence?

Senator J.A.N. Le Fondré:

Independence has not formed part of the consideration in relation to preparation for a day one Brexit ‘no-deal.’

5.14 Deputy J.H. Perchard:

Sorry, I am just scribbling my notes. But is the Minister aware that having one member of any particular gender does not constitute having a diverse board, and that when I asked my original question, I did not refer to gender at all but referred directly to diversity? I would ask him again if he thinks we should address the fact there is a lack of diversity on our boards. Meritocracy does not work if equal opportunity does not exist. To suggest that the best people for the job are all of the same age, ethnicity, indeed, gender or disability, is to go against extensive research to the contrary which shows that a diverse range is essential to mitigate against very real risks to businesses? Thank you.

Senator J.A.N. Le Fondré:

I think the point I would pick up from the Deputy is that she did start her question at the time with the statement the “complete lack of diversity” and I was just pointing out that I felt she was slightly wrong. However, the point I was trying to make is that I agree with the points in principle being made about trying to widen the range of members on boards, *et cetera*. I have no issues with that whatsoever. The caveat I always make on these things is it has got to be on ability, capability, which the Deputy is absolutely right; however, I am not in favour of what I call a quota system. I would not read any more into that. So, I am agreeing with her as a principle; I was challenging her slightly on the way I interpreted the first utterances of her question, but as a principle I agree with her.

Deputy J.H. Perchard:

Can I just ask the Chief Minister to clarify something he said? Is that allowed?

Senator J.A.N. Le Fondré:

Yes.

5.14.1 Deputy J.H. Perchard:

Just a point of clarification: is the Chief Minister suggesting that he believes that having a diverse board does not necessarily mean representative ... a board that represents the demographic makeup of the community which is what I meant when I said a “diverse board”? Because a complete lack of a diverse board would mean that it does not represent the community that it is meant to represent. In the public sector I think our boards should be representative and truly diverse which means reflecting the community.

Senator J.A.N. Le Fondré:

Sorry, I was tying it in with some correspondence I have received which I understood to be on gender balance rather than community representation. I think I take it back to the point that I have no issues if appropriate candidates come forward of improving the diversity of a board. The point I was trying to say is that I would not be in favour if it was done, for the sake of argument, on a percentage basis that said 10 per cent of our population comes from a particular country; therefore, 10 per cent of our boards have to be from that country. I do not think that is an appropriate way forward. I do agree with widening the membership of boards. It has seemed to be the case in the past that it has been, shall we say, for want of a better expression, the usual suspects that tend to come forward. That is something we have to address but that takes time because obviously all board members are in place for a particular period.

5.15 Deputy M. Tadier:

With regard to kerbside recycling, does the Chief Minister - which is in line of course with the wider government policy on the environment - believe that the Parishes have proven themselves capable of introducing an Island-wide system and, if so, how long does he believe that will take to see all Parishes with such a scheme?

Senator J.A.N. Le Fondré:

Did the Deputy say “incapable” or “capable”?

Deputy M. Tadier:

Well if I rephrase: does the Chief Minister think that we need a centralised system for kerbside recycling or does he believe that the Parishes are capable of delivering this?

Senator J.A.N. Le Fondré:

I think the Parishes are eminently capable of handling it. It comes down to where does one stop and where does one start in terms of the Parish system? Because if the argument is that the Parishes are not capable of producing a recycling system, then they are not capable of refuse collection, then they are not capable of other things. I think the Parishes are eminently capable of doing things. It is a matter for the individual Parishes because sometimes there are certain circumstances where a ratepayer is not willing to do certain things and that is where we need encouragement and discussion.

Deputy M. Tadier:

May I ask a supplementary?

The Bailiff:

No, I am afraid you cannot.

Deputy M. Tadier:

Okay.

The Bailiff:

The 15 minutes is now up for the Chief Minister and so that brings question time to an end.

