

# STATES OF JERSEY

## OFFICIAL REPORT

**TUESDAY, 4th JUNE 2019**

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[9:31]

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

## **COMMUNICATIONS BY THE PRESIDING OFFICER**

**The Deputy Bailiff:**

### **1.1 Welcome to His Excellency the Lieutenant Governor**

On behalf of Members I would like, in the usual way, to welcome His Excellency the Lieutenant Governor to the Chamber this morning. **[Approbation]**

### **1.2 Mace refurbishment**

For those who are wondering, the mace is away for its regular cleaning and refurbishment, which is why it is not in the Assembly today. I can see everybody was worried about that. The clock is now more accurate than it has been at any time in the past. **[Laughter]**

## **APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS**

### **2. Nomination of Deputy J.H. Perchard of St. Saviour as a member of the Privileges and Procedures Committee**

**The Deputy Bailiff:**

Under F, the Chairman of the Privileges and Procedures Committee has given notice of his intention to nominate Deputy Perchard as a member of the Committee. The need for an additional nomination flows from Deputy Wickenden ceasing to hold the position on his appointment to ministerial office.

#### **2.1 Deputy R. Labey of St. Helier (Chairman, Privileges and Procedures Committee):**

Due to the elevation of Deputy Wickenden, we have a vacancy. I am delighted that Deputy Perchard has agreed to join the Committee, with the Assembly's permission. She has already demonstrated an interest in the scope of the responsibilities of Privileges and Procedures and I am quite sure she will be an asset to the Committee.

**The Deputy Bailiff:**

Is the nomination seconded? **[Seconded]** Are there any other nominations? If there are no other nominations, I declare Deputy Perchard as being duly appointed as a member of the Privileges and Procedures Committee. **[Approbation]**

## **QUESTIONS**

### **3. Written Questions**

#### **3.1 DEPUTY K.G. PAMPLIN OF ST. SAVIOUR OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE STAFFING LEVELS AT THE GENERAL HOSPITAL: (WQ.215/2019)**

##### **Question**

Will the Minister provide an update on staffing levels at the General Hospital from the past 18 months, indicating when and in which departments staffing levels were under capacity and in which departments and on which dates reduced staffing levels coincided with higher than average demand for the services provided by those departments?

[Please note that an answer to this question was initially tabled on 21st May 2019. This is an updated answer]

## Answer

The staffing levels (vacancies) over the past 18 months (October 2017 – April 2019) by department are provided below. It is not possible to provide data or information identifying staffing levels against demand as this data has not previously been captured. As part of the PeopleLink programme across the Government of Jersey, HCS has commenced implementation of e-rostering (an electronic rostering system), across all departments and pay groups, which will enable us to manage our resources in a more transparent and efficient way. For ward areas, as part of this work, we are implementing an additional software package called 'Safe Care'; this will enable us to compare the amount of individual nursing care required per patient and the number of nurses available on the clinical area under scrutiny (ie overall, the sicker and less mobile the patients are in a unit eg intensive care unit, the more nursing care per patient is needed) alongside our staffing levels and bed occupancy, providing assurance in relation to staffing and demand. All wards will be using this system by the end of the year.

<b>October 2017</b>										
Department	Nursing & Midwifery		Dr's & Consultants		AHPs		Civil Servants		Manual Workers	
	Vacancy #	%	Vacancy #	%	Vacancy #	%	Vacancy #	%	Vacancy #	%
Diagnostic & Clinical Support	2.6	7.1	1.1	7.8	6.5	3.2	1.6	8.0	N/A	
General	0	0	0.2	11.1	0.5	25.7	14.5	11.9	1	50
Estates & Facilities	N/A		N/A		N/A		0.5	1.9	10.6	11.6
Medical Specialities	23.1	11.4	4.8	8.9	0	0	1	6.7	N/A	
Surgical Services	12	9.2	1.3	3.5	0.7	6.6	0.3	2.8	N/A	
Theatres	19.5	16.8	2	8.7	0	0	3	28.7	N/A	
Therapy Services	2	50	0	0	10	10.1	2.8	21.4	N/A	
Women & Children	5.7	4.7	8.5	30.8	1	100	0.2	1.5	N/A	

<b>November 2017</b>										
Department	Nursing & Midwifery		Dr's & Consultants		AHPs		Civil Servants		Manual Workers	
	Vacancy #	%	Vacancy #	%	Vacancy #	%	Vacancy #	%	Vacancy #	%
Diagnostic & Clinical Support	2.6	7.1	0	0	0	0	1.6	8.0	N/A	
General	0	0	0	0	0.5	25.7	14	11.2	1	50
Estates & Facilities	N/A		N/A		N/A		0.5	1.9	9.6	10.5
Medical Specialities	23.1	11.4	6.8	12.7	0	0	2	13.5	N/A	
Surgical Services	14.2	4	0.7	1.9	1.1	10.3	0.7	6	N/A	
Theatres	14.5	12.5	1	4.3	0	0	3	28.7	N/A	
Therapy Services	2	50	0	0	8.8	7.9	2.2	16.7	N/A	
Women & Children	3.8	3.1	10.4	35.1	1	100	0.2	1.5	N/A	

<b>December 2017</b>										
Department	Nursing & Midwifery		Dr's & Consultants		AHPs		Civil Servants		Manual Workers	
	Vacancy #	%	Vacancy #	%	Vacancy #	%	Vacancy #	%	Vacancy #	%
Diagnostic & Clinical Support	2.9	7.9	1.1	7.8	7	3.4	2.1	10.2	N/A	
General	0	0	0	0	0.5	25.7	18.6	14.2	1	50
Estates & Facilities	N/A		N/A		N/A		0.5	1.9	10.6	11.6
Medical Specialities	18.1	8.8	4.8	8.9	0	0	1.3	9.1	N/A	
Surgical Services	15.7	12	0.7	1.9	1.9	17.9	0.7	6	N/A	
Theatres	14.1	12.2	1	4.3	0	0	2	19.3	N/A	
Therapy Services	2	50	0	0	10.6	10.6	2.2	16.8	N/A	
Women & Children	3.8	3.1	9.4	31.8	1	100	0.2	1.5	N/A	

<b>January 2018</b>										
Department	Nursing & Midwifery		Dr's & Consultants		AHPs		Civil Servants		Manual Workers	
	Vacancy #	%	Vacancy #	%	Vacancy #	%	Vacancy #	%	Vacancy #	%
Diagnostic & Clinical Support	3.3	9.4	2.1	14.9	7.1	3.5	1.6	3.1	N/A	
General	0	0	0	0	0.5	25.7	14.7	11.3	2	100
Estates & Facilities	N/A		N/A		N/A		0.5	1.9	6.6	7.2

Medical Specialities	19.8	9.7	5.4	10	1	75	1	6.8	N/A
Surgical Services	13.3	10.2	0.7	1.9	1.9	17.9	0	0	N/A
Theatres	13.7	11.8	1	4.3	0	0	2	19.3	N/A
Therapy Services	0	0	0	0	17.3	17	4.2	26.2	N/A
Women & Children	4.1	3.4	7.4	25	1	100	0	0	N/A

<b>February 2018</b>										
Department	Nursing & Midwifery		Dr's & Consultants		AHPs		Civil Servants		Manual Workers	
	Vacancy #	%	Vacancy #	%	Vacancy #	%	Vacancy #	%	Vacancy #	%
Diagnostic & Clinical Support	2.3	6.6	2.1	14.9	5.5	2.7	1.1	5.5	N/A	
General	0	0	0	0	0.5	25.7	15.7	12.1	1	50
Estates & Facilities	N/A		N/A		N/A		0.5	1.9	8.6	9.4
Medical Specialities	22.4	10.8	3.8	7	0	0	0	0	N/A	
Surgical Services	17.1	13.1	0.7	1.9	1.9	17.9	0	0	N/A	
Theatres	11.7	10.1	1	4.3	0	0	1	9.8	N/A	
Therapy Services	0	0	0	0	14.1	13.8	4.1	25.6	N/A	
Women & Children	5.1	4.2	7.4	25	1	100	0.9	9	N/A	

<b>March 2018</b>										
Department	Nursing & Midwifery		Dr's & Consultants		AHPs		Civil Servants		Manual Workers	
	Vacancy #	%	Vacancy #	%	Vacancy #	%	Vacancy #	%	Vacancy #	%
Diagnostic & Clinical Support	1.3	3.7	2.1	14.9	8.9	4.2	1.7	8.3	N/A	
General	0	0	0	0	0.5	25.7	17.7	13.7	2	100
Estates & Facilities	N/A		N/A		N/A		1.5	5.5	8.6	9.4
Medical Specialities	21.3	10.3	4.3	8.1	0	0	1	6.6	N/A	
Surgical Services	16	12.3	0.7	1.9	1.9	17.9	0	0	N/A	
Theatres	10.7	9.2	1	4.3	0	0	1.9	17.5	N/A	
Therapy Services	0	0	0	0	13.7	13.3	4.1	25.6	N/A	
Women & Children	5	4.1	7.4	25	1	100	1.6	15.7	N/A	

<b>April 2018</b>										
Department	Nursing & Midwifery		Dr's & Consultants		AHPs		Civil Servants		Manual Workers	
	Vacancy #	%	Vacancy #	%	Vacancy #	%	Vacancy #	%	Vacancy #	%
Diagnostic & Clinical Support	1.8	5.2	1.1	7.8	9.9	4.8	1	4.8	N/A	
General	0	0	0	0	0.5	25.7	22	16.8	2	100
Estates & Facilities	N/A		N/A		N/A		0.5	1.9	9.6	10.5
Medical Specialities	23.6	11.4	4.3	7.9	0	0	1.3	8.9	N/A	
Surgical Services	18.8	14.2	2.4	6.3	3.1	25.8	0.3	2.6	N/A	
Theatres	15.6	13.1	2	8.3	0	0	2.1	19.5	N/A	
Therapy Services	0	0	0	0	14.1	13.7	4.3	26.5	N/A	
Women & Children	4.5	3.7	7.4	25	1	100	1.6	15.7	N/A	

<b>May 2018</b>										
Department	Nursing & Midwifery		Dr's & Consultants		AHPs		Civil Servants		Manual Workers	
	Vacancy #	%	Vacancy #	%	Vacancy #	%	Vacancy #	%	Vacancy #	%
Diagnostic & Clinical Support	1.8	5.2	1.1	7.8	7.9	3.8	2	9.7	N/A	
General	0	0	0	0	0.5	25.7	22	16.5	2	100
Estates & Facilities	N/A		N/A		N/A		1.5	5.5	8.6	9.4
Medical Specialities	24.7	11.9	4.3	7.9	0	0	1.3	8.9	N/A	
Surgical Services	19	14.4	2.4	6.3	3.1	25.8	0	0	N/A	
Theatres	15.6	13.1	2	8.3	14.2	13.9	2.3	21.3	N/A	
Therapy Services	0	0	0	0	14.2	13.9	4.5	27.8	N/A	
Women & Children	7.5	6.2	6.4	21.6	1	100	1.6	15.7	N/A	

<b>June 2018</b>										
Department	Nursing & Midwifery		Dr's & Consultants		AHPs		Civil Servants		Manual Workers	
	Vacancy #	%	Vacancy #	%	Vacancy #	%	Vacancy #	%	Vacancy #	%
Diagnostic & Clinical Support	1.6	4.5	0.1	0.7	13.6	6.5	2.4	11.7	N/A	
General	0	0	0	0	0.5	25.7	23	17.3	2	100
Estates & Facilities	N/A		N/A		N/A		0.5	1.9	8.6	9.4
Medical Specialities	22.9	11	5.1	9.1	0	0	1.3	8.9	N/A	
Surgical Services	19	14.4	2.4	6.3	3.1	25.8	0.6	4.5	N/A	

Theatres	15.3	12.9	2	8.3	3.1	25.8	0.6	4.5	N/A
Therapy Services	0	0	0	0	13.6	13.3	5.5	34	N/A
Women & Children	6.8	5.7	6.4	21.6	1	100	0.6	5.8	N/A

<b>July 2018</b>										
Department	Nursing & Midwifery		Dr's & Consultants		AHPs		Civil Servants		Manual Workers	
	Vacancy #	%	Vacancy #	%	Vacancy #	%	Vacancy #	%	Vacancy #	%
Diagnostic & Clinical Support	1.2	3.5	0.1	0.7	19.9	9.2	1.9	9.5	N/A	
General	0	0	0	0	0.5	25.7	22	16.5	2	100
Estates & Facilities	N/A		N/A		N/A		0.5	1.9	6.5	7.1
Medical Specialities	24.7	11.7	2.1	3.7	0	0	0.6	4.3	N/A	
Surgical Services	20	15.1	-3.6	-9.3	3.1	25.8	1.1	8.5	N/A	
Theatres	13	10.8	1	4.2	0	0	1.5	13.8	N/A	
Therapy Services	0	0	0	0	12.6	12.4	5	30.9	N/A	
Women & Children	9.6	8	7.4	25	1	100	0.6	5.8	N/A	

<b>August 2018</b>										
Department	Nursing & Midwifery		Dr's & Consultants		AHPs		Civil Servants		Manual Workers	
	Vacancy #	%	Vacancy #	%	Vacancy #	%	Vacancy #	%	Vacancy #	%
Diagnostic & Clinical Support	3	8.3	0.1	0.7	22.5	10.4	2.2	10.8	N/A	
General	0	0	0	0	0.5	25.7	25.6	19	2	100
Estates & Facilities	N/A		N/A		N/A		1.5	5.5	9.5	10.4
Medical Specialities	26.5	12.6	8.4	15.1	0	0	0.6	4.3	N/A	
Surgical Services	19.5	14.7	1.4	3.7	3.1	25.8	2.5	19.7	N/A	
Theatres	13.5	11.2	1	4.2	0	0	1.5	13.8	N/A	
Therapy Services	0	0	0	0	13.6	13.4	4.3	27.8	N/A	
Women & Children	12.3	10	12.4	41.9	1	100	0.6	5.8	N/A	

<b>September 2018</b>										
Department	Nursing & Midwifery		Dr's & Consultants		AHPs		Civil Servants		Manual Workers	
	Vacancy #	%	Vacancy #	%	Vacancy #	%	Vacancy #	%	Vacancy #	%
Diagnostic & Clinical Support	3	8.3	1.1	7.8	22.3	10.3	2.5	12	N/A	
General	0	0	0	0	0.5	25.7	27.7	20.4	2	100
Estates & Facilities	N/A		N/A		N/A		-0.5	-1.7	8.5	9.3
Medical Specialities	26.2	12.5	9.5	17.1	0	0	0.5	3.4	N/A	
Surgical Services	19	14.2	0.4	1.1	3.1	26.3	1.7	13.5	N/A	
Theatres	10.1	8.3	1	4.2	0	0	1.5	13.8	N/A	
Therapy Services	0	0	0	0	13.8	13.4	6	37.1	N/A	
Women & Children	8.3	6.8	11.4	38.5	0	0	2.2	20.2	N/A	

<b>October 2018</b>										
Department	Nursing & Midwifery		Dr's & Consultants		AHPs		Civil Servants		Manual Workers	
	Vacancy #	%	Vacancy #	%	Vacancy #	%	Vacancy #	%	Vacancy #	%
Diagnostic & Clinical Support	2.6	7.3	1.1	7.3	19.4	8.9	4	18.8	N/A	
General	0	0	0	0	0.5	25.7	29.4	21.7	2	100
Estates & Facilities	N/A		N/A		N/A		-0.5	-1.7	8.5	9.3
Medical Specialities	34.1	15.4	10.8	19	0	0	0.3	2.1	N/A	
Surgical Services	14.7	11	0.4	1.1	2.4	20	0.8	6.6	N/A	
Theatres	10.9	8.9	1	4.2	0	0	1.5	13.8	N/A	
Therapy Services	0	0	0	0	14.7	14.5	5	30.9	N/A	
Women & Children	11.8	9.6	11.6	38.9	0	0	2.2	20.2	N/A	

<b>November 2018</b>										
Department	Nursing & Midwifery		Dr's & Consultants		AHPs		Civil Servants		Manual Workers	
	Vacancy #	%	Vacancy #	%	Vacancy #	%	Vacancy #	%	Vacancy #	%
Diagnostic & Clinical Support	1.6	4.5	1.1	7.3	21.7	9.9	4	18.8	N/A	
General	0	0	0.6	31.4	1.5	50.5	27.5	20.5	2	100
Estates & Facilities	N/A		N/A		N/A		0.5	1.9	8.5	9.3
Medical Specialities	37.1	16.7	10.5	18	0	0	0.6	3.9	N/A	
Surgical Services	14.7	11	0.3	0.8	2.4	20	0.6	5.1	N/A	
Theatres	9.9	8.1	1	4.2	0	0	1.2	11.7	N/A	
Therapy Services	0	0	0	0	13.7	13.5	5	32.9	N/A	

Women & Children	10.6	8.7	11.6	38.9	0	0	0.6	5.4	N/A
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<b>December 2018</b>										
Department	Nursing & Midwifery		Dr's & Consultants		AHPs		Civil Servants		Manual Workers	
	Vacancy #	%	Vacancy #	%	Vacancy #	%	Vacancy #	%	Vacancy #	%
Diagnostic & Clinical Support	3.2	8.9	1.1	7.3	20.3	9.3	3.5	16.8	N/A	
General	0	0	0	0	1.5	50.5	27.5	20.4	2	100
Estates & Facilities	N/A		N/A		N/A		1.5	5.5	6.5	7.1
Medical Specialities	33.3	15	10.5	18	0	0	1.1	7	N/A	
Surgical Services	16.5	12.4	0.3	0.8	1.4	11.6	0.6	5.1	N/A	
Theatres	11.4	9.3	1	4.2	0	0	1.2	11.7	N/A	
Therapy Services	0	0	0	0	13.1	12.9	5	32.9	N/A	
Women & Children	9.6	7.8	11.6	38.9	0	0	0.6	5.4	N/A	

<b>January 2019</b>										
Department	Nursing & Midwifery		Dr's & Consultants		AHPs		Civil Servants		Manual Workers	
	Vacancy #	%	Vacancy #	%	Vacancy #	%	Vacancy #	%	Vacancy #	%
Diagnostic & Clinical Support	5.2	14.5	1.5	10	8.9	4.4	2.1	10.5	N/A	
General	0	0	0	0	0	0	2.8	2.7	0	0
Estates & Facilities	N/A		N/A		N/A		5	16.5	-1	-1.2
Medical Specialities	13.5	6.7	-2	-4.1	0	0	0.5	3.2	N/A	
Surgical Services	3.4	2.8	0	0	-2.5	-30.5	0.5	3.2	N/A	
Theatres	18.5	14.4	0	0	0	0	-0.4	-4.4	N/A	
Therapy Services	0	0	0	0	15.8	14.4	1	9.5	N/A	
Women & Children	1.9	1.6	5.6	18.8	0	0	0	0	N/A	

<b>February 2019</b>										
Department	Nursing & Midwifery		Dr's & Consultants		AHPs		Civil Servants		Manual Workers	
	Vacancy #	%	Vacancy #	%	Vacancy #	%	Vacancy #	%	Vacancy #	%
Diagnostic & Clinical Support	4	11.3	1.5	10	8.8	4.3	2.1	10	N/A	
General	0	0	0	0	0	0	2.8	2.7	0	0
Estates & Facilities	N/A		N/A		N/A		5	16.5	-1	-1.2
Medical Specialities	12.9	6.5	-0.7	-1.4	0	0	-0.1	-0.4	N/A	
Surgical Services	2.5	2	1	2.7	-2.5	-30.5	-0.3	-2.7	N/A	
Theatres	18.5	14.4	0	0	0	0	-0.4	-4.4	N/A	
Therapy Services	0	0	4	13.4	16.1	14.8	0	0	N/A	
Women & Children	2.4	2	4	13.4	0	0	0	0	N/A	

<b>March 2019</b>										
Department	Nursing & Midwifery		Dr's & Consultants		AHPs		Civil Servants		Manual Workers	
	Vacancy #	%	Vacancy #	%	Vacancy #	%	Vacancy #	%	Vacancy #	%
Diagnostic & Clinical Support	3.1	8.9	1.5	10	24.5	11.1	1.9	9.2	N/A	
General	0	0	0	0	0	0	9.7	9.2	0	0
Estates & Facilities	N/A		N/A		N/A		5	17.1	-1	-1.2
Medical Specialities	12.5	6.2	-1.6	-3.3	1	75.8	-0.1	-0.4	N/A	
Surgical Services	3.8	3.1	1	2.7	-0.5	-5.7	-0.3	-2.7	N/A	
Theatres	15.5	12.1	0	0	0	0	-0.4	-4.4	N/A	
Therapy Services	0	0	4	13.4	15.6	14.1	1	9	N/A	
Women & Children	1.4	1.2	4	13.4	0	0	0	0	N/A	

<b>April 2019</b>										
Department	Nursing & Midwifery		Dr's & Consultants		AHPs		Civil Servants		Manual Workers	
	Vacancy #	%	Vacancy #	%	Vacancy #	%	Vacancy #	%	Vacancy #	%
Diagnostic & Clinical Support	7.3	8.9	1.5	10	22.7	10.3	2.3	11.2	N/A	
General	0	0	0	0	0	0	11.6	10.9	0	0
Estates & Facilities	N/A		N/A		N/A		5	16.5	0	0
Medical Specialities	9.6	4.8	-7.6	-15.7	1	75.8	-1.1	-7.1	N/A	
Surgical Services	6.6	5.4	1	2.7	-2.5	-30.5	0.2	1.5	N/A	

Theatres	15	11.6	1	4.3	0	0	-0.4	-4.4	N/A
Therapy Services	0	0	0	0	15.5	14.4	0.4	3	N/A
Women & Children	2.6	2.2	2	6.7	0	0	0	0	N/A

Note: a) AHPs = Allied Health Professionals (eg occupational therapists, physiotherapists, radiographers).  
b) The figures preceded by a minus indicate over establishment – usually for specific pieces of work or where extra resources have been agreed.