PUBLIC BUSINESS

6. Ratification of the Agreement between the Government of Jersey and the Government of the United Kingdom of Great Britain and Northern Ireland for the Elimination of Double Taxation with respect to Taxes on Income and on Capital Gains and the Prevention of Tax Evasion and Avoidance (P.97/2018)

The Bailiff:

There is nothing under J, Personal Statements, or no Statements of Matters of Official Responsibility, so we come to Public Business. There is one item which is P.97, Ratification of the Agreement between the Government of Jersey and the Government of the United Kingdom, and I ask the Greffier to read the proposition.

The Greffier of the States:

The States are asked to decide whether they are of opinion to ratify the agreement between the Government of Jersey and the Government of the United Kingdom of Great Britain and Northern Ireland for the elimination of double taxation with respect to taxes on income and on capital gains and the prevention of tax evasion and avoidance, as set out in Appendix 1 to the attached report of the Minister for External Relations dated 24th July 2018.

The Bailiff:

It is lodged by the Minister for External Relations. Minister, would you like to propose the proposition?

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

Yes, this is a new double taxation agreement with the Government of the United Kingdom. Members will see from reading the report that it will replace the existing 1952 agreement and it follows current international standards which, sadly, the 1952 agreement does not. It is, in effect, largely a clarificatory agreement giving clarity to those individuals and companies who wish to avail themselves of this agreement; it gives them certainty. It is important that we continue to build on our relationship with the United Kingdom Government and entering into this O.E.C.D. (Organisation for Economic Co-operation and Development) model-type agreement, which we have letters of entrustment to do so, I think strengthens that relationship and continues to strengthen and build upon our international personality. Therefore, it gives me pleasure to ask Members of the Assembly today to ratify this agreement. Thank you.

The Bailiff:

Is the proposition seconded? [**Seconded**] Does any Member wish to speak?

6.1.1 Deputy J.H. Young of St. Brelade:

I am very pleased to see this and agree with the Minister's words there but I would just like to pick out a couple of points which I think are relevant, particularly to local policy choices. One, it is very good to see the provision clearly in Article 17 relating to pensions which make it very, very clear that pensions are taxable where people are residents, which of course probably consolidates the existing position for the U.K., but clearly avoids the situation which is still unresolved even about people moving away from Jersey, into other jurisdictions in some cases, but this is good that this one works. I would like the Minister to comment please about the issue of business profits. In particular, in relation to the issues that we currently face about the tax on retail profits that we introduced, and obviously is still being questioned. Whether or not the arrangements in here for Article 7 create any complications or opportunities for businesses that have substantial trading in Jersey, they have substantial turnover of local sales and employ people here, whether or not the provisions of this agreement do enable us to make decisions on those matters on our local tax situation unencumbered by the agreement. If perhaps the Minister could comment on whether he sees any complication or whether he sees this as entirely neutral to our current arrangements for tax on U.K. retailers operating in Jersey.

[12:15]

6.1.2 Deputy K.F. Morel:

I just want to speak on behalf of the Economic Affairs Scrutiny Panel who have had a look at this double taxation agreement. We were briefed as well by officers and I just wanted to reassure the Assembly that we did look into various aspects of it, including business taxation, personal taxation, and the effects it would have on local businesses as well. Because while the double taxation agreement is primarily thought of in terms of its financial services benefits, it does affect regular people and regular businesses outside the financial services industry as well. I just wanted to say that as a panel we were satisfied that a double taxation agreement is appropriate and a good modernisation of a well-worn and existing agreement, so we would recommend that it be passed by the Assembly.

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

Can I ask the Minister: why do we not have a double taxation agreement with Portugal and Poland given that we have got quite a large minority community from these 2 countries?

The Bailiff:

Well that is a slightly different question but no doubt the Minister will pick it up. Are there any other Members wishing to speak? If not, then I call on the Minister to reply.