### **3.2 DEPUTY K.G. PAMPLIN OF ST. SAVIOUR OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE WORK TO BE UNDERTAKEN ON ORCHARD HOUSE: (WQ.230/2019)**

#### **Question**

Will the Minister state –

- (a) the date on which the 18-month estates plan for Orchard House and the in-patient mental health unit was officially signed off and agreed;
- (b) when this work on the adjustment of Orchard House started; and
- (c) when the work is due to be completed, given the next transfer of in-patients will begin later this year?

#### **Answer**

- a) Officers presented a revised scheme to the Health and Community Services Management Executive and to the Mental Health Improvement Board in March 2019 detailing the required scope of works across the trio of properties at the St Saviour site (Orchard House, Clinique Pinel and Rosewood House). The plans were agreed and accepted at this stage. In mid-May, funds were allocated to fund the statutory planning requirements and start the detailed design for the project.
- b) There have been ongoing remedial works by the Estates team at Orchard House from the date of issue of the Improvement Notice in April 2018. This has involved, for example, improving pedestrian walkways, enhancing the lighting and signage, replacing the staff alarm system and staff working with patients on improving the garden area to create a more pleasant outside environment. A plan has also been produced which identifies c£600k of improvements, including doors, windows, wifi and CCTV. This requires a detailed phased delivery plan due to the operational use of the facility; this is currently being worked on.
- c) The remedial work on Orchard House is due to be completed by the end of this year; the relocation to Clinique Pinel is due to be completed by the end of 2020, although it is possible that some patients will move to the new facility before that date as the Clinique Pinel refurbishment progresses.

### **3.3 DEPUTY K.G. PAMPLIN OF ST. SAVIOUR OF THE MINISTER FOR CHILDREN AND HOUSING REGARDING THE REVIEW INTO KEY WORKER ACCOMMODATION: (WQ.231/2019)**

#### **Question**

Will the Minister advise when the second stage of the review into key worker accommodation will be completed and what timeline he envisages for the actioning of the results of this second stage; and will he explain what research and consultation will be undertaken into the costs associated with

providing housing for key workers, the level of demand for such housing and the type of housing that could be made available?

**Answer**

The second stage of the review into key worker accommodation has started and is due to be completed in December of this year. The timetable for actions resulting from the review will be determined as part of the review. During 2019, accommodation at Hue Court is due to become available for key workers, following the successful refurbishment at Plaisant Court.

The review will include in-depth financial modelling to take the estimates provided in the Phase 1 report and narrow them to real world figures based on sound research, historic need levels within the island and stakeholder consultation. The work will be undertaken in conjunction with Human Resources, Government departments who employ keyworkers and the Treasury team to understand the level of demand required, the types of housing required and the cost implications of providing these solutions.

**3.4 DEPUTY K.G. PAMPLIN OF ST. SAVIOUR OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE TRANSFER OF THE CHILD AND ADOLESCENT MENTAL HEALTH SERVICE: (WQ.232/2019)**

**Question**

Will the Minister provide an update on the transfer of the Child and Adolescent Mental Health Service (C.A.M.H.S.) to the Minister for Children and Housing and advise how the relevant Ministers and Departments have been consulted and briefed; and will he further advise what concerns or issues in respect of the transfer have been raised, if any, what work has been (or will be) done to address any such concerns or issues?

**Answer**

Under the One Gov structural changes, CAMHS and Community Health and Therapy Services based at the Child Development Centre transferred to Children, Young People, Education and Skills (CYPES) on the 3<sup>rd</sup> June 2019.

A project group led by the Group Director CYPES and the Director of Operations in Community Services has been in place to consider, plan and implement two key phases:

Phase 1: the safe transition of services across the departments

Phase 2: the review and redesign of CAMHS and Community Health and Therapy Services, which will be a 12-month programme of work

The project reports to the meetings of the monthly CYPES Change for Children Programme Board.

The project has a number of workstreams which populate a clinical governance framework and a Memorandum of Understanding (MOU) between the two departments. The documents cover:

1. Overarching principles
2. CYPES responsibilities
3. HCS responsibilities
4. Clinical governance
5. Finance
6. Business planning and performance measurement
7. Workforce

8. Data and information governance

9. Estates and facilities

Under the Clinical Governance framework and MOU:

- Clinical and professional governance will remain the responsibility of Health and Community Services (HCS)
- A joint HCS/CYPES Oversight Executive Group will oversee the services
- All quality assurance components will remain the same, such as DATIX (a patient safety incident reporting and risk management system) and Serious Incident Reviews
- Management arrangements in both CYPES and HCS are being designed to ensure accountability for both operational and clinical governance
- All clinicians/therapists/nurses will remain members of their respective professional forums and feed into their respective Allied Health Professionals or Nursing Forums.

A staff engagement session with staff working in the services concerned took place on 2 May. It was attended by senior managers in both departments with just under 30 staff in attendance. The session was participative with staff able to express their thoughts and anxieties, and to ask questions and make suggestions about how the service should progress in the future. Staff are keen to be involved in the future shape and design of services and made clear their commitment to improving outcomes for children.

The Ministers for Health and Social Services, CYPES and Education have been briefed on the transfer of services and redesign and this will continue. Whilst concerns have been raised by ministers, clinicians and other staff at various stages, these have been addressed within the transition planning. The joint collaborative approach of HCS and CYPES will improve services for children and young people and their families and carers, as well as addressing clinical and professional governance, quality and safety concerns.

The transfer took effect on 3<sup>rd</sup> June 2019.

### **3.5 DEPUTY K.G. PAMPLIN OF ST. SAVIOUR OF THE CHIEF MINISTER REGARDING EXPENDITURE BY THE GOVERNMENT OF JERSEY ON CONTRACTED AND INTERIM APPOINTEES: (WQ.233/2019)**

#### **Question**

Will the Chief Minister state the total expenditure on each contracted or interim appointee used by the Government over the past 18 months, broken down by department or executive area of work, anonymised as necessary?

#### **Answer**

An answer cannot be provided to the Deputy within the time available. A response will be provided and made publically available by the close of the States sitting commencing on the 16th July.

### **3.6 DEPUTY K.G. PAMPLIN OF ST. SAVIOUR OF THE MINISTER FOR HOME AFFAIRS REGARDING THE STATES OF JERSEY FIRE AND RESCUE SERVICE: (WQ.234/2019)**



## Question

Will the Minister detail how many unfilled posts there have been in the States of Jersey Fire and Rescue Service in the past 18 months and state the projected number required to maintain the service for the next 18 months; and will he indicate what the current annual budget is for the Service, what the annual budget was in 2017 and what budget for 2020 he plans to put forward for inclusion in the Government Plan?

## Answer

There are two types of firefighter contract; 'wholetime' (full-time) and 'on-call' (retained firefighters whose primary employment is outside of the Service but who, with support of their employer, are contracted to training duties and to providing cover to respond to emergencies when required). This latter area, due to the demands placed upon the on-call firefighter and their employer, often experiences the greatest challenges in attracting, recruiting and retaining people. There are currently 67 wholetime posts and 42 on-call posts as well as a very small team of non-uniformed support staff.

Notice periods range from one to three months, however recruiting and basic training takes considerably longer; this is the main cause of unfilled vacancies.

Since January 2018, where the Service was already one firefighter below funded establishment, 13 wholetime firefighters, in various ranks up to and including the Chief Fire Officer, have resigned or retired from service. During this period, the Service has recruited eight wholetime firefighters and two, fixed-term civil servants. A further two firefighters are due to commence basic training at the Fire Service College in September. The highest number of unfilled vacancies in the wholetime area of the Service at any point, was eight.

Against this backdrop, and the recruitment and training happening throughout this year, I expect all but two wholetime, operational firefighter posts currently funded, to be filled. The outstanding posts, as well as being operational firefighter roles, are also highly skilled and specialised fire safety officers and I know the acting Chief Fire Officer is considering the best way to address this crucial issue. I have directed the acting Chief Fire Officer to make every effort to ensure all 67 funded, wholetime operational posts are filled as soon as possible.

During the same period, 12 on-call firefighters have left service through resignation or retirement. Again, the Service was, through normal turnover, already below funded establishment in this area and so the impact was exacerbated. However, 11 of these vacancies have now been filled and a further six firefighters will undertake basic training starting next month. By the end of the summer, this area will be three posts below funded establishment.

2017 annual budget: £5,673,771

2018 annual budget: £5,662,351

2019 annual budget: £5,513,890

The 2020 budget is still being developed as part of the Government Plan process.

### **3.7 DEPUTY J.M. MAÇON OF ST. SAVIOUR OF THE MINISTER FOR ECONOMIC DEVELOPMENT, TOURISM, SPORT AND CULTURE REGARDING THE DEVELOPMENT OF A NEW JÈRRIAIS PLAN: (WQ.235/2019)**

## Question

Given the current Jèrriais Plan expires at the end of 2019, will the Minister –

- (a) explain what work, if any, has been undertaken on developing the next Jèrriais plan;

- (b) advise whether a bid for funding has been made (or will be made) for the Government Plan to support Jèrriais and what the rationale for such a bid is; and
- (c) further advise whether there are any plans to move Government support for Jèrriais to another department and, if so, explain the rationale for the move and, if not, explain why it is considered appropriate for responsibility to remain within his portfolio?

**Answer**

- (a) A draft plan for the period 2020 – 2023 has been prepared by L'Office du Jèrriais with input from Education and GHE staff and is due to be submitted for political consideration in June.
- (b) A bid to provide for continuation of the Jèrriais programme is included within the outline proposals for the Government Plan. Funding has provisionally been allocated to Children, Young People, Education and Skills on the basis that that department ultimately receives the majority of funding.
- (c) There needs to be a discussion regarding the most appropriate future oversight arrangements for the teaching aspect of the Jèrriais Plan. It is therefore anticipated that political consideration of the draft Plan for the period 2020 – 2023 will involve a request for the Assistant Minister for EDTSC with delegated responsibility for culture, arts and heritage to meet with the Minister for Education and / or the questioner in his capacity as Assistant Minister for Education.

**3.8 DEPUTY R.J. WARD OF ST. HELIER OF THE MINISTER FOR INFRASTRUCTURE REGARDING THE USE OF RENEWABLE ENERGY SOURCES AT THE NEW LES QUENNEVAIS SCHOOL: (WQ.236/2019)**

**Question**

Given, with the adoption of P.27/2019 as amended, the States agreed that there exists a climate emergency in Jersey and requested the Council of Ministers to develop a plan for carbon neutrality by the end of 2019, will the Minister advise whether there will be any reassessment of the use of renewable energy sources at the new Les Quennevais School (such as solar panels, greywater, and electric car-charging points) and, if not, will he commit to undertaking such a reassessment as a matter of urgency, given the potential impact of the use of such sources on the School's carbon footprint?

**Answer**

The New school has been designed and assessed to be highly energy efficient with defined sustainability and environmental parameters carefully costed to give the best value and return on investment over the life of the building. In addition to the CO2 reduction measures inherent in the design, the building will achieve a BREEAM (Building Research Establishment Environmental Assessment Method) rating of Very Good. To achieve that score, the new premises will feature, amongst other items;

- 4 Electric vehicle charging points
- 100No. Photo Voltaic Panels with system output of 30kWP
- 100% LED lighting complete with automatic regulation to daylight
- 11 Electric Air Source Heat Pumps
- Extensive metering enabling us to monitor and manage areas of high load.

**Carbon Reduction**

Target energy rating for building type and size in accordance with Jersey bylaws is 29.01kWH CO2/m2/annum. The as designed building achieves 26.6kWH/m2/annum which is an improvement on the bylaws.

### **Photo Voltaic Solar Panels**

The system installed saves 18,000kg CO2 per annum.

The 160m2 PV system equates to approximately 5% of the total Electrical load of the whole site, saving approx. £4.5K on electricity bills per year. In real terms would be enough to light an entire floor of the school!

### **Air Source Heat Pumps**

The Air Source Heat Pumps will save 88% CO2 in comparison to the equivalent gas boilers, contributing to a saving of approximately £3K on the annual energy bill.

**BREEAM** – Very Good targeted and expected to be achieved

The BREEAM measures proposed which would contribute to carbon/energy reduction include, in addition to those items identified above:

- Energy efficient lifts
- Low flow water fittings
- Construction materials with low environmental impact
- Building fabric – increased insulation thicknesses
- Low NOX boilers

## **3.9 DEPUTY R.J. WARD OF ST. HELIER OF THE MINISTER FOR THE ENVIRONMENT REGARDING THE MONITORING OF AIR QUALITY: (WQ.237/2019)**

### **Question**

Further to the response to Written Question 210/2019, in which it was stated that “*plans [were] in hand to monitor the air quality experienced by children on their journeys to school using specialist lightweight monitors*” and that “*a memorandum of understanding [had] been signed by Environmental Health, Digital Jersey and AirSensa to investigate the collection of real-time air quality and environmental data using approximately 200 sensors across the entire Island*”, will the Minister state –

- (a) what the timescale is for these actions to be undertaken and when the monitoring will take place; and
- (b) when he envisages that the data arising from these actions will be available?

### **Answer**

A provisional date of June 12th has been set for the monitoring of the air quality experienced by children on their journey to school. This is, however, subject to change if the weather is not conducive to accurate measurement. The data from this monitoring will be available within days of the monitoring and will be published on the States website.

Timescales for the Island-wide project are not yet available. It is hoped that work will commence later this year. I will be pleased to inform Members of the Assembly as soon as further information is available.

**3.10 DEPUTY R.J. WARD OF ST. HELIER OF THE MINISTER FOR INFRASTRUCTURE REGARDING THE SEPARATION OF ORGANIC WASTE FROM REFUSE: (WQ.238/2019)**

**Question**

Given the Assembly has agreed that Jersey should aim to be carbon-neutral by 2030, has the Minister's department given any consideration to the separation of organic waste from refuse and to the use of modern technologies to change such waste into a workable soil improver; if not, will the Minister commit to undertaking such consideration; and if such consideration has been given but the idea was rejected, will the Minister detail the reasons for any such rejection?

**Answer**

Achieving carbon neutrality by 2030 will undoubtedly be a challenge for the Island and I will be working with the Council of Ministers to develop a way forward. This plan will encompass how carbon neutrality will be achieved and what steps the Island will need to take. In order to focus on this plan and achieve a holistic approach, I believe that it is inappropriate to comment on individual schemes at the moment.

With regard to organic waste, Growth, Housing and Environment (GHE) currently collects and treats, via pasteurisation and anaerobic digestion, the urban wastewater produced in Jersey, transforming it into an organic fertiliser/soil improver, with the resulting c. 6000 tonnes of stabilised and sanitised product recycled to agricultural land. Separately collected green waste is treated and stabilised into c. 12,000 tonnes of soil improver at La Collette green waste facility, with the resulting material recycled to agricultural land. Both soil improver products, produced by GHE, are used by growers for their soil improving qualities, and as part replacement for agricultural fertiliser requirements. However, the recycling of all organic products onto Jersey agricultural land must follow both Jersey Environmental legislation and strict agricultural production procedures laid down by retailers and the associated supply chain.

The Department has considered the separation, collection and treatment of organic waste (currently disposed of as part of black bag waste sent to the Energy Recovery Facility at La Collette) to transform it into a workable soil improver. The separation and collection of additional organic waste (e.g. food/catering waste) is theoretically possible, if the funding, logistics and appropriate treatment procedures were introduced. That is, the provision of separate food waste collection bins/caddies for every residential property in Jersey, provision of a dedicated food waste collection service and construction and operation of an organic waste treatment facility conforming to appropriate treatment standards. The highest level of quality control would also be required from all participants to ensure that contaminants such as plastic are not introduced to the land bank.

In addition to this when the Department has previously reviewed food waste composting it is apparent that food waste composting processes have significant odour issues which are difficult to mitigate in an Island.

Any action in redirecting food waste away from energy recovery into recycling to land as a soil improver ultimately requires an economic and environmentally sustainable outlet for the resulting product. Owing to the volumes concerned any soil improver produced by GHE involves securing and maintaining access to Jersey's agricultural land bank. Failure to secure an end-market would require either burning the resulting material for energy recovery or export of soil improver away from Jersey. GHE is not presently intending to put the existing bio solid to land routes at risk by adding food waste to its products. GHE is not actively bidding for the funding required to implement the required infrastructure and processing to divert food waste to land.

The existing waste strategy is under review and the options for food waste will be considered. However it is likely that the waste hierarchy will remain the key component in any future waste plans and due emphasis will be placed on reduction at source before recycling, recovery or disposal options.

**3.11 DEPUTY R.J. WARD OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE USE OF SUSTAINABLE FEATURES IN ANDIUM HOMES DEVELOPMENTS: (WQ.239/2019)**

**Question**

Given, with the adoption of P.27/2019 as amended, the Assembly agreed that there exists a climate emergency in Jersey, will the Minister (as shareholder representative) advise what plans, if any, there are for the addition of solar panels and other such sustainable features to both new and older Andium Homes developments?

**Answer**

Andium Homes have provided the following information in response to the question:-

A priority commitment of Andium Homes was to achieve the UK Decent Homes Standard within 10 years of incorporation. Andium Homes have outperformed that commitment by 5 years with 100% compliance by the end of this year.

The Decent Homes Standard requires that all properties have both efficient heating and effective thermal insulation. An extensive programme of installing thermal lining, cavity wall insulation, loft insulation, external wall insulation and upgrading to more efficient electrical heating systems has resulted in Andium reducing its stock carbon footprint considerably. For example, De Quetteville Court achieved a reduction in energy consumption of 23.8% in the first year following refurbishment.

Following a heating replacement project, only 0.6% of Andium Homes properties use fossil fuels, with remaining stock using electrical, ultimately generated through nuclear power sources in France.

Andium Homes' approach to its building envelope first ensures that building performance is optimised, and energy loss minimised, before further sustainable measures are introduced.

Andium Homes has undertaken research into the viability of future installation of photovoltaic panels across its stock. That research considered individual installations to homes with a useable roof area. However the benefits of reduced electricity bills would only be experienced by that home, whilst other homes not capable of supporting such installations would not benefit at all. A more sustainable approach would be the leasing of useable roof areas across the Company's stock to the Jersey Electricity Company for collective energy farming. Early discussions with the JEC have been held and Andium Homes await their response.

**3.12 DEPUTY I. GARDINER OF ST. HELIER OF THE MINISTER FOR INFRASTRUCTURE REGARDING THE CONTRACT WITH I.P.M. FOR CONSULTATION IN RELATION TO FORT REGENT: (WQ.240/2019)**

**Question**

Will the Minister state –

- (a) the cost of the contract with I.P.M. for consultation in relation to Fort Regent;
- (b) the length and a scope of the contract; and

(c) whether a tender process was used to select I.P.M. as a best value provider and, if not, what process was followed when deciding to engage I.P.M., whether any other companies were considered and if so, which ones?

**Answer**

Growth Housing and Environment has been working with a company called IPW, not IPM, the answer provided is given on the assumption that this is actually requesting.

- (a) The total cost of the IPW contract for work in relation to Fort Regent was £28,000.
- (b) The scope of the IPW contract included:
  - a. A review of existing background information, previous studies and reports
  - b. A review of relevant government strategy and other strategic market documentation
  - c. A review of other UK and International case studies and benchmarks of facilities, destination and visitor attractions
  - d. Key stakeholder consultations
  - e. Secondary market analysis
  - f. Facilitate Steering Committee and project officer group workshops
  - g. Prepare report summarising preferred themes/options for the redevelopment of the Fort.

The length of the contract was 10 weeks.

(c) The contract was awarded via a single appointment negotiation. This process was taken due the short limited nature of the project and IPW's relevant knowledge of Fort Regent, IPW provided advice on previous Fort initiatives, and their relevant experience with similar challenging projects.

**3.13 DEPUTY I. GARDINER OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE IMPACT OF INFECTED BLOOD TRANSFUSIONS ON JERSEY PATIENTS: (WQ.241/2019)**

**Question**

In view of the Infected Blood Inquiry being undertaken in the United Kingdom, will the Minister advise whether any Jersey patients were affected by infected blood transfusions, either in Jersey or through treatment received in the U.K.; and if so, will the Minister explain how they were affected and what action, if any, has been taken as a result?

**Answer**

I am constrained in answering this question owing to the need to ensure that no patient identifiable information is disclosed and in light of the very low number of occurrences in Jersey.

Hepatitis C virus remained undiscovered and therefore no diagnostic test had been developed to identify Hepatitis C infection in otherwise healthy blood donors until 1991/1992. Roll-out of routine Hepatitis C testing for Jersey blood donors occurred a few months ahead of roll-out in the UK.

In the UK the majority of patients who became infected with the blood-borne viruses Hepatitis B, Hepatitis C and/or HIV did so between 1965 and 1992. The majority of those patients were infected via elements of donor blood used to treat the often severe bleeding disorder termed Haemophilia.

The situation in Jersey for Haemophilia patients mirrored that of the UK, as the Island shared with the UK the only readily available treatment for serious bleeding in patients with Haemophilia. A minority of batches of treatment were subsequently shown to have been infected. The manufacturer

of Haemophilia treatment materials used in Jersey was primarily the UK National Blood Transfusion Service (NBTS) and its associated manufacturing arm called BioProducts Laboratory (BPL). Both NBTS and BPL were covered by Crown Immunity until 31st March 1991, meaning that these organisations were protected from legal proceedings.

Obstacles to Haemophilia patients securing redress in the past included difficulty in establishing which batch of Haemophilia treatment was responsible for infection, out of hundreds or thousands of batches used to treat an individual over 20-plus years, plus the issue that the primary sources of infected material used by both UK and Jersey patients held Crown Immunity at the relevant time.

In these circumstances in 2004 the UK NHS set up a scheme termed The Skipton Fund to provide one-off or recurring payments to patients infected with Hepatitis C. Whether this compensation mechanism was appropriate or sufficient are aspects that the current UK Infected Blood Inquiry will consider.

My Department will of course give careful consideration to the eventual outcome(s) of the continuing UK Public Inquiry.

As to what actions have been taken in Jersey:

a) **Prevention** As a preventative measure the Island made a very significant early investment in Bio-Engineered Factor 8 and Factor 9 concentrates. These materials are not derived from human blood and are therefore regarded as “virus-free”. Jersey patients with Haemophilia A have benefitted from this treatment strategy since 1996 and patients with Haemophilia B from around 1999 – ie as soon as recombinant Factor 9 became available. Universal access to “virus-free” Factor 8 and Factor 9 in Jersey occurred many years ahead of universal availability to UK patients.

b) **Gene therapy** The next advance in Haemophilia is gene therapy, whereby the malfunctioning gene causing Haemophilia is replaced by a functioning one. Over the next 5 years we expect the first Jersey Haemophilia patient to have his underlying Haemophilia cured through Gene Therapy.

c) **Hepatitis B vaccination** Effective vaccination to prevent Hepatitis B infection was first licensed in the USA in 1981 and has been routinely used to protect Haemophilia patients from infection with that agent. Development of vaccines to prevent establishment of Hepatitis C or HIV infections has proved more difficult and no effective vaccines are available as yet.

d) **Antiviral clearance therapy** Patients in Jersey with Haemophilia are routinely screened for blood-borne virus infection and have been offered up-to-date anti-viral therapy. Later generations of these therapies are highly effective and most surviving Jersey Haemophilia patients have already been cured of their infection. Regrettably, however not all infected patients lived long enough to benefit fully from the more advanced anti-viral treatments.

e) **Assistance with Skipton Fund claims** Consultant Medical staff in Jersey have assisted a number of Jersey Haemophilia patients in securing payments from the NHS-linked Skipton Fund.

Neither the number of individual Jersey Skipton Fund claimants nor the number of Haemophilia patients infected through their treatment have been recorded centrally in Jersey.

### **3.14 DEPUTY S.M. AHIER OF ST. HELIER OF THE MINISTER FOR INFRASTRUCTURE REGARDING THE USE OF FULLY ELECTRIC VEHICLES: (WQ.242/2019)**

#### **Question**

Will the Minister advise how many fully electric vehicles have been registered in each of the last 5 years?

**Answer**

The following numbers of registrations of fully electric vehicles have been made:

2014 = 35

2015 = 45

2016 = 50

2017 = 76

2018 = 156

**3.15 DEPUTY S.M. AHIER OF ST. HELIER OF THE MINISTER FOR INFRASTRUCTURE REGARDING THE USE OF THE SCHOOL BUS SERVICE: (WQ.243/2019)**

**Question**

Will the Minister advise how many pupils on average used the school bus service each day, for each individual School, in each of the last 3 years?

**Answer**

The following tables provide data on typical student bus usage:

**Student Travel by Month - All students (school services and scheduled services)**

	School Pass 2019	School Pass 2018	School Pass 2017	School Pass 2016
Jan	58707	63260	61645	58920
Feb	49292	49966	51373	49543
Mar	62375	54428	70931	52520
Apr	40,890	41917	36163	47272
May		54118	55452	51932
Jun		60106	55946	52729
Jul		41742	43086	30844
Aug		17063	15336	15109
Sep		57529	52971	61629
Oct		62941	54732	53009
Nov		61959	69166	61363
Dec		45329	40476	41266
<b>Total</b>	<b>211,264</b>	<b>610,358</b>	<b>607,277.00</b>	<b>576,136.00</b>

Student bus travel has grown 4%-6% per annum since the start of the LibertyBus Contract.

**April / May 19 Typical Student Travel by School Cluster - School Services Only (excluding students on scheduled services)**



School Cluster	Les Rocquiere	Les Quennevais	Grainville / Haut Vallée	St, Saviours (Vic / JCG / Hautlieu / DLS / Beau)	Totals
AM	113	186	69	424	792
PM	211	217	112	511	1,050

For more extensive data exports the Deputy is requested to liaise with the Department, who, dependent upon the extent of the data required and the format, would be able make special arrangements with either LibertyBus or the Ticketer software providers to obtain the information.

### 3.16 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING INCOME SUPPORT FOR WORKING-AGE RECIPIENTS WHO ARE NOT IN WORK: (WQ.244/2019)

#### Question

Will the Minister inform members how the individual rates of Income Support components (adult, child, householder) have increased over the period 2008 to 2019 for those working-age recipients who are not in work, and how they compare alongside R.P.I. figures for the same period; and will she state what her decision is in respect of the 2019 updating of components and disregards?

#### Answer

The amount of income support a household receives depends on their household circumstances, the level and type of their own income and savings.

#### Income support components

The income support components determine how much income support a household could receive based on its situation before any income or savings are taken into account.

They are important for all households receiving income support, but are particularly important for the minority of households that do not have any income of their own – for example if the adult(s) are unemployed and looking for work.

The size of each of the components affects how much financial support households get according to their circumstances, i.e number of adults, children, whether they pay rent, have child care costs, care for someone or have an impairment of some kind.

#### Income support disregards

The income disregards determine how much a household is better off by getting or increasing its own income, whilst also receiving income support.

The income disregards play an important role in encouraging households to move towards financial independence by getting their own income and finding ways to increase it. Since the introduction of income support, the earning disregard has increased from 6% to 25% - i.e for every extra £1 of wages received, the household is 25p better off and their need for income support is reduced by 75p.

#### Components, disregards and RPI: 2008 and 2019

Description		Jan-08	Jan-19	Note
Adult	£/wk	83.58	97.72	
Single parent	£/wk	37.10	40.39	

First child	£/wk	56.42	72.94	
Subsequent children	£/wk	56.42	67.90	
Household	£/wk	42.84	54.46	
1 bed flat – private sector	£/wk	Up to 143.50	Up to 206.15	
1 bed flat – social sector	£/wk	Up to 143.50	Up to 253.62	1
3 bed house – private sector	£/wk	Up to 236.81	Up to 350.35	
3 bed house – social sector	£/wk	Up to 236.81	Up to 459.23	1
Disregard for earned income	%	6%	25%	
RPI index (Dec 07-Dec18)	index	133.3	175.4	

## Note

1: In 2008, there was a single set of maximum rates for private and social rental accommodation. This was the maximum amount of rent (private or social) that would be included in the calculation of income support.

In 2019, the maximum rates apply to private rental accommodation only. Andium's social rents (and any increases from year to year) are now automatically included in the income support calculation for its tenants.

In January 2019, Andium's average rent for a 1 bedroom flat was £785 per month and the maximum £1,099 per month. The table above includes the equivalent maximum weekly rent.

Likewise, Andium's average rent for a 3 bedroom house was £1,279 per month and the maximum £1,990 per month. The table above includes the equivalent maximum weekly rent.

(<https://www.andiumhomes.je/yourhome/paying-your-rent/>)

## Summary of changes

Since the start of income support, a range of approaches have been taken including a freeze in respect of most components as part of the last Medium Term Financial Plan 2016-2019, and significant increases in the level of income disregards from the original level of 6% to 25%. Previous Ministers have prioritised increasing rental components to help cover rent increases.

Over the last few years:

- In 2016, the rental and childcare cost components increased.
- In 2017, all the components increased and the income disregards were also increased from 23% to 25%, strengthening incentives to increase income.
- In 2018, the States agreed to re-introduce the single parent component, and all the other components were increased.
- At the start of 2019, the child component for the first child increased further by £5.04 a week.

RPI has increased by about 2.9% a year on average over the last 11 years (Dec 2007 – Dec 2018).

The proportion of households receiving income support which has its own income (earned, pension, maintenance or contributory benefit) has increased from 68% in 2008 to 88% in 2018.

**Households receiving income support with their own income: number and %**

	2008	2018	change
Households receiving income support	5,500	5,700	200
Households with own income	3,700	5,000	1,300
% with own income	67%	88%	20%

Household examples

Total household income depends on the value and number of components available to the household, the value and type of their own income, and the rate at which income is taken into account when calculating the benefit rate.

At present,

- A single person who lives on their own and is unemployed receives £152 per week after allowing for rent for a 1 bed flat.
- If this jobseeker finds a full-time job at £8 per hour, their overall income will increase to £218 per week, after rent.
- A single parent with a child aged 2 who is exempt from job seeking and lives in a 2 bed flat receives £266 per week after allowing for rent.
- If the parent finds a part-time job at £12 per hour (the average hourly rate in the retail sector), their overall income will increase to £322 per week after rent and childcare costs.

Income support proposal for 2019

The Social Security Minister’s proposal will:

- help all households receiving income support
- focus on households with children, and
- improve the financial incentives for households to increase their income.

The Social Security Minister will lodge her proposal and the Regulations for income support on Tuesday 4<sup>th</sup> June and the States will debate them on 16<sup>th</sup> July 2019.

**3.17 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING LEGISLATION TO CONTROL THE USE AND ABUSE OF ZERO-HOURS CONTRACTS: (WQ.245/2019)**

**Question**

Has the Minister, or her department, examined the new legislation that has come into force in Ireland and which effectively bans the use of zero-hours contracts except in clearly defined cases; and, if so, will she state whether she considers this Irish model could be usefully adopted in Jersey (whether in part or in whole) and if she does not consider this to be the case, will she explain why not; and will the Minister outline her timeline for bringing legislation controlling the use and abuse of zero-hours contracts to the Assembly?

## **Answer**

The Minister is aware that legislation has been introduced in Ireland that restricts the use of zero-hour contracts with certain exceptions. For example, zero-hour contracts are permitted where the work is of a casual nature, or where work is required to cover routine absences.

The Minister has not examined the Irish legislation in detail, or whether a similar model could be adopted for Jersey. The Ministerial team agreed that consultation on statutory annual leave and rest breaks would be given priority in 2019 and also agreed that a piece of work looking at zero-hour contracts would be initiated in 2020.

## **4. Oral Questions**

### **4.1 Deputy K.F. Morel of St. Lawrence of the Minister for Economic Development, Tourism, Sport and Culture regarding the services provided to High Value Residents: (OQ.142/2019)**

Given that, when high-value residents move to the Island, they are referred to tax advisers and other financial services professionals to provide them with advice regarding their affairs, will the Minister confirm the number of advisers or advisory firms eligible to be given such work; the number of such advisers or firms that have been given such work since 1st January 2018; and the eligibility criteria that are used?

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

I think it is difficult to place a number on the actual number of firms, or businesses, either in Jersey or the Channel Islands or the U.K. (United Kingdom) who are eligible to advise on this. The reality is that the majority of individuals who make an inquiry will already have an adviser, or service provider, in place and where a client does not already have an adviser, Locate Jersey can provide a list of experienced professional service providers in areas of relevance. The list contains details of those who have previously advised high net worth clients and inward investment businesses and those who have made contact with Locate Jersey. At all times it is made clear that both clients and the professional service firms will not recommend one company over another. It is entirely a client choice which advisory firm they decide to engage. An example list of service providers is provided by Locate Jersey to be helpful.

#### **4.1.1 Deputy K.F. Morel:**

I know this happened last week as well. There is a clear aspect to this, which asked how many advisers have been given such work since 1st January 2018; that is in the question. That clearly was not answered.

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

Technically, no advisers have been given any work by Locate Jersey. Locate Jersey does not point high net worth clients in certain directions. It provides a helpful list, but does not appoint any adviser, or give any advisers out. But 15 high-value residency applications in 2018 were received through professional service providers and so far this year 5 applications have been received via an adviser, but I would stress that Locate Jersey does not grant, or provide, advisory services.

#### **4.1.2 Deputy K.F. Morel:**

I appreciate that Locate Jersey does not provide the service itself. The thing is, it does refer others to it. Is it the case that one or 2 tax practitioners are being promoted, or referred to, above others in the industry by Locate Jersey?

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

Most definitely not. Locate Jersey are very careful to be impartial and that is why they produce a list of useful contacts, which contains the names and details of a couple of dozen local service providers, as an example, to be helpful. But it does not favour anyone over another.

[9:45]

**4.2 Deputy C.S. Alves of St. Helier of the Minister for Social Security regarding the expenditure by pharmacies on medication: (OQ.144/2019)**

Will the Minister advise whether any cutbacks to how much pharmacies can spend on medication have been implemented over the last 18 months?

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

The answer is no. But the Deputy has explained to me why she has asked this question, so I will let her explain that in a supplementary and hope I can come back to her, but it is quite difficult. The answer is no to the question.

**4.2.1 Deputy C.S. Alves:**

Is the Minister aware that some pharmacies are swapping medication for cheaper generic brands and that this can cause patients to have severe side effects and sometimes dangerous ones? For example, in a case of an epileptic, who contacted me, stating that they have been on the same brand of epilepsy medication for 20 years and have been fit-free over this period. They are now having to take a different brand, which is causing them to shake uncontrollably and risking having a fit.

**Deputy J.A. Martin:**

Pharmacies decide with the manufacturer how much they are going to spend on the medicine and we do come to a cost and we advise generic if it is between ... I have just learnt this in the last 5 minutes, that if the doctor puts on the prescription exactly what they want to be prescribed, the pharmacy should fulfil that. That is about as much as I can go, because the actual question was asking if there were any cutbacks to pharmacies to spend on medication in the last 18 months and the answer is still no.

**4.2.2 Deputy C.S. Alves:**

Will the Minister liaise with the Minister for Health and Social Services to ensure that patients are not put through unacceptable side effects? As this particular individual is having to travel on a monthly basis to get the medication - they have other illnesses as well - from one side of the Island to the other, because there is only one chemist that supplies the brand they have been on.

**Deputy J.A. Martin:**

Absolutely and after, if the Deputy would like to talk to me and this is particularly one case and we will go as far ... I do not think it is the Minister for Health and Social Services, if it is a community pharmacy and it is being delivered in one pharmacy, I am sure we can sort this out and I will speak to the Deputy.

**4.3 Deputy M.R. Le Hegarat of St. Helier of the Chairman of the States Employment Board regarding the number of States of Jersey staff on temporary contracts or engaged as consultants: (OQ. 135/2019)**

How many staff across the States of Jersey are on temporary contracts or are currently engaged as consultants; and how many of any such staff or consultants were employed from outside Jersey?

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

As at the end of April 2019, there are a total of 509 individuals working across the government in roles referred to by the Deputy; 414 on fixed-term contract staff, 78 on agency staff and 17 on interims. It is worth making the point, in relation to interims, that that compares to 33 at the beginning of the year and I hope does show that we are starting to meet our objective of reducing the number of interims during the period of 2019. The Deputy also asked us about the source, as it were, or country of origin, for some of these positions. Unfortunately, given the timeframe available, because it is an oral question, it would require a trawl through personnel files and liaison suppliers and all that sort of stuff, we have not had the time to put that data together. If the Deputy wishes me to write to her with the background, when we have got that data together, I am very happy to do so. I think it is worth just making the point, because there have been concerns about interims employed over the past period, but the interims, as well as other individuals, are key to delivering some of the savings outcomes that we are using to inform the efficiency programme, which is seeking to meet and significantly meet, if not entirely meet, the deficit which we started with at the beginning of the year of £30 million ... sorry, projected for 2020. The use of some of those individuals is contributing to the overall savings target of £30 million to £40 million and that will more than dwarf the investment in their services.

#### **4.3.1 Deputy M.R. Le Hegarat:**

How many of these individuals pay Jersey tax?

#### **Senator J.A.N. Le Fondré:**

I do not have that information to hand. Also, I would not be privy to the personal positions of those individuals, in terms of tax data. I can see if it is possible to get a generic answer. The difficulty is that if there is any risk of identifying individuals, as a result of that question, normally we cannot provide that information.

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

Will the Minister give examples of the efficiencies that he is starting to see coming through in the transformation programme from the staff that are engaged as temporary contracts, outside consultants, interims, *et cetera*?

#### **Senator J.A.N. Le Fondré:**

In terms of some of the efficiencies that we are seeing, the restructuring in the ... as a result of the department and the one front door thing under the Minister for Social Security, that restructuring is aiming to save about £400,000 a year from 2020. At a very minor level, the *attestation* certificates can now be done online. That is going to save about £30,000 a year in staff time. We are doing some proof of concept at the moment, which is likely to give some significant savings if it is rolled out. For example, within the finance function, which is relevant to the interim process, the school fees billing process is being automated and that will save 80 per cent of time and, indeed, there is another automated tool, which could significantly increase capacity in the government finance team by over 10 per cent and also improve governance and accuracy. We believe the investment on that will pay itself back within a year. Those are very small amounts. There are some much bigger items that are coming through. But as some indications, that shows we are looking at efficiencies at that stage and that is about doing things differently. That is why we have imported some of the skills that have not been around previously.