6.1.4 Senator I.J. Gorst:

Firstly, can I thank the chairman of the panel and all panel members for what was reported to me to be a very fruitful session looking at the detail of the provisions of this agreement? The chairman has very eloquently said of course that these agreements, while we may think of them in terms of financial services, do affect all businesses and all individuals whom may wish to use them. Therefore, it is important that they are properly scrutinised, and Members this afternoon can take comfort from what I understand was a very thorough Scrutiny session looking at the agreement and I am grateful to them for that. So the Minister for the Environment asked about complications for domestic taxation. He is aware that we are autonomous when it comes to domestic and fiscal matters and therefore I think the concerns he was alluding to, although he was not quite as clear as he might have been about what exactly those concerns were, but I think they were about whether we could introduce our own taxes here on local companies. He need not be concerned about that because of course we can but we do so in a good neighbourly manner. Of course there was domestic conversation about whether it was a suitable approach to introduce a retail tax or not. The previous Assembly agreed that it was because they wished to introduce what they felt was greater fairness in the current corporate tax regime by introducing a tax rate on large retailers. This agreement does not hinder this Assembly in any of its historic rights and privileges in regard to raising taxation. I hope that that gives the Deputy the comfort that he is seeking this morning. So why do we not have a double taxation agreement with Portugal and Poland? It may surprise some Members that not every country around the globe wishes to enter into double taxation agreements with jurisdictions who have corporate tax regimes structured in the way that we do. Having said that, both of the 2 countries mentioned, we do have tax information exchange agreements and it is fair to say that our tax authorities perhaps have not always had, in the case of one of those countries mentioned, but currently do have very good relations with the Tax Departments of both of those countries. That relationship has improved over recent months, not only at official level, but also at political level. When I was in Paris signing the multilateral instrument, I took the opportunity to speak with the Portuguese Finance Minister. Former Senator Bailhache went to Lisbon with an official and met with the Ministry of Finance and that relationship certainly has improved greatly. It may be that in due course they are willing to enter into negotiations of a double taxation agreement but we do currently share information with them. Members will see from reading the report that there are 2 other D.T.A.s (Double Taxation Agreements) which are in the process of being finalised and there are others which we will be entering into in due course. Ministers consider which agreements might be suitable, not only economically but socially, from our

perspective to enter into and I suspect that certainly with regard to Portugal we will continue to see if that is possible. As I said, this follows the O.E.C.D. model agreement. Members will see there is a particular passage about tax collection, which is left over for a future date. That arises from the fact that the model agreement has such clauses in today. Those Members who follow such things will know that we have other model agreements in tax information exchange agreements and they too have been left over for a following day. We have in effect entered reservations and those matters will be dealt with in due course, in this instance, probably by the exchange of a signed letter. So, I hope that Members will see the benefit of updating the double taxation agreement with the United Kingdom Government and this morning give the ratification their unanimous support. Thank you.

The Bailiff:

All Members in favour of adopting the proposition, kindly show?

Deputy K.C. Lewis:

The appel, please.

The Bailiff:

The appel is called for. I invite Members to return to their seats. The vote is on whether to adopt the proposition seeking ratification of the agreement between the Government of Jersey and the Government of the United Kingdom in relation to taxation and I ask the Greffier to open the voting.

POUR: 46	CONTRE: 0	ABSTAIN: 0
Senator I.J. Gorst		
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		
Senator S.Y. Mézec		
Connétable of St. Helier		
Connétable of St. Clement		
Connétable of St. Lawrence		
Connétable of St. Saviour		
Connétable of St. Brelade		
Connétable of Grouville		
Connétable of St. John		
Connétable of Trinity		
Connétable of St. Peter		
Connétable of St. Mary		
Connétable of St. Ouen		
Connétable of St. Martin		
Deputy J.A. Martin (H)		
Deputy of Grouville		
Deputy K.C. Lewis (S)		
Deputy M. Tadier (B)		
Deputy M.R. Higgins (H)		
Deputy S.J. Pinel (C)		
Deputy of St. Martin		
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 L.B. Ash (C)				
Deputy K.F. Morel (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				

ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS

The Bailiff:

Chairman, you wish to propose the arrangements for forthcoming business?

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

Yes, there is no alteration to the arrangement of public business that is published on the Consolidated Order Paper for the next sitting which I advise Members runs the risk of possibly extending into the afternoon session. **[Laughter]**

The Bailiff:

Very well, the States now stands adjourned until 9.30 a.m. on 23rd October.

ADJOURNMENT

[12:23]