#### **4.3.3 Deputy K.F. Morel:**

Would the Chief Minister be able to advise how many of these consultants and interims, particularly, are using management companies through which to provide their services to the Island?

#### **Senator J.A.N. Le Fondré:**

Not at this stage, because, again, I am not privy to everybody's circumstances and how they are being employed. I do know, generically, that sometimes consultants, even when I used to work in Luxembourg, used to use companies as an employment thing. It is not uncommon. I do not know the position locally. I could endeavour to find out, but, again, with a caveat about breach of privacy.

#### **4.3.4 Senator K.L. Moore:**

I am sure the Chief Minister follows the local media and will be aware that this issue of consultants is becoming a matter of quite peaked public interest. I ask the Senator, as Chairman of the S.E.B. (States Employment Board), whether he has considered establishing a policy in relation to the use of consultants within the public sector?

#### **Senator J.A.N. Le Fondré:**

We have used consultants in the public sector for decades, not just in the last 18 months. The reason I was pleased to answer the question about what sort of efficiencies we are starting to see, is that they are bringing in and actively delivering the changes that I would hope we are all seeking to see. It has not been, to my knowledge, achieved to the level of 'deep dive' analysis that is going on. I do not think I have seen that previously. That is why I am very comfortable with where we are. The real caveat is, yes, there have been some great headlines about what individuals are earning. If an individual is earning £150,000 as a result of a consultancy fee, say, but they deliver savings of £500,000, or £1 million, a year, they have paid for themselves. That is what we are doing. Then, when they have done their job they go. That is what we are seeing by the fact that the number of interims has significantly fallen. That is also about the restructuring; the number of senior posts has fallen as a result of the restructuring. Now, as things come together, as people know I am quite cautious in certain areas, I like to say this is what we have achieved, not hypothetically what we are going to achieve in a few years' time. That is why I have not been blowing too much around some of the savings that are coming through. We are now starting to receive information that shows the thought process that says these savings are tangible.

#### **4.3.5 Deputy R.J. Ward of St. Helier:**

Getting back to the actual payment of tax. When contractors sign with consultants, whether they are consultant agencies, or whether they are pay as you earn, should it not be clear as to where tax is being paid, as this could be a considerable drain on our tax income, given the fact that there was £12.5 million in unpaid tax that has been identified recently?

#### **Senator J.A.N. Le Fondré:**

I think the Deputy is conflating 2 things there. My understanding, although I did not go too closely in to the article, was that the write-off of the tax was including due to bankruptcy debt and as far as I am aware, I do not believe any of the interims that are working for us are no longer with us in this ... that they are not living, shall we say. So, in terms of the tax difference between working directly and working through a company, they will obviously use services. They will incur G.S.T. (goods and services tax) anyway. That has always been the attraction of that thing. In terms of income tax, I do not know the position, I do not know the direct tax circumstances, but I do make the point we are bringing in specialist people, sometimes when it is particularly interims it has been at short notice, to replace a permanent position who has left. That happened once in our department that I can relate to. That is when it is an urgent action and you need someone at short notice. That tends to be more expensive, that tends to be under those type of arrangements. What we are trying to do and what we said, is that we are then bringing people into permanent positions. If they are in a permanent position, as I understand matters, they will be employed by us.

#### **4.3.6 Deputy M.R. Le Hegarat:**

Taking aside consultants, because I accept that consultants may be working here on a permanent basis; however, I would see an interim as a different model in relation to their employment. What I

would like to know is, is that we have brought in a number of interims since October 2017, in order for the transformation of the States of Jersey to happen. Would the Minister please advise when the interims will be completed in their task?

**Senator J.A.N. Le Fondré:**

As I have said, in terms of interims, we were at 33 at the beginning of this year and now we are down to 17. There is a trend, which I hope the Deputy will welcome. In terms of when that task is completed, that is a slightly tricky one, because I think one of the problems we are facing is that as people have done the due diligence work and then seen what needs to change, sometimes what is being identified is going to take longer than was originally anticipated. I think the analogy I would use - I hope the Deputy is aware of this one, other Members should be - if we look at the state of our physical infrastructure and I am talking about property, there are certain places that are in a very poor state. We know that. Apply that analogy to our non-physical infrastructure, which includes H.R. (human resources) and I.S. (information system) systems, for example and, therefore, it takes time sometimes to get the investment back that needs to happen. That is a case of if one has started with someone, it makes sense to extend their contract if needed, because, otherwise, you just have to bring someone new in and you lose the time and experience that they have gained in dealing directly with that system. But the trend is to - as we resolve the problems that we have been in there, because of years, or decades, of legacy of under-investment - the trend is then to stop the services and to put them onto a permanent position if needed.

**4.4 Deputy K.G. Pamplin of St. Saviour of the Minister for Health and Social Services regarding research into assisted dying: (OQ.146/2019)**

Will the Minister provide an update on the research into assisted dying which his department commissioned at the beginning of this year and state the anticipated date for completion of this work?

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

Since my last statement to the Assembly, policy officers have focused on reviewing policy and regulatory frameworks adopted in jurisdictions that currently support assisted dying. This research and the wider international debate confirmed that medically assisted dying does raise very fundamental issues, as well as practical challenges. Examples of these include who would be eligible, including which conditions and prognoses; how we make sure we protect the vulnerable; how we assess that a patient's choice is made based on their free will and in the absence of coercion; how any introduction of medically assisted dying might affect continuity and regulation of care; whether medical indemnity would be available should a doctor want to provide the support; assessing and evidencing fitness to practice for doctors who might do so; and ensuring clarity on where decision-making responsibilities should ultimately lie. All that exploratory work has underlined and demonstrated the complexity of the issues and highlighted the need for more work.

[10:00]

Therefore, at this time, I am not able to give timescales for the completion of the work, as requested. But, in parallel to the ongoing research, dialogue has been established with the General Medical Council of the U.K. to explore how potential differences and codes of conduct and fitness to practice issues might be reconciled if Jersey was to diverge from the U.K. policy in this area. Communications are also ongoing with the Jersey Care Commission for their view on the capacity and readiness of our regulatory system to oversee future assisted dying care processes, or facilities. Officers have also met colleagues from ...

**The Deputy Bailiff:**



Minister, I am going to have to ask you to bring your answer to a conclusion. We are now into 2 minutes of answer against the normal yardstick of one minute 30 seconds.

**The Deputy of St. Ouen:**

I am sorry, Sir. I was on my final sentence. Just to say that officers have met colleagues from the End of Life Choices group for further discussion and updates.

**4.4.1 Deputy K.G. Pamplin:**

Will the work that the department he has just stated be made public and shared with interest parties while we wait for the next period of work to commence?

**The Deputy of St. Ouen:**

That would be my recommendation to the Council of Ministers, because I do not imagine this would be purely myself making a decision to move to next stages, but I think the Council of Ministers has already agreed that should there be a possibility of an introduction of assisted dying, that all this research work would be put into the public domain.

**4.4.2 Deputy M. Tadier of St. Brelade:**

Would the Minister confirm that neither his personal and/or religious views, if he has any, are clouding his objectivity on this particular issue?

**The Deputy of St. Ouen:**

I am sorry the Deputy feels that question is necessary. **[Approbation]** I am proceeding objectively, I am drawing on officer support for this consultation. I well understand the pain that people experience as they face end of life. I have seen that. Unfortunately, I have also seen some of the risks involved around vulnerable people in that area too. I can see both sides and I am approaching this objectively, wanting to put forward an evidence-based consultation exercise.'

**4.4.3 Deputy M. Tadier:**

The question was only deemed necessary by the answer - or the lack of an answer, rather - that the Minister has just given. He has had lots of time to prepare a consultation and it seems to be lacking on this vitally important issue. Will he confirm whether he supports the right to autonomy and self-determination of individuals generally and whether this extends to the individual's right to determine how and when they die?

**The Deputy of St. Ouen:**

I think the Deputy should congratulate this Government. This is, I believe, the first Government in the British Isles that has said that we, as a Government, will undertake this research and bring that research to the public for a consultation. I am certainly not in a position to say whether I support, or not and I do not believe any Member of this House should be saying so at this stage. It is a highly complex issue and we need to consider ... if our immediate inclination is to support one view or another, we need to consider, for example, how we protect vulnerable people at a difficult time of their lives, when they do not have that independence that the Deputy has spoken of.

**4.4.4 Deputy J.H. Perchard of St. Saviour:**

What weight will the opinion of the public bear upon the future policy on this issue?

**The Deputy of St. Ouen:**

That is a very wide question. I am not sure I know how to answer it. The weight will be the same as any Member of this Assembly gives it, I suppose. We want to achieve a genuine public consultation that is informed and supported by evidence. It will be for this Assembly, as any final decision maker, to apply and give due weight to what comes out of that consultation.

#### **4.4.5 Deputy R.J. Ward:**

Just to say, in the U.K. there was a survey of the population that said 82 per cent ...

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

Deputy, there has to be a question, it cannot be “just to say”.

#### **Deputy R.J. Ward:**

There is a question coming, I promise. 82 per cent supported assisted dying. Would the Minister be prepared to undertake a similar survey in Jersey, because those results seem to be regardless of age, gender, or political persuasion? This is a cross-political issue, I believe.

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

As to how we undertake public consultation, I will seek advice from officers and all those who know how best to do these things. Indeed, there may be a questionnaire, or consultation, involved with other means of seeking the public’s views. There is nothing set in stone at the moment and I would be cautious around quoting individual figures from a particular consultation, because this is such a complex issue; it often depends on how you ask the question. So, that is why we must not make decisions based on just a single piece of evidence that comes forward. We must take the whole thing in the round.

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

Will the Minister take into account the fact that some countries which have been applying assisted dying principles are now in fact considering withdrawing this because of the abuse of the system with regard to children, with regard to people who are not really able to ... they do not have the capability to make their own decisions? In fact, they are just being shuffled off because they are an inconvenience to their families. Will the Minister take into account these facts?

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

We are attempting to learn from all jurisdictions where this has been considered, or indeed implemented. So, if it is the case that other jurisdictions are thinking of reversing their positions, then we would seek evidence as to why that should be and the reasons for it.

#### **4.4.7 Deputy K.G. Pamplin:**

I thank the Minister for his answers and thank other Members for joining in. I would just end by asking this question: when will the Minister like to see this next stage of consultation come to its conclusion, so we can spend as much time listening to the people when we can bring this for an informed debate? We are one year down of a 4-year term; it would just be nice to have an indication from the Minister.

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

I believe the next steps that we want to take are to conclude the understanding of the position with the General Medical Council and the Jersey Care Commission. Those are very practical issues and, clearly, in this area we are not the only players. We could only do this with the support of those organisations. If we can come to a firm understanding of their requirements, then we would proceed to plan and schedule a public consultation. I am sure also gather the opinions of local healthcare professionals. But, because of that involvement with other bodies, I cannot, at this time, set out a fixed timescale. The work is going forward, I can assure the Deputy of that.

#### **4.5 Connétable D.W. Mezbourian of St. Lawrence of the Minister for Home Affairs regarding appointments to Heads of Service roles within the Justice and Home Affairs portfolio: (OQ.138/2019)**

Following the Assembly's adoption of P.24/2019, as amended and the Minister's letter to the Education and Home Affairs Scrutiny Panel, dated 2nd April 2019, will the Minister provide an update on the progress he has made towards the substantive appointments to all the heads of service roles listed in paragraph (b) of P.24/2019; and will he also state when he expects these permanent appointments to be confirmed?

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

Arrangements are currently being made to appoint permanent heads of service for the Police, Customs and Immigration and the Fire and Rescue Service. The Chief Ambulance Officer, of course, is already in post. I hope to be able to make these permanent appointments in early course.

**4.5.1 The Connétable of St. Lawrence:**

How does the Minister reconcile the lack of appointment of a substantive Chief Officer of States of Jersey Police with the publicly acknowledged low levels of morale within the force?

**The Connétable of St. Clement:**

The Jersey Police Association were able to tell us, a few weeks ago, that the morale in the States of Jersey Police had improved quite significantly over the last 12 months, which I think was good news for all of us. The Police, as many other States departments, have gone through difficult and challenging times over the last year or 2, so it is good to see that these improvements are being made. Of course, in the not too distance future, we will have a permanent Police Chief, which we have not had for a number of years, for a number of reasons: through health reasons, resignation issues and other officers leaving the service. Hopefully, that will stabilise in the next few months.

**4.5.2 Deputy M.R. Le Hegarat:**

Would the Minister advise the Assembly where these positions have been advertised and the level of interest of these positions? Also, would he please provide us all with an actual job description of each of these roles and the levels at which they have been advertised and the fact that they are asking for applicants across the community?

**The Connétable of St. Clement:**

Advertisements have not yet been prepared, because, unfortunately, with appointments such as these, there is a process. There is a system that has to be gone through, steps that need to be completed before we can start even advertising. The job descriptions have been refreshed and are currently being reviewed as Human Resources and the States Employment Board require. They will be approved by the States Employment Board before we can go out to recruitment.

**4.5.3 Senator K.L. Moore:**

In the past, the role of Police Chief was a Corporate Management Board role. In the new target operating model, it appears that the Chief of Police will, in future, be a tier 3 appointment. Does that trouble the Minister?

**The Connétable of St. Clement:**

It does not trouble me, because the tier system, as far as the Chief of Police is concerned, is totally irrelevant. The Police Chief will be the Police Chief. He will have all the responsibilities, duties, of the Police Chief. He will have operational independence from the Corporate Services Board, from politicians - except for the Minister for Home Affairs, of course - so the tier levels, as far as the Police Chief is concerned, is totally irrelevant. What the review will do, will be to evaluate the job role for salary purposes and terms and conditions and so on.

**4.5.4 The Connétable of St. Lawrence:**

Will the Minister confirm that the senior management team at the States of Jersey Police agree with the comment that he has just made, that the level of the Police Chief, when appointed, at tier 3 will be totally irrelevant?

**The Connétable of St. Clement:**

I did not quite understand the question.

**The Connétable of St. Lawrence:**

I can rephrase it to help the Minister. The Minister has just declared that the fact that when appointed the substantive Chief of our police over here will be at a tier 3 level. He said it is totally irrelevant. My question to him is: does the current senior management team, within the States of Jersey Police, also agree that it would be irrelevant?

**The Connétable of St. Clement:**

I cannot speak for the senior management team of the States of Jersey Police. I can only speak in my role as Minister.

**The Connétable of St. Lawrence:**

Can I have another supplementary, please?

**The Deputy Bailiff:**

No, I am afraid not. That was your final supplementary, Connétable.

#### **4.6 Deputy M.R. Higgins of St. Helier of the Minister for Home Affairs regarding the wages earned by prisoners at H.M.P. La Moye: (OQ.148/2019)**

Will the Minister explain why the wages. earned by prisoners at H.M.P. (Her Majesty's Prison) La Moye, have risen by approximately 5 per cent following the last pay rise, when the goods that they can purchase with this money have subsequently risen by approximately 25 per cent?

[10:15]

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

The uplift in the wages paid to prisoners is broadly similar to the increases received by the civil service in the last 3 or 4 years. The prison canteen, where these goods are sold, is a non-profit making unit, but it does, of course, have to cover its running costs. A recent review of prices, which was instigated by the prisoners themselves, found that a number of items were cheaper in the prison than the rest of the Island but some, indeed, were more expensive. As a result of this review, prices have both risen and fallen. For example, if I can give just a couple of examples: a 4-pack of Duracell Plus AAA batteries has risen from £2.58 to £3.31, some 28 per cent. But, on the other hand, a packet of Jaffa Cakes has decreased from £1.47 to £1.21, a decrease of nearly 18 per cent.

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

Bearing in mind the wage of a prisoner is 84 pence an hour, does he not think that some of the prices he has quoted are rather extraordinary compared to what most ordinary people pay, especially when they are limited in choice, they cannot shop around, they have one place to get their goods from?

**The Connétable of St. Clement:**

I am not quite sure what the Deputy is getting at, because how can you compare what a prisoner earns - with board and lodging all found - compared to the Deputy and I, who have not had a pay increase for, what, 8, 9, 10 years, but have seen prices increase, as well. The prisoners live in the real world, as well as the Deputy and I do.

#### **4.6.2 Deputy R.J. Ward:**

Was the pay rise funded directly, or was it from substantial savings and efficiencies, as is expected of so many other States workers?

#### **The Connétable of St. Clement:**

The prison do run a very tight ship, a very efficient and effective ship and I pay tribute to some of the excellent initiatives, which are taking place at the prison, where the well-being of the prisoners and indeed their families and indeed the staff are being given a much higher priority, perhaps, than it was in the past. I pay tribute to the management of the prison, who are doing an excellent job, on a constrained budget, out of which the wages of the prisoners are paid.

#### **4.6.3 Deputy M. Tadier:**

Would the Minister agree with the following observation that 84 pence an hour is vastly below the minimum wage, but it may well be that all prisoners, who receive this wage, are effectively on a living wage for their needs?

#### **The Connétable of St. Clement:**

That may well be the case.

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

Is the Minister aware that the produce that is grown in the gardens of the prison and other things produced in the prison, in terms of produce anyway, is destroyed, rather than used in most cases? With one or 2 exceptions most of it is destroyed. So, they grow produce and then it is destroyed. Is that an efficient way of using resources in the prison and, equally, could it not be used to reduce the cost of the goods that the prisoners have?

#### **The Connétable of St. Clement:**

I am well aware that much of the produce grown at the prison is used in the kitchen of the prison mainly and I think it would be extraordinary if good valuable products, which can be used ... if something cannot be used for any reason obviously it would be destroyed, but I know that much of the produce is used in the prison kitchen.

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

Very little.

#### **4.7 Connétable R.A. Buchanan of St. Ouen of the Minister for the Environment regarding the use of energy-efficient measures on listed buildings: (OQ.137/2019)**

Before I start the question, I have to declare an interest in that I am the owner of a listed building, so if you feel that is conflicted then I will withdraw the question.

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

No, this is a question; this is not seeking any decision, or influence of policy, it is simply a question. So I think you can ask the question.

#### **The Connétable of St. Ouen:**

I felt it important to declare it before I started. Given that the Assembly recently voted to declare an environment emergency and, as a result, achieve carbon neutrality for Jersey by 2030, will the Minister advise whether he intends to relax the regulations and restrictions around all grades of listed buildings to permit the introduction of more energy-efficient insulation, glazing and solar-heating methods and systems?

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

The short answer is no and the longer answer is achieving carbon neutrality by 2030 will require radical changes and significant costs for householders, government and businesses. Now, we are tasked - the Council of Ministers is tasked - to bring forward that plan and that plan will include policy and fiscal levers and I will be reviewing the system of regulation of listed buildings. But in doing so I would flag up that it is a common misconception that you cannot make changes to a listed building and the review that I will do will have to respect our obligations under international conventions and law to look after our heritage.

**4.7.1 The Connétable of St. Ouen:**

I thank the Minister for his answer, but I think he will also understand that it is not as straightforward as he makes out. Those of us, who own listed buildings, know that installing these systems can sometimes be expensive, complicated ...

**The Deputy Bailiff:**

This does have to be a question, Connétable.

**The Connétable of St. Ouen:**

Would the Minister agree that it is a matter of some urgency that this is looked at, given that older buildings tend to be the least efficient in this respect?

**Deputy J.H. Young:**

It is quite a complicated business. Planning and building regulations apply. Building regulations currently state that such buildings are exempt from energy efficiency requirements, under the regulations, if any changes unreasonably affect their character and appearance. That is a good principle and, therefore, what we try to do is provide guidelines and they are English Heritage Guidelines, Historic Buildings Guild and they are constantly changing and recently, for example, published guidelines in 2018, on secondary glazing, secondary timber glazing, and so on. It is possible to put solar panels on an elevation, other than the principal one. It is quite a complicated business and in the review I will look at all those details to see if we can find opportunities. But, as a starting point, generally the answer is no.

**4.7.2 Connétable A.S. Crowcroft of St. Helier:**

The Minister will be aware that Deputy Ward of St. Helier, who brought this matter to the States, also took it to a Parish Assembly in St. Helier and that, as a result, we now have a very active working group on the climate change emergency. Does the Minister believe that it would be a good idea for all of the Parishes to declare a climate change emergency and to have these working groups that can be supported by his department and work with them?

**Deputy J.H. Young:**

Yes, absolutely; stakeholder engagement throughout is always good. I do not think it is the question of declaring formal emergencies; every organisation can produce their own plan. The Council of Ministers has to produce that overall plan. The officers have had an early run at it on some basic principles and one thing I do not yet know is how much additional resource and how detailed that work will need to be. We will see. But, yes, I would be happy to try to encourage a dialogue with Parishes on the detail but, unfortunately, we have a very small team to service this piece of work and, as I said in the main debate, we may have to come back and ask for additional resource if indeed we have to go into a lot of detailed support right across the Island. So, I kind of hedge my bets on that answer, if I may.

**The Deputy Bailiff:**

Could I just remind Members that this Minister is answering questions without notice, so if we are not able to get through all of those, then we will be able to raise them later.

#### **4.7.3 Deputy K.F. Morel:**

Does the Minister accept that there is something of a paradox in his department putting history before the living in today enabling people to presently live in an environmentally efficient manner in their listed buildings? Surely, today and the present has to come before the past.

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

There is a theoretical paradox, but the Deputy's question, I think, is based on a misunderstanding that it is not possible to change historic buildings at all. That is just not correct. So, what we can expect, the technology will improve to enable us to do so, but at the end of the day, all of our systems in government, we have to find where to draw the line and where that balance is. Looking at the numbers and we are dealing with a very small element; historic buildings represent a very small element of the carbon emissions and compared, for example, to the carbon emissions from transport, which exceed by a country mile, frankly that is where we need to put best attention.

#### **4.7.4 Senator K.L. Moore:**

After transport, the next highest rate of carbon emissions is that from housing and so I ask the Minister if he will consider readdressing and reprioritising the importance of efficiency and thermal efficiency in respect of historic buildings, when they are being renovated.

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

Historic buildings represent around 7 per cent of the total building fabric in the Island, so it is still a small proportion. As far as the contribution of the domestic sector, the figures I have been given say that it is around 17 per cent. Just to illustrate, carbon emissions from road transport are 34 per cent; so it clearly indicates that we are right to concentrate on road transport but, certainly, domestic energy efficiency has to be part of that agenda. What I am saying is that historic buildings are a relatively small part of that and they present special challenges. But I have agreed to look at it in the answer to the question.

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

Does the Minister not understand economics? Double-glazed windows, not everybody can afford wooden, double-glazed windows. I have had a number of cases and it is time we looked at modern materials, which can give the same impression as the old windows, but afford proper thermal efficiency. Will the Minister look at this and bring the Heritage Department up to date?

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

I think, an up-to-date heritage; that is interesting. Where we struggle in this Island is that we have signed up to international conventions to protect our heritage. I would be very surprised if anybody in the Assembly wishes to destroy our special quality of our historic buildings. It is more expensive to look after them, but we do not have systems of grants, we are excluded from U.K. lottery funding, which elsewhere is a way of meeting these differences and given the derisory proportion of budget the Minister for the Environment has, there are no funds available for grants. It is in your hands, ladies and gentlemen. If you wish to provide money for grants, I shall be delighted to bring forward a scheme.

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

Supplementary? It is quite possible, with modern materials, to give exactly the same impression as the ancient windows, but with a lot more comfort for the people living in the houses, who can then afford to live comfortably. Will the Minister not realise that modern materials can work much better than the Heritage people seem to think?

**Deputy J.H. Young:**

In my experience, I have seen examples of both the good and bad in modern material in replacement windows, some are dire and awful, others are pretty good and so I agree with the Senator on that. So I have said I will review it, we will look at that, but if you are saying to me will I encourage a system where we allow ugly structures in historic buildings, no.

**4.7.7 Deputy G.P. Southern of St. Helier:**

Is the Minister saying that he has zero budget to address issues of insulation in housing and other buildings in his current state of play?

**Deputy J.H. Young:**

This is a new area for me and, as you know, I have not long been provided with the details of the G.H.E. structure budget, because this was being kept under wraps for some time. But I now understand that there is a sum of money, I think it is around about £150,000, which at the moment is going in to support a scheme for energy audits of individual people's homes. I am not sure where we are with this scheme, but we are inviting people to come forward and obtain grant assistance to be able to have an energy assessment that sets out what measures can be done. That is at the moment the priority. We believe that scheme will, in fact, achieve the 2050 targets and, of course, we now know we have to up them for 2030. So, there are some funds but, personally, I think putting it into a broader-based initiative is better than individual grants for the purpose that the Deputy is suggesting.

[10:30]

**4.7.8 Deputy M. Tadier:**

Given that this is not just an environmental, or a planning issue, it is also a heritage issue, would the Minister and his department consider speaking to the political representative, who has responsibility for heritage, in order to come up with what I think most people want to see in this area is a common-sense policy, which balances the rights of individuals to make sensible environmental changes to their properties with the wider heritage context?

**Deputy J.H. Young:**

It is interesting, heritage; my answers are all based on the law that we currently have and the policies that the Assembly signed up to last session and I have agreed that I will do a review. Where to find that balance, yes, of course it is going to have to involve a dialogue. The plan will have to come here anyway. But I still say that there is a common misconception that the current laws prevent one making any improvement on historic buildings. I have seen plenty of examples of very successful ones, but they do need attention to detail and it is not an open situation, there needs to be a dialogue with the professionals on it.

**4.7.9 Deputy M. Tadier:**

The Minister talks about the misconceptions, about not being able to make changes, but there are specific examples that we all know about where people cannot make changes, for example, to their windows. So, it is not a case of people not having the money; it is the law says that they cannot change certain windows and replace them for modern equivalents. It seems to me that the general consensus in here and in the public is that, so long as the aesthetic of the building is maintained in its generality, people do not mind seeing a modern artifice of that window, if it is energy efficient and if it preserves the rights and the ability of those inside to maintain their warmth. Is that not the position that the Minister would wish to come to as well?

**Deputy J.H. Young:**



I generally share the ideals of the Deputy there. I am prepared to set a challenge to the Deputy: if he will come forward with specific examples where there have been unreasonable requirements put on a particular home, I shall be happy to ensure they get individual attention, to look at them. But generally, because at the moment I do not have the evidence that says that this system is working and it is working unreasonably, but if Members give me evidence, I will certainly follow it up. I can say at the moment, we have the Planning Officers' Society undertaking a review and this review does include this area and I shall be looking at that report. I give a commitment to the Deputy that I will publish it and have a dialogue with whichever Minister it is appropriate.

**The Connétable of St. Ouen:**

I do not think I can add any more to the debate, which has been fascinating.

**4.8 Deputy R.J. Ward of the Minister for Social Security regarding the amount paid in maintenance by absent parents to lone parents: (OQ.140/2019)**

Given maintenance payments are taken into account in the administration of income support, how much money was paid in maintenance by absent parents to lone parents in 2017 and 2018?

**Deputy J.A. Martin (The Minister for Social Security):**

An estimate of the value of maintenance provided to lone parents has been calculated as approximately £1.4 million in 2017, spreading across 518 families and rising to approximately £1.5 million in 2018, spreading across 535 families. Just over half of lone parents receive maintenance in different forms and in different amounts.

**4.8.1 Deputy R.J. Ward:**

You may have just answered part of the question I was going to follow up with: the proportion of lone parents. Which proportion are estimated to be receiving the payments they should, the ones that should be receiving them from absent, or separated, parents?

**Deputy J.A. Martin:**

Sorry, the figure is estimated, the amount is calculated by what the working partner, or the absent partner, if you like, is able to pay. The average is between £10 and £100. You have some very wealthy absent partners and you have some who earn nothing and these absent partners pay nothing i.e. if they are on income support themselves, obviously if they are deceased, if they are in an abusive relationship and definitely if they are in prison, earning 84 pence an hour.

**4.8.2 Deputy G.P. Southern:**

Will the Minister outline what assistance is available from her department to chase up the absence of maintenance, or their ability in the regularity of maintenance payments; what help is available?

**Deputy J.A. Martin:**

The Deputy knows from the department at the moment there is advice given and it is always to contact Citizen's Advice and go through Legal Aid. We know Legal Aid is out for review at the moment and it will be interesting to see if this comes under the new Legal Aid Guidelines, but we will know more in the next 6 months.

**4.8.3 Deputy G.P. Southern:**

Supplementary, if I may. Given that the department knows, by and large, where people work and also how much they earn, could they not be far more proactive in chasing up maintenance payments from lax, absent, parents in order to make the lives of these particular clients, single parents, better?

**Deputy J.A. Martin:**

If the Deputy presumes that the department knows where these people work and live, why would the department need to do it? It is the law that they have to pay this money, the money is paid and then, if they do not do this, they are breaking the law. But I think he is thinking of something like the Child Support Agency, that is something like £3.8 billion in arrears for supposedly really chasing up the lone parent, who should be paying for their children.

**4.8.4 Deputy M. Tadier:**

Would the Minister confirm whether separated individuals, coming out of an abusive relationship, are expected to chase up their former partners in order to get maintenance?

**Deputy J.A. Martin:**

No, we asked that specific question to officers and I thought I knew the answer and the answer is definitely not. If it is an abusive relationship, no, they are not to contact that partner at all.

**4.8.5 Deputy M. Tadier:**

How does the Minister know that is implemented correctly in the department and to what level of questioning would she subject individuals, to prove that they have come out of an abusive relationship, as opposed to an ordinarily human relationship?

**Deputy J.A. Martin:**

I, myself, would subject nobody to some sort of interrogation of how abusive their relationship was, but officers in the department do sit and listen, they go through people, we have 5,000 families, over 10,000 people, on income support. If you are in an abusive relationship, you are probably asking for other help from, say, Andium, because you need to move out of the family home, even if it has been purchased. I hope the Deputy is not saying that the department does not realise when somebody is in an abusive relationship.

**4.8.6 Deputy R.J. Ward:**

Does the Minister believe that, perhaps, we should be trying to give more assistance to, not just those in abusive relationships, but lone parents, who do seem to have to take full responsibility for tracking down the absent parent and gaining the money that they so much need for their children? It can be a really difficult situation. Can more assistance be put in place by the Social Security Department, perhaps with some named contacts within Social Security, for example, to assist people at a really difficult time in their lives?

**Deputy J.A. Martin:**

As I say, I am always open to suggestions how to make things easier. If we know that the people are getting their money from the lone parent, who is working, it just gives more money in the pot that we can distribute, or it is not coming out of the taxpayer. Again, I say, I am really looking forward to the guidelines of Legal Aid and where this can take us and if there is something in there that can help I am willing to listen.

**4.9 Deputy G.P. Southern of the Minister for Social Security regarding the implementation of Priority 4 of the Common Strategic Policy, to reduce income inequality and improve the standard of living: (OQ.150/2019) ...**

What measures, if any, does the Minister have under consideration to further priority 4 of the Common Strategic Policy, namely to reduce income inequality and improve the standard of living for residents?

**Deputy J.A. Martin (The Minister for Social Security):**

Members will be aware that an outline work programme across all C.S.P. (Common Strategic Policy) priorities was published in November 2018, which was R.130/2018. The work programme listed 20 areas of activity under Priority 4. Each C.S.P. priority cannot be dealt with by just one Minister, which is why this is being overseen by a ministerial team. C.S.P. 4 is overseen by the Minister for Children and Housing, the Minister for Economic Development, Tourism, Sport and Culture and myself and where not available Assistant Ministers have been stepping in. I can confirm that all 20 areas, outlined last November, remain under consideration by all the relevant Ministers.

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

With reference to Written Question 244/2019, does the Minister not recognise that a rise in components does indeed benefit those worse off on income support, because they are not in work, a rise in this regard disproportionately benefits those who are in work and, therefore, relatively better off than those out of work?

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

I do not agree with the Deputy. We have been looking at this and we are where we are, but the Deputy was in talks with us. He does not agree with me that people in work should be rewarded more and we have less people out of work. We have very few people not doing any form of work, we say around 800 actively seeking work, 400 of them are doing hours, they are just not doing the set hours with the age of their children. So, the Deputy will know more, I will be lodging this year's uprate of income support today, if not tomorrow.

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

Can the Minister elaborate a little bit further on the work on C.S.P. 4 that has been taking place; how many meetings have taken place since November and what reports, if any, have been produced?

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

We have set up the Migration Board, the Housing Board, we have frozen rents for housing, we are out today, literally, to look at minimum wage. Sorry, we managed to freeze part of the rents for housing. Meetings, it has been difficult to get myself, Senator Mézec and Senator Farnham in a room; that is why a lot have been attended by Senator Pallett and, on my behalf, it was mainly Deputy Southern. The work is ongoing and it is all coming together now and you will see the workstreams and the money under the Government Plan very shortly.

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

As Deputy Southern is no longer your deputy, who has taken his place in this important work?

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

All will be revealed very shortly.

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

The answer to Written Question 244/2019 reveals that, for example, the adult component of income support over the period 2008 to 2019 has gone up by 16 per cent at the time when inflation R.P.I. (retail price index) has gone up by 30 per cent. What measures has she in hand to reverse this erosion of income support?

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

The Deputy was here in 2008, 2009, 2010, 2011, 2012, when everybody was losing their jobs, we were in major financial crisis and like wages - and the Deputy would know this one - wages were frozen and certain components of income support. Until we get a few extra million coming in, we are where we are and they all went up last year, the cost of living, R.P.I. and I am lodging today, or very early tomorrow, where I am going this year. But it is the same amount of money and the Deputy

knows that. It is how you cut the cake; do you reward more people in work and, as we have more people in work, why would you not?

**4.10 Deputy G.P. Southern of the Minister for Social Security regarding the inappropriate use of zero-hours contracts: (OQ.151/2019)**

What actions, if any, will the Minister take to ensure that any inappropriate use of zero-hours contracts and other similar employment arrangements, is addressed and reduced; and to what timescale will she undertake this work?

**Deputy J.A. Martin (The Minister for Social Security):**

Earlier this year, the ministerial team agreed to look at the inappropriate use of zero-hour contracts in 2020. Any actions relating to the zero-hours, if there is inappropriate use, will come out of this work. So the timescale is 2020.

**4.10.1 Deputy G.P. Southern:**

Is the Minister aware of the advice by Brian Sanderson of the U.K.'s Low Pay Commission that the Government in the U.K. examine the use of what it calls zero-hours contracts, to include a right to switch to a contract which reflects your normal hours, so something that accurately reflects your hours, a right to reasonable notice of work schedule and compensation for shift cancellation, or curtailment of reasonable notice? Will the Minister act on these items?

[10:45]

**Deputy J.A. Martin:**

We have already; we changed our policy on zero-hour contracts, I think, in 2015. The U.K. have something called a 'worker', they have no rights, they are not recognised under unfair dismissal; they are not entitled to holiday pay and we do not have that. Anyone who has a contract, whether it is an hour a week, an hour a month, there is a contract. It is recognised under the Employment Law and you can take them to J.A.C.S. (Jersey Advisory and Conciliation Service), you can take them to the Employment Tribunal and you are entitled to holiday pay, you are entitled to breaks, you are entitled to the minimum wage. Again, the Deputy is not comparing like to like. But I have not put this out; I am absolutely against the inappropriate use of zero-hour contracts and I will be looking into it.

**4.10.2 Deputy M. Tadier:**

Can the Minister give any examples of the inappropriate use of zero-hours contracts that may be occurring in Jersey?

**Deputy J.A. Martin:**

No. That is why I want to look into it. I am informed by Deputy Southern he has many. We took this to J.A.C.S. and Deputy Southern again was around the table and J.A.C.S. said it was not their top priority and that is rest breaks and holiday pay and that is the first thing; that is why I am doing that this year and zero-hours next year. I can only go by what the professionals tell me.

**4.10.3 Deputy M. Tadier:**

Would the Minister confirm that in all her 17 years as a Deputy for St. Helier that she has never once come across a constituent complaining of the inappropriate use of a zero-hours contract?

**Deputy J.A. Martin:**

I really do not want to disappoint the Deputy, but I have come across many injustices and maybe one or 2 in the 17 years, but maybe it is because people get known for what they are known and I know a lot of people, I am told by Deputy Southern, go to him. I normally had housing issues - I still do -

and income support issues and different sorts of benefits. But, hand on heart, no, it has never been one that people have been coming to me saying they are being abused. But I am out there to listen and will do the work.

**4.10.4 Deputy K.F. Morel:**

Would the Minister be able to confirm whether the Customer and Local Services Department uses zero-hours contracts and, if so, how many and whether any of them are used inappropriately?

**Deputy J.A. Martin:**

We have had this question by Deputy Southern. I am not the Minister for Customer and Local Services, but from memory, when we had a written question from ... sorry, it was not Deputy Southern, I think it was from Deputy Ward, might have been Deputy Tadier, about how many were in Social Security being employed on zero-hour contracts - I go back about 3 months - and there were none.

**4.10.5 Deputy R.J. Ward:**

I promise you there is a question coming. One of the issues recognises a lack of consistency with social work for some of our vulnerable families. Is it a by-product of having short-term workers in the Social Security, who are transient staff, because there is quite a turnover of staff, it seems. I have constituents and one of the issues they have is they do not see the same member of staff consistently and when they are vulnerable, or on long-term care and may have experienced social workers where they have seen a different social worker again and again, is it not a problem for them to engage effectively with Social Security, because they do not have consistency of members of staff, regardless of the hard work I know that the members of staff do there?

**Deputy J.A. Martin:**

Sorry, I think the Deputy is confused. The social worker part of long-term care comes under the Minister for Health and Social Services, delivered in Customer and Local Services. I do understand what he is saying, though. If you are vulnerable and you want to see the same person I do not think it is because we have the biggest turnover of staff. Customer and Local Services, as everyone knows, has gone through a massive transition and that is because we want to get those in and out very quickly who do not need a lot of help, so these particular cases, when we settle down, they will have a lot more one-to-one and they will speak to someone and they will give them the time that they absolutely need. So, I am with the Deputy but, if it is a social worker, I do not employ social workers, but agree we should have more social workers on full-time contracts. We are not, as far as I know and I am speaking for the Minister for Children and Housing, going out and try to get them on short-term contracts, or zero hours, it is just that some are literally filling in until we can grow our own.

**Deputy R.J. Ward:**

Just to confirm, the social worker was just for context and I am very reassured that, perhaps, when things settle, as it was put, that people will see people more consistently.

**4.10.6 Deputy C.S. Alves:**

Is the Minister aware that some companies are employing people on full-time hours and have done so for over 5 years on a zero-hour contract and that this is meaning that those individuals are unable to get mortgages, because they do not have permanent contracts, even though they have been working permanent hours and full-time hours for a significantly long time?

**Deputy J.A. Martin:**

This is where I would say that probably is an inappropriate use. The Employment Law changed on 1st September 2018 to where any employee could ask for their contract to be altered, or reflect what it is. Probably the person, I do not know the employee the Deputy is talking about, but I would like

to hear about it and these are certain things I need to know. But I am sure the argument would then be you have to ask first and then if the employer says no, I am sure this will be a case for J.A.C.S., or at least the tribunal, or the other way around, the tribunal then J.A.C.S.

**4.10.7 Deputy G.P. Southern:**

Is the Minister aware that, in Ireland, they have effectively banned zero-hour contracts in almost all circumstances, they have given workers the right to compensation from their employer if they turn up for a shift but are sent home without work and that, most important of all, workers are entitled to guaranteed hours of work that reflect their normal working week in Ireland. Will she consider the introduction of a similar scheme in Jersey?

**Deputy J.A. Martin:**

This is the answer to the written question of the Deputy, 245/2019, today. Again, I briefly looked at Ireland, but it says, for example, zero-hour contracts are permitted where work is of a casual nature, or where work is required to cover routine absences. This is what Ireland is introducing. They already, also like the U.K., have, I think, definitions of 'worker' and 'employee'. I do not think the Deputy understands that I really want to find out more about the inappropriate use and, if it is being used like Deputy Alves says, by people being employed for years and years, I want to know. Obviously that is not right.

**4.11 Deputy C.S. Alves of the Minister for Education regarding the delivery of political education in the Island's schools: (OQ.145/2019)**

Will the Minister inform the Assembly to what extent political education is delivered in schools; and whether such education is covered as a standalone subject or, if not, through which areas of the curriculum it is delivered?

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

Political education is a statutory requirement of the Jersey curriculum in our secondary schools at both key stage 3 and key stage 4, as the curriculum is required by the Education (Jersey) Law 1999 and is available for all schools. Although not a standalone subject, it is delivered through the Personal Social and Health Education curriculum, as part of the programmes of study for living in the wider world and citizenship. There is also a wider emphasis on politics, specifically relating to Britain, 1745 to 1901, in the key stage 3 history curriculum. Currently, our 9 and 10 year-olds across the Island, in both maintained and private schools, are given the opportunity to visit the States Chamber. The sessions are supported by local experts in the States Greffe and this has been in place for several years. During periods leading up to an election, the staff from the States Greffe also visit secondary schools to discuss the right to vote and to encourage young people to have a voice, which, of course, the Education Department are truly grateful for.

**4.11.1 Deputy C.S. Alves:**

Given that the Minister there has mentioned that it is covered in P.S.H.E. (Personal Social and Health Education) and aspects of history, can the Minister advise how often it is being taught on average throughout the academic year?

**Senator T.A. Vallois:**

I do not have those exact statistics to hand, but I can get somebody to get that information together for you and disseminate it across the Assembly.

**4.11.2 Deputy M. Tadier:**

The Minister will be aware that we are celebrating 100 years of what should be called ‘votes for some women in Jersey’ and that inequality, especially when it comes to the equality of the vote for women, living in urban areas, is not equal, even 100 years on from some of them achieving the vote. So, will she ensure that when it comes to political education in schools that students are taught from a young age about political philosophy and analytics and not simply about learning the facts of our current feudal and gerrymandered system?

**Senator T.A. Vallois:**

In terms of political education, or citizenship, as it was known, one of the issues that we have with regard to political education, not just in Jersey, but most of the western world, is that the appropriate resource of objective understanding, provided to the political sphere, is not understood and fully reflective in terms of education. The conversation that I had with Deputy Alves - I was aware that she was going to put this question to me - is that in terms of being able to ensure that better understanding is made of political education, especially in Jersey, is that there may be a need for us, as politicians, to work together, possibly as a standing committee of P.P.C. (Privileges and Procedures Committee) with relevant Members who are interested in this and I am happy to take part in that group, to put together resource packs, to support teachers in schools to provide that political education.

**4.11.3 Deputy M. Tadier:**

May I have a supplementary? Does the Minister also agree that politics is most interesting, including to children, when it involves some disagreement and when there are different voices having a debate, hopefully with some decorum, in front of them in schools; and that, up until now, there has been a distinct lack of debate and differing political voices being allowed to enter schools to contest ideologies, for example?

**Senator T.A. Vallois:**

I do not think it is just politics; it is good to have disagreement in life, full stop. Everyone is different and they all have different views. Also, in terms of ... I know that there is more debate in schools, my own son and my own stepchildren are in secondary schools and they take part in this, not necessarily on a particular political platform, but debating, understanding written arguments, that is not just in P.S.H.E. but it is also in R.E. (religious education), it is also in English, understanding how to provide evidence-based arguments, as well. It is an extremely important part of growing up and becoming a well-rounded individual. But in terms of politics, I am willing to take on board all the information, but understanding, of course, how we can ensure - that is why I was talking about a resource pack before - to support the teachers, because it could be taught in various different subjects across the line, because we have to recognise the curriculum in the school education system at the moment is jam-packed.

**4.11.4 Deputy G.P. Southern:**

As an immediate extension to the words of support that you gave to political education in schools, would the Minister not encourage her head teachers, who have control over the curriculum, to invite the current electoral reform scheme promoters into schools, as well as touring the parishes?

**Senator T.A. Vallois:**

I am happy to have that conversation and speak with the Group Director of Education and the heads and ask whether they would be willing to invite the group in and have that discussion about electoral reform.

**4.11.5 Deputy K.F. Morel:**

With regard to political education in schools, would the Minister agree, or would she want to ensure, that the importance of clear communication within a Government is very important, including, for

instance, such times as when a Minister for Education is not told that they are being committed to savings by the Chief Minister, whether such communication is so important?

**Senator T.A. Vallois:**

I believe all communication is extremely important. I am not going to comment on the fact that the Minister for Education should be consulted with regard to her budget and her ability to provide the services that she needs to as Minister for Education. I would agree: communication has been a fault of, not just the Government, the States Assembly, the public service, for many years, and there is a lot of improvement to be made.

[11:00]

**4.11.6 Connétable M.K. Jackson of St. Brelade:**

Would the Minister, in agreeing that there is a necessity for political education, agree that children ought to be warned of the dangers of alignment with political radicals and extremists?

**Senator T.A. Vallois:**

This is quite a hot topic in the U.K. at the moment about radicalism, extremism; we have to, of course, obviously understand that there are potentially far right, far left, whatever it might be. Education is about providing the objective education base, to allow an individual to determine for themselves, but also to support those individuals, who may be vulnerable and ensure that they carry on through the right path and are not taken in a particular grouping that could harm the whole of society.

**4.11.7 Deputy C.S. Alves:**

I welcome the idea of resource packs and things like that; that will be absolutely fantastic. So, would the Minister, given that individuals can now vote at 16, consider making it a more consistent programme, especially in key stage 3 and 4?

**Senator T.A. Vallois:**

The first step we need to take with regard to this would be I would be happy to have a conversation with the Chairman of P.P.C., to set up a standing committee with interested Members from this Assembly to sit on; I would be happy to take part in that as Minister for Education. I am also happy to take the discussion and the questions that we have had today to the Curriculum Council when it next meets, to have a discussion about the consistency and how we ensure that this is provided in the schools. But, hopefully, that standing committee can continue, no matter which States Assembly, or Government, are in place for the long run because, of course, politics in Jersey continues to change, whether it is miniscule or huge steps, but there are changes, so people need to be kept up-to-date and understand how that does, or does not work.

**4.12 Deputy M.R. Higgins of the Minister for Health and Social Services regarding the implementation of Court Orders in relation children in the care system: (OQ.149/2019)**

Will the Minister advise Members what steps he takes to ensure that court orders relating to children in the care system have been complied with; and state what action would be taken under existing policy against any staff found to be ignoring such Orders?

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

My Assistant Minister, Senator Mézec, will answer this question.

**Senator S.Y. Mézec (Assistant Minister for Health and Social Services - rapporteur):**

There are a range of Public Law Orders made under the Children's Law 2002 on the application of the Minister for Health and Social Services and these include care and supervision orders, emergency



protection orders and contact orders. A care order places a child in the care of the Minister and the Minister has a duty to ensure that a child in care has reasonable contact with their parents, subject to any order, which the court has made in relation to contact between the child and a named person. When considering whether, or not, to make a care order, the court is provided with a care plan, which sets out the plans for the child's placement and for contact with parents. A child's care plan is reviewed periodically, to ensure that it remains appropriate to a child's needs and this is done through the looked-after children's reviews, which are chaired by an independent reviewing officer. Each allocated social worker has a monthly supervision, in which the team manager ensures that the care plan of a looked-after child is being met and that it still meets the needs of the child. Non-compliance with a court order would be treated very seriously, with the appropriate procedure being used to investigate and deal with that matter, such as a disciplinary procedure. Consideration would also have to be given to whether the issue should be referred to the regulatory body for social workers, the Healthcare Professions Council, which would determine whether to take any action.

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

The reason this question was asked is because a situation did occur where staff were ignoring a care order of the court and attempts had been made to draw it to the attention of the department, including the Minister for Children and Housing and no action had been taken. The care order, by the way, the person concerned has been told, since the question was asked, that they will be allowed to do what they are supposed to be able to do under the care order. Will the Minister look at the whole procedure and make sure that this type of incident should not happen again?

#### **Senator S.Y. Mézec:**

I can be absolutely unequivocal and make this basic point that it is fundamental to democracy and the rule of law that every public official obeys court orders; that is no ifs, no buts, it is fundamental to the rule of law. Where there is an incident where that has not occurred, it must be treated seriously, not just by senior public officials, but by Ministers and if the Deputy is concerned about a particular instance, where that has not occurred, then I am absolutely more than happy to sit down with the Deputy, either by ourselves, or with any other officers who he may think would be helpful to be in that situation, to discuss it. If he does not want to do that or, as well, would like to do that, then I would also recommend speaking to the Children's Commissioner, as well, to get an independent view on that.

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

Yes, when I asked this question it was referred to the Minister for Children and Housing. He is answering the question as an Assistant Minister. Will the Assistant Minister tell me whether he has full legal powers to act in this area, or is it still under the Minister for Health and Social Services, because it is very confusing at the moment?

#### **Senator S.Y. Mézec:**

I can totally understand where the confusion arises and this will be something we will need to look at in the legislation, now that there is a Minister for Children and Housing that has not existed previously. The power under the Children's Law rests with the Minister for Health and Social Services, but I am an Assistant Minister for Health and Social Services with delegated responsibility for this. The reason I have that is because I also hold the position of Minister for Children and Housing. It is something we are going to have to look at, but the current arrangement works fine under the current law.

#### **4.13 Deputy K.F. Morel of the Minister for Children and Housing regarding the number of contracts awarded to Altair by the Government of Jersey: (OQ.143/2019)**

Further to the Minister's response to Written Question 206/2019, will the Minister state how many contracts have been awarded to Altair by the Government, or the Board, since 1st January 2017 and the total value of these contracts; and advise how many of these contracts were awarded without a tender process?

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

Three contracts have been awarded to Altair by the Government, or the Policy Development Board, since 1st January 2017 with a total value of £147,730. All 3 contracts were awarded without a tender process.

**4.13.1 Deputy K.F. Morel:**

As all 3 of those contracts were awarded without a tender process, could the Minister confirm whether they had a value between £25,001 and £100,000 and, if so, were 3 quotes obtained, as required by Financial Directions and were any of those quotes from Jersey-based companies?

**Senator S.Y. Mézec:**

I will give the exact figures for the 3 contracts. There was a key worker housing report phase 1, which was £24,950; there was a key worker housing report phase 2, which was £24,930; and there is the wider support for the Housing Policy Development Board, which is £97,850. Alternative quotes were not sought. This is in line with Financial Direction 5.1. I have a printed copy of that Financial Direction, which I am happy to hand to the Deputy, if he would find it useful to examine it. But I am confident that the rules have been applied as they are in this circumstance.

**4.13.2 Deputy K.F. Morel:**

It is very interesting to note that Financial Direction, I believe it is probably 5.1, it might be 5.5, I do not know which, states that anything over £25,001 needs to get 3 written quotes. 2 of those tenders were for £51 short of that and £71 short of that. It does question why those convenient amounts were put into the tender. Is the Minister concerned that contracts are going without tender - while in line with Financial Directions - they are going to one company? Sorry, let me start again. Is he concerned that 2 of those quotes will not have had other quotes supporting them and he did not confirm whether the £97,850 contract came with 2 other quotes, as required by Financial Directions?

**Senator S.Y. Mézec:**

Sorry if I was not clear on that last point; I thought I confirmed in my answer that was not the case, that the alternative quotes were not sought there. The Deputy is right that there is a usual process, depending on the amount a contract is worth that he has described. However, if he reads Financial Direction 5.1, there are exceptions to this and justification has to be provided for why those exemptions have been met. He will be able to see that if he reads Financial Direction 5.1, and if he has any further points of clarification on how that decision was reached, I am happy to provide him with that. I am personally satisfied that the right decision has been made. I think we have the right organisation on board for this and it enables us to meet our timetable for performing this very important work.

**4.14 The Connétable of St. Lawrence of the Minister for Home Affairs regarding the service review of the Fire and Rescue and Ambulance Services: (OQ.139/2019)**

Will the Minister provide an update on the service review being undertaken of both the Fire and Rescue and Ambulance services and does he intend to return to the Assembly with a detailed and informed proposal to merge them?

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

Yes, I expect the service review to be completed before the end of this month. Obviously, I cannot comment on whether I will return to the Assembly with new proposals until those reviews have been completed.

**4.14.1 The Connétable of St. Lawrence:**

We know that there was a great deal of apprehension among staff following the proposals to merge these services and indeed both services wrote to the Minister with detailed concerns. Given that continued uncertainty is not helpful, or fair, on our services, will the Minister confirm that, following the review, he will undertake consultation with the staff of both services?

**The Connétable of St. Clement:**

I can promise better than that; I am consulting with the staff now. I have already had meetings with the staff associations of both the Fire and Ambulance Services and have further meetings in the diary over the next month, or 2.

**4.14.2 The Connétable of St. Lawrence:**

I would like to ask the Minister whether he will return to the Assembly with the review? Will he provide the review to the Assembly?

**The Connétable of St. Clement:**

If the service review requires changes then, obviously, I will come back to the Assembly. If changes are not required then I will not be coming back to the Assembly.

**4.15 Deputy R.J. Ward of the Minister for Infrastructure regarding the Public Finance Initiative for the regeneration of Fort Regent: (OQ.141/2019)**

Will the Minister explain why the Government is pursuing the idea of a public finance initiative for the regeneration of Fort Regent and will he explain what considerations, if any, have been given to the record of such initiatives being used in other jurisdictions?

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

On 28th May, businesses were invited to tender for the 2 contracts, which will help shape the future of Fort Regent. The first tender is for a company capable of creating events and experiences, which will attract Islanders to the Fort in the medium term. The second is for a company able to provide practical commercial advice on the long-term options for the Fort's use. The successful tenderers will report in to the political steering group, established by the Chief Minister. We have sent out a media release about this last week and I am not sure why, but one publication misreported the tendering exercise, suggesting that a private finance initiative funding route was being considered for Fort Regent. This is not the case and is not under consideration.

**4.15.1 Deputy R.J. Ward:**

That is very reassuring, given the capital costs that are financed by P.F.I. (Private Finance Initiative) in the U.K. can burden Governments for 25 or 30 years of payments. So, can you definitively assure us that the same failures, that have happened in the U.K., will not be repeated in Jersey, burdening future generations with ridiculous outgoings, which we really do not need?

**Deputy K.C. Lewis:**

Yes, the Fort's steering group is ably chaired by the Chief Minister, Senator Le Fondré; Assistant Minister, Deputy of Trinity in the chair; myself, Treasurer; Assistant Chief Minister; Deputy Young; Constable Crowcroft and Senator Pallett, all on the team.

**Senator S.W. Pallett:**

Can I just say I am not on that team?

**Deputy K.C. Lewis:**

Yes, I beg your pardon, Senator Pallett stood down from that team. I can reiterate, again, we will not be entering into a P.F.I. scheme. A full consultation exercise with Islanders will form a key part of the programme.

**The Deputy Bailiff:**

Do you want a final supplementary, Deputy?

**Deputy R.J. Ward:**

Thank you; that answered my question.

[11:15]

**4.16 Deputy M.R. Le Hegarat of the Chairman of the States Employment Board regarding applications in the public sector for posts with salaries of more than £100,000 per annum: (OQ.136/2019)**

Will the Chairman advise how many applications under the terms of ‘Salaries over £100,000: process for review and scrutiny’, P.59/2011, there have been since October 2017 and indicate whether any such applications were approved, rejected or extended; and will he indicate to which departments the applications related?

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

It is quite a tricky one to answer orally, but the Deputy will recall that the P.59 process was established by the Assembly in 2011. Its purpose was to provide a mechanism to both highlight and manage employment roles, which are either in receipt of a salary over £100,000 a year, or had a run rate equivalent to that salary. It is important to emphasise that applies to all positions, whether temporary, or permanent. So, the S.E.B. review applications with a business rationale and approve as necessary, but in practice only those applications which are absolutely necessary are presented to the Board. If you look at the members of the Board, I am sure you will be assured that they do challenge fairly robustly at times. But, as a guide, around 10 per cent of applications never make it to the Board. Now, in terms of numbers, they are proportionate in an organisation of over 7,000 people and we have to emphasise that the number of posts, for example, have in certain points being reducing. So tier 1 and tier 2 posts have been reduced from 66 to 42 and those will all be posts that are above £100,000. That will lead, ultimately, to some savings. But numbers: after October 2017, 7, so that is to the end of the year; for 2018, 29; and for 2019 to date, 23. In the context, for example, all of 2017 was 37, all of 2012 was 26. It is also important to emphasise that those are additions; they do not take account of people who have left that post. In other words, it does not identify whether it is a replacement, or a new. It is slightly difficult, I can give the numbers by department, or would the Deputy prefer that in writing?

**The Deputy Bailiff:**

I think, Chairman, we have reached the reasonable time for answering a question, so we may have to leave that to a supplementary. Do you have a supplementary, Deputy Le Hegarat?

**4.16.1 Deputy M.R. Le Hegarat:**

How many of these positions have been recruited overseas?

**Senator J.A.N. Le Fondré:**

I do not have that information to hand and I would say that, obviously, it will depend, because a number of these will come from across the organisation. So, for example, there are, I think, 2 members in the Judicial Greffe and 2 members in the Law Officers' Department; if one of them is who I think it is they will definitely be local. So, I would need to go away and get that information, which will take some time.

**4.16.2 Deputy M.R. Le Hegarat:**

In the process, are all of these positions authorised by the Treasurer of the States?

**Senator J.A.N. Le Fondré:**

I would have to go back and check the exact sign-off process. It will be signed off by the relevant heads of the departments, certainly in my experience. If it is part of the Chief Minister's Department, it comes to me for signature, as well and then it goes for approval at the S.E.B. I cannot recall if the Treasurer is one of the signatories directly for all, or just for Treasury and the Exchequer. Obviously, the Minister for Treasury and Resources is a member of the S.E.B.

**4.17 Deputy K.G. Pamplin of the Minister for Children and Housing regarding the Minister's response to the recently-published Youth Justice Review: (OQ.147/2019)**

Further to the recently published Youth Justice Review, which expressed concerns about inequalities in accessing both health and education services in the Island, what action, if any, will the Minister take in response?

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

The Youth Justice Review has just been published and I can confirm that the Council of Ministers has endorsed it. I have already committed to bring forward an action plan in the autumn. The review highlights areas where access arrangements need to improve, for example training opportunities in custodial facilities and, rightly, in my view, it recognises that reducing inequality and providing good quality public services to our children has wide and long-term benefits. So, I look forward to bringing concrete actions, backed by resources, to improve matters and that will be in the coming months.

**4.17.1 Deputy K.G. Pamplin:**

I thank the Minister for his answer. I am aware that, obviously, as he stated, this report has just come out, this review has just come out and I ask it because I feel that it is urgent and I know he agrees with me following yesterday's Scrutiny hearing, but is he, like me, starting to get frustrated that things are not moving quickly enough?

**Senator S.Y. Mézec:**

I am probably even more frustrated than him, because I am having weekly meetings with my officers where I am eager to pursue things and get things done and the way our Government system works is often not as efficient as I would, personally, like it to be and often it is more difficult to get funding for the items you want to pursue. I would remind the Deputy that we are in the last year of a Medium Term Financial Plan, that I voted against when it was first produced and that I voted to allow flexibility over on 2 occasions in this Assembly and that constraint I find to be incredibly frustrating. The only light at the tunnel I can see is the fact that we have the Government Plan coming up, which is an opportunity to, hopefully, sort lots of this out.

**5. Questions to Ministers without notice - The Minister for Economic Development, Tourism, Sport and Culture**

**The Deputy Bailiff:**

All right, would you like a final supplementary? Very well, that brings questions with notice to an end. We now move to questions to Ministers without notice. The first question period is for the Minister for Economic Development, Tourism, Sport and Culture. If people will keep their lights on for a moment, so I can just make a note.

### **5.1 The Connétable of St. Brelade:**

Will the Minister confirm to Members whether, or not, there is regular monitoring of emissions from telephone masts and, if so, whether he anticipates any changes as a result of the introduction of 5G?

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

We are aware that people may have concerns about any new mobile phone technology when it is launched in the Channel Islands, or even operational. The Government expects phone operators to abide by the very latest safety recommendations when launching new mobile services, including 5G. C.I.C.R.A. (Channel Islands Competition and Regulatory Authorities) has been conducting annual independent surveys for many years to monitor mobile sites and all operators have complied with their licence conditions and operate their networks all within the recommended emission levels.

### **5.2 Connétable K. Shenton-Stone of St. Martin:**

This leads on from the Constable of St. Brelade. Does the Minister believe that the States of Jersey's 5G partnership with the Chinese state-owned digital telecoms company ZTE is appropriate, given the National Cyber-Security Centre's warning to U.K. telecoms operators against using ZTE hardware, citing potential risks to the U.K.'s national security, as well as the recent controversy surrounding Huawei? If so, are security measures and mitigations in place, in the event of Jersey's network being compromised?

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

There are considerable security questions around 5G and the situation is currently a fluid one. The U.K. Government is yet to announce its position on the use of Huawei kit. The Jersey Government is in regular contact with the National Cyber-Security Centre and officers last received a confidential update on 31st May. We are also engaging regularly with telecoms providers in the Bailiwick on this matter, so we are working very closely with the U.K.

### **5.3 Deputy I. Gardiner of St. Helier:**

Would the Minister give an update for the Members about development and possible plans for the skate park?

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

I am pleased to be able to report that a press release is imminent; I think States Members are due to receive an update from Senator Pallett later in the day, or this evening. Good progress has been made. We are going to enter a new exciting phase of the project and the report containing the short-listed sites and the favoured sites will be with Members shortly. So, I can reassure the Deputy that progress has been made and Senator Pallett will be updating Members accordingly.

### **5.4 The Connétable of St. Lawrence:**

Will the Minister advise how his department is working with Visit Jersey to promote the 75th Anniversary of Liberation in 2020 and whether any forecasts of potential economic benefits have been made?

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

That is work that is currently underway. We have spoken about the value of the wartime infrastructure and memorials to tourism in the past. I personally think that first and foremost this is

a day of remembrance for Islanders, but there is a potential to attract additional visitors at the time and those are conversations we are having now as to how we might maximise on that.

### **5.5 The Connétable of St. Helier:**

The Minister may be aware that only a handful of Members attended the presentation by Ports of Jersey yesterday to present their annual report. Notwithstanding that, will he join with me in commending Ports of Jersey for the excellent work they have done in preparing their business plan? Will he undertake to make sure that the problems that they raised about C.I.C.R.A. and their involvement in the business plan of that organisation are being resolved and that he is doing all he can to make sure that Ports of Jersey have a sustainable financial business model in the year ahead?

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

Firstly, yes, I do join the Constable in commending Ports of Jersey for the good work they are doing and they have presented an impressive plan. I hope they now get on and start delivering, because there has been some frustration among Members, if I am honest, that some of this important infrastructure work has not been happening quickly enough. Having said that, Ports of Jersey have full confidence in their plan, their management structure and I know their intentions are to move on very quickly. Technically, political responsibility for the Competition Law sits with the Chief Minister's Department, but I do work with C.I.C.R.A. on matters relating to telecommunications and other issues and I will always urge the Competition Authority to work within its parameters as set by the States Assembly and to be as pragmatic and helpful to business as possible, without compromising its job and the important work it has in encouraging competition and driving out the best deal for the consumer at all times.

### **5.6 Deputy S.M. Ahier of St. Helier:**

Would the Minister advise the Assembly what measures he is taking to ensure that restaurants and cafés adhere to the guidelines to ensure that customers can safely avoid allergens such as gluten, dairy, nuts, *et cetera*, when eating out, or buying takeaways, in Jersey?

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

I must admit that I am not totally familiar with the laws in relation to that. If I am honest, that is a matter that is not currently on my agenda. Having said that, I do expect all places that serve food, or drink, comply with all the health and safety laws. This is something that, perhaps, comes under the Minister for the Environment's remit, but I am pleased that the ratings now given to places that sell food, 5-star, 4-star ratings, that scheme has bedded in very nicely and I know it is driving out higher standards in these areas.

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

Obviously, we all wish to have good visitor experiences to the Island and although we are known as one of the sunniest places in the British Isles, it does rain and many of our tourists certainly get caught in the rain waiting for buses on the number 15 route and, in particular, opposite La Frégate Café. Will the Minister use his office to try to encourage the Infrastructure Department to put bus shelters there, so we do give the visitors, at least, some protection from the weather when it is adverse?

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

I think that is a good point to raise. Our tourism infrastructure is important, because we all know that because of tourism and the benefits it brings to the Island, all Islanders stand to benefit from investment in the tourism infrastructure. So, yes, I am more than happy to take that matter up with the Minister for Infrastructure. I also understand there is, perhaps, a private investment plan for that area, that will help to enhance the visitor experience. So, the answer to his question is a resounding yes.

[11:30]

### **5.8 Deputy R.E. Huelin of St. Peter:**

As we will be discussing cats later, I would like to give dogs some air time; you know where this is going. Given the recent petition and an increase of general interest, what is the Minister's views on reviewing the times and dates that dogs can be walked on the beach off leads?

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

This is an issue that comes up at this time of the year, when the regulations kick in for the summer period and it is something I have become very familiar with. I too am a dog owner and walk my dog regularly and responsibly and always clear up after it. Unfortunately, many dog owners still do not do that. I believe that the current restrictions, or regulations, are fair. Dog owners can take their dogs on any beach at any time of the year, 24/7. For approximately 6½ hours during the period 1st May to the end of September, the dogs have to be on a lead. I think that is perfectly fair and very generous in relation to some other areas. If we start to relax regulations on certain beaches, that will undoubtedly lead to stricter regulations on other beaches and possibly some bans on other beaches. So, in answer to the Deputy's question, I believe that what we have now, in balance, works well. It is relatively fair and if at any stage this Assembly is asked to reconsider, or relax these rules, first of all we must expect dog owners to be more responsible than the minority of them are.

#### **5.8.1 Deputy R.E. Huelin:**

As we know, there are many days between May and September when the weather is only fit for hardy dog walkers and the beaches are otherwise deserted. Does it not make sense to have a slightly more pragmatic approach?

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

If I am honest, I think the current rules are policed appropriately, but with a light touch and in a pragmatic way and I would call for all dog owners to be sensible and always be mindful of the conditions on the particular day they want to walk their dogs. I want to reiterate, I know it is difficult at times, but I do think what we have now works well and is fair and the Deputy and I often spend time together walking our dogs, legally and discussing matters of States business.

### **5.9 Deputy K.F. Morel:**

Would the Minister advise the Assembly of when we can expect to see a retail strategy from the Department?

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

I have been dealing with emails on that very subject, just prior to question time. The final draft is complete and we just had a request from the Chamber Retail Sub-Committee to review that, which they are going to be doing in the course of the next week, or so and will be releasing it imminently. It has taken a little bit longer than expected, because I am keen to ensure that all stakeholders, all parties, are as content as can possibly be with the direction that the strategy is going to point. Having said that, though, it is not going to be a strategy and that is it; we are not going to put it in a drawer and forget about it. It is going to be an evolving strategy and it is important that we get it right from day one.

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

Is the Minister involved with the Treasury in updating the M.O.U.s (Memorandum of Understanding) for the port, especially in material projects? For instance, is he aware of the informed opinion that states that passenger numbers do not support the concept of a £42 million expansion plan?

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



First of all, my department, officers from our departments, do work closely together when putting M.O.U.s together in matters of mutual interest. Could the Senator please expand a little bit on the final part of her question?

**5.10.1 Senator S.C. Ferguson:**

I have been told by people, who have some knowledge about these things, that passenger numbers, coming through the airport, do not support the concept of a £42 million expansion plan.

**Senator L.J. Farnham:**

As I mentioned before, in a response to the Constable of St. Helier's question, I have full confidence in the commerciality of the Ports of Jersey Board and I do not think, for one minute, that they would be proposing plans that are not viable. We all know there are a lot of experts around the Island and many experts have different opinions and, again, I have full confidence in what Ports of Jersey are proposing. From a tourism and an Islander perspective, it is really very important. Again, following on from Deputy Higgins's question, the infrastructure that serves Islanders and tourism is very important. I think the Jersey Airport's plans to significantly invest in their facilities are timely and I fully support them.

**5.11 Deputy K.G. Pamplin:**

It is my understanding that funding for the Battle of Flowers' arrangements comes to an end this year. Going forward, will the Minister be committing ... is Economic Development, Tourism, Sport and Culture, supporting the Battle of Flowers financially, as it has done in these previous years?

**Senator L.J. Farnham:**

Funding for all of our important events, such as the Battle of Flowers, is important and they are reviewed annually. There is absolutely no chance, whatsoever, that the Battle of Flowers' funding will go and, in fact, I will commit now to this Assembly to apply a small increase to their funding. The Battle of Flowers is not only important to tourism; it is part of our culture and we are going to keep it just like that.

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

The Port's presentation yesterday lunchtime, one of the impressive figures Members were given was a good healthy increase in air passenger numbers for 2018. Unfortunately, sea passenger numbers were not so good. In fact, they had decreased and we were told that while April was quite good this year, May has not been good. What is the Minister doing about increasing the sustainability of sea routes?

**Senator L.J. Farnham:**

We are starting to see a reversal of fortunes in the number of sea passengers arriving. I will start with May. May was a challenging month. I think we are going to see a slight blip in the figures for tourism in May, simply because last May was like a hot August and the weather conditions have been slightly different this year. We all know that tourism visitors now book late and can often make decisions at the last minute, dependent on weather. In relation to sea links, yes, there is a long way to go. There are a number of challenges that we have here. First of all, because of the increase in airport passengers we are seeing new routes, companies like easyJet are expanding their network, more competition is leading to lower prices, so more passengers are choosing to fly than to take ferries. Having said that, I am mindful of the fact that we are in the middle of some important work with Condor. As Members will know, the Condor business is up for sale. We have an operating agreement in place with them, which runs until 2024. Part of the work we are doing now, which will lead us into a new contract either with Condor, or another operator, is largely based around the reconfiguration of their fleet.

**The Deputy Bailiff:**

I am sorry, Minister. Could you bring that answer to a very swift end? We have run out of time for questions.

**Senator L.J. Farnham:**

Yes, Sir. I just wanted to assure Members that work is ongoing with Condor. I am mindful of the importance of our ferry links and I assure Members that we will do our very best to improve the fleet configuration of any future passenger ferry operations.

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

**6.1 Deputy R.J. Ward:**

Given that this Assembly declared a climate change emergency 40 votes to one recently and that part of that was to come up with a plan by the end of 2019, can I ask the Minister how that is going and can he give us an update, please?

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

The Minister for Infrastructure and I have had a meeting with our small team of officers and we have got an initial paper going to the Council of Ministers, recommending a basic start to this. Some of that is about political leadership, about quick wins and then some deeper understanding of the principles about how we are going to tackle it. That will be in that report and then we will make that public. I think the issue that I am still less than clear on is whether, or not, the Council of Ministers and my colleagues consider that we should have a much more detailed implementation plan, in which case I will need additional resources, which I spoke of earlier, or whether we are going to have a high level strategic plan. Nonetheless, I am determined that we will do this. There is a lot of information available that has been assembled that I am happy to make available and I am delighted to say that I have certainly recommended to the Council of Ministers that Deputy Ward is on the working group.

**6.1.1 Deputy R.J. Ward:**

Might I encourage you please to encourage the Parishes to declare the same climate change emergency, because it does make action happen and I can say that, in St. Helier, we have had such a positive response and come up with some really positive ideas that I am sure could feed in to the work that you are doing? I encourage you to do that and take that on board.

**Deputy J.H. Young:**

Yes.

**6.2 The Connétable of St. Brelade:**

Would the Minister confirm the status of his department's investigation into the alleged pollution incident at the Horizon development at the Waterfront?

**Deputy J.H. Young:**

I think we have all seen the public report, obviously initiated by Save Our Shoreline and, as a result of that, the water pollution team have conducted the investigation and, of course, with such matters it is important that they have followed the correct protocol, set by the Attorney General for that, because, obviously, it is a formal process. I am advised that my notes asked me not to go into more detail, but the alleged breaches, the investigation and the case file on that, will be handed, I am told, to the Law Officers' Department shortly.

**6.2.1 The Connétable of St. Brelade:**

Would the Minister outline to Members what action his department is taking to mitigate any further pollution into the Elizabeth Marina from the Horizon development?

**Deputy J.H. Young:**

I think this has become quite a complicated business, because we have also got the issue about pollution in the marina itself. I think there are issues concerning pollution and issues concerning the processes and methods and so on. I think they are likely to raise separate issues and it is difficult to separate them, but at the moment, for example, we know that the marinas - as a result of the effluent from boats and from anti-foul compounds, which are designed to be released into the water - are likely to contain contamination. Of course, although there are rules for that and Environmental Health work with the Ports to try to enforce that, there is no question that marinas are likely to be polluted. I will make sure that work continues and I think it is particularly relevant, in view of the usage to which the marina is likely to be put in future years, for alternative activities.

**6.3 Deputy S.M. Ahier:**

Would the Minister advise the Assembly whether he supports the concept of subsidies to encourage motorists to change from petrol and diesel vehicles to electric vehicles?

**Deputy J.H. Young:**

This subject is one on which the Council of Ministers, of course, will have to work together on a policy, as part of Deputy Ward's proposition and its action plan. My personal view is I do not see a case for that. It is not the best use of limited public money, because I think people that can afford electric vehicles just hanging out for subsidies from the taxpayer is not the best use of those funds, so I have got substantial reservations about that. I also am not very keen on having a system of public handouts on this, without having a proper regime of what I would call carrot and stick, so that we can encourage people, who are going to make environmental improvements and discourage those that do not. I think that is the work that we need to do and I think that is the better framework for tackling it. It is going to take some time, as we will have to phase those measures in, in my view. I do not think that would be on my list of quick wins.

**6.4 The Connétable of St. Helier:**

Is the Minister aware that the theme of the last British-Irish Parliamentary Assembly was climate change and it was attended by the Deputy of St. Mary and myself? Will he undertake to be fully briefed about that important conference that many of the Members of Parliament from the other devolved Assemblies are extremely concerned about and will he undertake to brief himself on the keynote speeches that were made during the seminars?

**Deputy J.H. Young:**

Yes. Obviously, I was not in the Assembly, nor had this role at that time, but I do believe this ties in with the British-Irish Council meeting, which is due to happen at the end of this month in Manchester and, in fact, I have received a draft document about that, which I think we would certainly be making a contribution to that work. There is no question and I am very pleased to hear from the Connétable that other jurisdictions are up to speed and I think they will be pleased to hear our news and we will certainly learn from that ministerial meeting.

[11:45]

**6.5 Senator K.L. Moore:**

Will the Minister agree to undertake a heritage case study visit and attend my home, so that I can demonstrate to him how current building regulations, requirements and heritage rules impinge on responsible homeowners and their desire to improve thermal efficiency?

**Deputy J.H. Young:**

I thank the Senator. I think, maybe, I was rather rash to put that offer out, because I sent the officers a note saying that I am expecting to get quite a list of these. I think my purpose, in doing that, was one hears all these anecdotal stories of where people are prevented from doing sensible changes. I want to be more informed about it, so having that list, whether I can do it personally, or not; I think I certainly intend to set up a system, so that we can have those investigated. Then, if we learn lessons generally, then at least it will be a basis of proper information. Again, I do not resile from that offer. I made it and I have stuck with it.

**6.6 Senator S.C. Ferguson:**

Will the Minister give an assurance that he will maintain a watchful eye on the scientific evidence refuting the scam currently being promoted about carbon dioxide?

**Deputy J.H. Young:**

Could I invite the Senator to clarify her question, as to what she means by the scam about carbon dioxide?

**Senator S.C. Ferguson:**

With pleasure. Something that occupies 0.04 per cent of the gas in the atmosphere is not promoting a higher temperature. It is a load of rubbish.

**Deputy J.H. Young:**

I think the Senator's views are well known. Obviously, as Minister, I do have some basic scientific understanding, but I am not a scientist. I, I think, like everybody else in this field, rely on all the expert work of international scientists throughout the world who have come to consensus on this and I think to depart from that would be a pretty unsensible thing to do.

**6.6.1 Senator S.C. Ferguson:**

Does the Minister realise there is no such thing as a consensus in science?

**The Deputy Bailiff:**

I think you can answer that question, Minister.

**Deputy J.H. Young:**

I do not know. [Laughter]

**6.7 The Connétable of St. Lawrence:**

I hope the Minister will know the answer to this question. I am sure he will. Following a series of meetings between environmentalists, growers and Connétables, new guidelines have been prepared recently on the do's and don'ts for best *branchage* practice, in order to protect our natural environment. The Minister will, no doubt, be as disappointed as I was to receive, only yesterday, photographs showing areas on the Five Mile Road that have been cut to scorched earth level by, it was suggested in the email, a States department. Will the Minister explain what his department is doing to ensure that the aforementioned guidelines will be shared with and followed by States departments?

**Deputy J.H. Young:**

There are 2 issues there. The Connétable is right to put this at the top of the agenda and I am very pleased to report that my Assistant Minister, Deputy Guida, has led the work with the Connétables to try to work with those involved to try to make improvements. I am not, myself, personally up to speed with the details and I do not know if I am allowed to ask Deputy Guida to deal with the detail. I was very concerned to see those images on social media of what had happened on the Five Mile Road. That seems to be appalling and I undertook to investigate. That was only yesterday and I have

not had a chance to find out. If it does appear that it is a States department, I do not believe that it would have occurred when we had our own employees and I would like to find out if it is a States contractor, which is part of our new privatisation and efficiency agenda. I would definitely want to make sure that that sort of thing does not go on in the future.

### **6.8 Deputy K.F. Morel:**

The Minister mentioned that he wants to be informed and so I was wondering if he could extend that to the public of Jersey as well. Could the Minister inform us as to whether the water in the Elizabeth Marina and also outside there, in the sea at West Park, is safe? While swimming is not normally meant to happen in the Elizabeth Marina, it should still be safe and I believe that the triathlon may be occurring there at some point in the future.

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

It will not surprise Members that during the warm-up to this session, I sent emails through to Environmental Health to get a bit more detail. Firstly, bathing water quality is tested by our environmental team. That is going on concurrently and certainly all the results are very positive. However, the Environmental Health team's advice is not to swim in marinas. It is advice, because boats are potential sources of pollution and anti-foul is designed to be released into the water, because the material is toxic to marine organisms that attach to the bottom of the boats. Whether, or not, that is a matter that fits in, that is the advice given, but it is only advice. As far as what we can do to improve the quality of the water in the marina, Environmental Health enforce standards, because there are standards with the Ports Department, but it is a risk area and it is up to organisers of those events.

### **6.8.1 Deputy K.F. Morel:**

If I may, I asked quite directly: is the water safe, not whether it is positive and I also asked about West Park.

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

I certainly have got no information that says that swimming in the sea water around Jersey is anything but safe. Safe, as it were, from a health point of view. Obviously, there are normal hazards of swimming in the sea, of course, but frankly I am not a health expert. I think I would have to put that to the Minister for Health and Social Services if you want more specific information about the risks within the marina, but the Environmental Health advice is not to. Maybe if people are healthy and have healthy immune systems and so on they can cope with these things, but maybe not everybody.

### **6.9 The Deputy of St. Martin:**

The Minister has recently given much publicity to the issue of P-Phos, but many Islanders around Jersey have boreholes, which are deemed not fit for drinking. Has the Minister had any discussions with Jersey Water recently about the extension of the water mains around the Island?

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

Yes. We had a very good meeting with Jersey Water in respect to their water plan, which is under development and part of that is looking, of course, about the demand for water, particularly with our increasing population and also, particularly, with the additional homes and so on. It may well be that the issue about a new catchment for water is likely to be an issue in the Island Plan. The extension of water mains and water supply is tied in strongly with the States capital programme about what we do about our mains drainage network. In the past, there was a very successful scheme where our Minister for Infrastructure of the day had a programme of works and when the extensions to the sewage plant were made at the same time water mains were put in. Obviously, it is very costly to put in water mains on their own without that and we do not have a mains drains programme anymore. That has been a casualty of our cuts.

**The Deputy Bailiff:**

Minister, I have to ask you to bring your answer to an end, because that is slightly over the time allocated for questions to you.

**Deputy J.H. Young:**

The answer is yes, I have had discussions.

**STATEMENTS ON A MATTER OF OFFICIAL RESPONSIBILITY**

**The Deputy Bailiff:**

Very well. That brings the time allocated for questions to this Minister to an end. There is nothing under J. We then come to Matters of Official Responsibility under K and there is a statement from the Chairman of the States Employment Board; copies of the statement should have been handed out to Members.

**Senator J.A.N. Le Fondré:**

Thank you. I am very happy for the Minister for the Environment to keep going, if he wishes.

**Deputy M. Tadier:**

May I ask a point of procedure? I do not think we have all got a copy of the statement. I may be wrong. I think they are at the end of the desk.

**The Deputy Bailiff:**

I think they have been handed out generally. I think it just for obvious reasons stopped in its dissemination in that direction.

**7. The Chairman of the States Employment Board will make a statement regarding pay negotiations**

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

The States Employment Board has been working assiduously over the past months to seek a comprehensive resolution of outstanding pay disputes for public sector employees, following an approach which has twice been endorsed by this Assembly and which is progressively producing results. That approach has always aimed to provide fair and reasonable pay increases, which are affordable and sustainable within financial constraints and which targeted higher pay rises to lower paid employee groups, to resolve the legacy of unequal pay in the public service. I am pleased that Deputy Southern has withdrawn his vote of no confidence in the board. I hope that, in the future, we can avoid the tabling of these types of propositions when we are in the middle of negotiations. In my view, they are unnecessary and while they generate attention from the media and other commentators, they can distract from the aim of the S.E.B. and our negotiators to achieve a sustainable and inclusive settlement in an industrial dispute, but I do welcome the decision he has made. I want to emphasise that S.E.B. has been flexible in its approach over the past year in response to concerns and issues raised by unions during pay negotiations. The Board have met frequently, a total of 24 times since the New Year, to discuss what our negotiators were hearing, to consider how to respond and to give instructions to negotiators. We made offers to doctors and hospital consultants that were all accepted. We also restructured the offer to manual workers and that was accepted many months ago. We listened to what the nurses and midwives had to say and changed the structure of their pay offer in response. It was that restructured pay offer that nurses and midwives voted by a large margin to accept. In March, police officers accepted the offer negotiated with them. We listened to the concerns of head teachers and restructured our offer to them and included a new leadership pay model

for head teachers and deputy head teachers. They voted by 69 per cent to accept this offer and that was 3 weeks ago. Members will be aware that we recently made an offer to the civil service unions, who agreed to put this revised offer to their members and the balloting opened last Friday. I am also pleased to confirm that today the Board has made a revised offer to teachers, in order to seek a settlement of the 2018-2020 pay dispute and to seek to bring an end to the current industrial action. We are already guaranteeing an above-inflation increase for 2020 and now are going beyond that by sharing the value of any efficiencies we can identify and agree. This gain share approach is consistent with the offer being balloted by the civil service unions. The aim is to generate sustainable efficiencies, worth 1.6 per cent to the teacher pay bill, so that half the value of these efficiencies can be given in an additional consolidated pay increase from 1st January 2020. I consider that the offer we have made achieves the aim of a balanced agreement with the unions, meets our financial responsibilities to taxpayers and provides an appropriate level of reward for our employees. It balances the desires of our employees with the realities of the impacts of increased expenditure upon Islanders, or upon the provision of improved services. It is my continued hope that we will be able to reach an equitable and comprehensive resolution to the 2018-2020 pay negotiations. I will report as soon as possible to this Assembly on the outcome of the offers that are presently with the unions.

**The Deputy Bailiff:**

Very well. There is now a period of 15 minutes that questions can be asked to this Minister.

**7.1.1 The Connétable of St. Helier:**

I preface my question with my usual point that my partner is a teacher, employed by the States. Would the Chief Minister say how he can justify words like ‘assiduous’ in his statement, when this dispute has gone on for so long? In the days of the Committee, a President would have been locked in a smoky room and told to sort this out, or would face a vote of confidence within a week. How can this have taken so long and is it not deplorable that these kinds of measures are now being talked about, about efficiency savings, when eye-watering sums are being spent on consultants coming over to the Island?

**Senator J.A.N. Le Fondré:**

There are a number of questions in there and I note the Connétable’s connections with the teaching world. The point I was making is that in the overall pay negotiations and that is the purpose of the statement, there has been progress made across a whole range of pay groups.

[12:00]

That is why I have referred to the doctors, the hospital consultants, the manual workers, the nurses, the police and the head teachers, who have all accepted the pay offers that have been made. That has not been an easy process. That is where I say we have been working assiduously and that is where we are saying the S.E.B., let alone the negotiators, have met 24 times since the New Year. The fact that civil service unions are balloting on the offer that was negotiated 2, or 3, weeks ago is also, I hope, an indication. We will see. I do not want to be a hostage to fortune, but that is further progress while discussions have been taking place. That is why I refute the point that there has not been work taking place on the pay negotiations as a whole. What we have also turned around to address, the teaching side, the States Employment Board has never not been at the negotiating table. I think that is a really clear point we have got to make. Unfortunately, what has been happening is that we have 2 unions. One has been in negotiations for the last couple of weeks. There have been formal meetings with that union on at least 2 occasions during that period, but the other union chose not to attend, even though they were invited, not only by ourselves, not only by the other union, but also by J.A.C.S. All of the discussions and process that we are going through is through the mediation process supported by J.A.C.S. Therefore, we are doing everything we can and we believe that we have put a fair offer to teachers.

### **7.1.2 Senator K.L. Moore:**

The description, in the Senator's speech, about achieving efficiencies through 1.6 per cent of the teacher pay bill, could the Chief Minister explain: does that mean reducing the number of teachers if that is what is being suggested to reduce the teacher pay bill and how does that put children first?

### **Senator J.A.N. Le Fondré:**

I am disappointed that the Senator has obviously misread the statement. What we said is efficiencies worth 1.6 per cent of the teachers' pay bill, in other words that is a comparison. That is not a reduction. Where that means ... and we can get on to the principles of gain share; the idea of gain share has been raised with 2 pay groups. One is the civil service unions, who are balloting on the matter and one is with the teachers' unions. What we are saying is that if working together collaboratively - and I would say that there have been some suggestions made by the teachers' unions as to some areas that could be considered - if we can identify efficiencies, we will split those 50:50. There are conditions attached and suggested in the offer. That will then allow us to pay over and above the offer that we have done, because that is the financially responsible way of doing it. That is splitting the savings between the work force and between the employer, in other words for the benefit of the taxpayer. I reiterate, we have already guaranteed next year 1.3 per cent above R.P.I. For those teachers at the top end of their grades - and that is a significant number - that is worth about £5,500 already.

### **7.1.3 Senator K.L. Moore:**

A supplementary. I am grateful for the clarification from the Chairman, but that still means a reduction in the Education budget across the board, does it not?

### **Senator J.A.N. Le Fondré:**

No, the point is that if efficiencies can be identified it is a redistribution. It is not a reduction.

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

Yes, it is indeed a redistribution. It is a redistribution of teachers away from classes, to be replaced by senior teacher assistants, who hitherto are not allowed to take charge of classes. Is it not the case that the 1.6 per cent of the teacher pay bill, that will be part of that engagement, is the replacement of teachers by senior teacher assistants, so that classes may continue for a whole year and not see a fully-qualified teacher? Is that the case?

### **Senator J.A.N. Le Fondré:**

No. What we have got to be very clear on here is that there are various suggestions that are down as for discussion, but the principle is that those discussions - if we can get to the position of the offer being accepted and we will see where we are - there are negotiations happening tomorrow and Thursday, both unions are meant to be attending, they have certainly indicated their acceptance up to now and if that offer is accepted, the principle is that a group is formed, including unions and they will sit down and discuss the matters that they believe are achievable. If those do identify efficiencies that is then how we split the difference, but it has got to be acceptable on 2 counts. It has got to be acceptable from the political level and it has got to be acceptable to that working group, which will also, as I said, comprise the unions. The unions have made some suggestions, but they are a principle, not detail. That is why I do not want to really go into the details, is it going to mean this, or is it going to mean that, because we do not yet know. It is a discussion. It is a collaborative approach and I would hope that Members welcome that.

### **7.1.5 Deputy R.J. Ward:**

We are entering into a fantasy world, here. Can I ask, given that the post-16 review, that we have just published, in every single public hearing, school heads recognised a shortage of funds and across



the Department for Education there is a recognition that we have under-funded our schools significantly for years and years [**Approbation**] and now you are talking about efficiencies, in order that we can even pay our staff. Where will these efficiencies come from and how will that happen, without directly affecting the quality of education for our young people, which is a false investment in the future and an absolute failure of this Government?

**Senator J.A.N. Le Fondré:**

Unfortunately, I believe the Deputy, again, is mixing matters. There are 2 issues. One is that future investment into education (and we all support that) and that is about future budgets. The second is bearing in mind the context that you are operating in, in that when we started, we were informed that we had a deficit of £13 million. That is before we have started talking about the investment that we all want to make into educational services. I cannot give the detail, because that is for discussion, but what I have said in the past is that we are seeing a department who said: “There is no more money to be saved.” We are seeing very real and tangible potential for savings to be made, by doing things differently. That is also not about affecting, in those terms, the quality of the service. In educational terms, that is the quality of the service that the pupil receives, that the child receives. We want to be very clear, that is not the intention and that is why we are talking about a collaborative approach. Just to be clear, what this is about is the additional amount to go to teachers. To reiterate, we have discussed that for 2018, 2019 and 2020; the 2020 amount is guaranteed at 1.3 per cent above R.P.I. For the people at the top end of that group, that is worth about £5,500. What we are now talking about is if we can find some further efficiencies and if that works through the collaborative approach with unions, we have said we will split that 50:50 with them. If the unions turn around, or something is suggested which is politically unacceptable, that will not happen, but what we are saying is let us talk about it. The unions have made some suggestions, we will make some suggestions, but as a detailed approach once, or if, we get past that offer.

**7.1.6 Deputy R.J. Ward:**

‘If’ is a small word with a huge meaning, particularly in this context. What we need to know is what will be different in the way that things are being engaged, given, for example, that you have restructured the head teachers’ pay scale and now you are asking teachers to go and find ways in which they can run their schools, in order to find savings for their own possible pay rises. It seems to me that what you have is a total lack of understanding of the profession.

**Senator J.A.N. Le Fondré:**

There are 2 issues coming through. One is the original pay offer. Now, what we have said is all the way through we have been trying to deal with the pay groups that are less well paid than some other pay groups. Overall - and I repeat a word that at least one other Member in the room will be aware - I have had teachers coming to me and saying that teachers overall are quite well paid and that was from a teacher. I think the perception and one cannot argue that if just under 40 per cent of our teachers, as a result of the deal that was on the table, are going to receive more than £60,000 a year, and around 80 per cent of teachers are going to receive around £50,000 a year, that is not a bad pay deal, particularly if you look at, for example, the breakdown within the nursing world. What we are trying to say is that we have said we will guarantee a more than the cost of living increase for 2020. That is banked. What we are now saying and the discussions with the unions is: OK, what can we do, because we have got to act financially responsible? We have a deficit that we have to address, so what we have said is if working together we can identify some further savings, rather than the employer just taking them away, let us split them 50:50, because financially that means that works. Now, I can say and I do not want to go into the detail, because we do not know where that ends up, but I can say that the unions have raised some areas that do cover certain pay and conditions territory, which is, therefore, fully within the remit of S.E.B. and, therefore, might achieve what everyone is looking for. If we go wider than that, we have been very clear that, obviously, that requires some

political approval in that process. It is not about funding the fundamental pay rises of teachers out of efficiencies. This is about the final incremental increase. The rest of it, the £5,500 I talked about for those pay grades, is coming out of normal funds.

**Deputy M. Tadier:**

Does the normal time limit apply for questions to a statement, or is it still one minute and a half for responses?

**The Deputy Bailiff:**

Generally, yes. That has been exceeded on more than one occasion in connection, but I have taken the view that these were answers that Members wished to hear. What I can remind Members is that there is the opportunity for extending the time available for asking questions.

**7.1.7 Deputy M. Tadier:**

That is a salutary reminder and a timely reminder, as I think that may be asked for. Would the Chief Minister agree that the S.E.B. have deliberately conflated 2 issues? The first is a retrospective pay settlement for public sector workers, who have already done that work and are now negotiating what level of pay they should receive for it; with the second and completely different matter, which is terms and conditions for the future and that this approach is, at least, in part, one of the aggravating factors to the withdrawal of goodwill and the standoff that has ensued?

**Senator J.A.N. Le Fondré:**

I can give the short answer, which is: “No, Sir” and I can give the longer answer to explain why. The point is that in all the pay groups, or in many of the pay groups that we have had, it has not just been about pay. It has been about wider conditions and, to use the head teachers as an example, it was about the career progression; that is not directly around pay. Therefore, one of the areas we are talking about is enhanced C.P.D. (Continuing Professional Development) training and also things like health and well-being programmes. Some of those might be political, or closed policy, but the point is it is not all about pay and, therefore, what we have focused on is what can we do within the remits that we operate within, to try to improve matters? In different pay groups, we have been addressing that. People have raised issues that have been there for decades and where we have been able to we have tried to address those.

**7.1.8 Deputy M. Tadier:**

That is not the opinion of most of the teachers that I have spoken to, who do feel aggrieved by the conflation of the 2 issues. Does the Chief Minister share my concern that whatever the outcome of these pay negotiations, it may end up being a pyrrhic victory for his Government, not simply in economic terms, because it might be a false economy in the long run, but also that the withdrawal of goodwill, that we will see from the teaching profession, which we cannot really put a number on, is going to be gone for the foreseeable future, perhaps for the next decade and into the next one after that?

**Senator J.A.N. Le Fondré:**

Can I ask a point of clarification with the previous speaker? How many teachers has he spoken to?

**Deputy M. Tadier:**

I am in good communication. I do have to declare an interest, like the Constable of St. Helier, but my correspondents also includes the unions, who speak for the public sector workers. If that is the clarification, I realise that I am not the subject of question time, Sir, it is the Chief Minister, but I genuinely feel that I have quite a good handle, having attended many of the rallies and listened to teachers.

**The Deputy Bailiff:**

I understand the point that you are making.

**Senator J.A.N. Le Fondré:**

I think the point was, he said of the many teachers he had spoken to and I was curious whether that was 10, 20, because there are roughly 750 in the workforce and I made that point.

**The Deputy Bailiff:**

I am going to have to stop. This does now bring the initial period of 15 minutes allowable for questions to an end. I have a number of Members, who have indicated a desire to ask questions. It is a matter for Members. There is an option, within Standing Order 68(3)(a), to propose for a Member to propose without notice that the time limit for questions is extended by a further 15 minutes, or up to 15 minutes. That would be the maximum extension permissible. It would need to be proposed and it would need to be voted upon by the Assembly.

[12.15]

**Senator K.L. Moore:**

I would like to propose the extension. **[Seconded]**

**The Deputy Bailiff:**

Very well. Then Members in favour of adopting the proposition kindly show. Those against? Very well. We are extended by an additional 15 minutes. By my calculation it is now 12.17 p.m. and you are able to finish the answer to the question that was asked.

**Senator J.A.N. Le Fondré:**

I believe the question was: do I share concerns? I think the point we need to make is that it is one of the teachers' unions that has chosen to go into strike action. We have been at the negotiating table with the other union for many days and, therefore, we do regret the fact, we always regret the fact, that strike action has been taken. We do absolutely - and I know people will shake their heads from a particular quarter - value our teachers, but we have to remember that we have got 2 constraints. One is that we have a deficit going forward. If we just give everything that everybody wants at the very least there is a 10 per cent increase in that deficit and that is the focus we are trying to do and that does not improve resources available to teachers. All it does is improve the amount they get paid and so that is the balance we are trying to grapple with. I am hoping that once we get out of this, we can then readdress and go back to the point that we want to invest into mental health services, into Children's Services, into education facilities, to name but a few. But we have to make sure we remain financially prudent in this process and that is the balance we are all facing.

**7.1.9 Deputy K.F. Morel:**

I was wondering if the Chief Minister could explain something which I do not quite do not understand, which is if the States Employment Board and the unions are deciding about efficiencies themselves, where does the Minister for Education fit into that puzzle? **[Approbation]** Because I see a system which, to me, unless the Minister for Education is also around that table, that will be undermining your own Minister for Education, so please can you explain how that will work?

**Senator J.A.N. Le Fondré:**

Delighted to. Firstly, I will read something from the proposed offer, which says: "In terms of governance, changes to educational policy, or operational matters are subject to discussion and agreement by the Minister for Education." Very clearly laid out, any policy decision that extends beyond the remit of S.E.B. into education will fall into matters of the Minister and she has to agree to them. What I have got to say is that is when we get to the detailed level; at the moment we are not

sighted on the detail, because that is the point of the discussion to bring them out. In terms of all the way through negotiations, do not forget it is officials that do the negotiations all the way through, officials from the Education Department are party to those discussions and negotiations in respect of the negotiations of the teacher union. To finalise, it is consulted and do not forget it is a collaborative, if there are issues that do come out, that affect the paying conditions side of things, which it is within the remit of S.E.B., then that is a separate discussion, so that is how it falls. But if it gets into educational policy, it is very clearly a matter that the Minister for Education will have to be involved with. Her officers are involved already and, as I said, we do not have the detail at this stage to say that is where it is.

**7.1.10 Deputy K.F. Morel:**

I have to agree with Deputy Ward and the idea that this is fantasyland. If the Minister believes that such a clear line can be drawn between educational policy and the way the schools operate and are run, then I believe the Minister really needs to go and see how schools operate. Explain to me, if a decision was made to remove some element of the work of the school day, how that would not ... no, I am just saying, because the detail has not been decided upon yet, but if it were, how would that not impact on the Minister for Education's role, because it would?

**Senator J.A.N. Le Fondré:**

I absolutely agree, that would clearly be a matter for educational policy. What I have said is if, in terms of pay and conditions it falls within the remit of S.E.B., then that falls under the discussion between S.E.B. and the unions. Exactly the example that the Deputy has raised, so he conflated operational matters and how schools are run. Operational and schools are all together, as far as I can see, they are not pay. The Deputy seems to be a mutterer and if he wishes to add ...

**The Deputy Bailiff:**

No, there is not an option to add something.

**Senator J.A.N. Le Fondré:**

OK, Sir. Then can I just make the point, he is conflating 2 matters; he is conflating operational and educational policy, which is outside the remit of S.E.B., but if it comes up in discussions as a result of this process, it clearly has to involve the Minister for Education. If it is pay, it is within the remit of S.E.B., it is discussions with the unions and if there is an efficiency then that comes out of that. As I said, I do not want to go into the details, but I know suggestions do get made by unions around certain areas, then that is where we can legitimately turn around and say we can do a 50:50 split easily; that does not affect the operational running of the Education Department.

**The Deputy Bailiff:**

Very well. I will just mention that the same Standing Order that permitted the extension of time says: 'The question period shall not be made the pretext for a debate.' I would ask Members to focus on the asking of questions.

**7.1.11 Deputy M.R. Higgins:**

As this day goes on, I think that it is more fantasyland and I think the Chief Minister is deluding himself. Can I ask him: please give us an indication of the efficiencies that you are thinking of? I can understand not saying what the unions put forward, but we are an Assembly here, tell us the sort of things that you are looking for? Also, please tell me if there is anybody on the S.E.B. or dealing with these negotiations who ever taught and understands the pressures and the work of teachers.

**Senator J.A.N. Le Fondré:**

As I have said, the negotiators' team includes the officials from the Education Department, so they are very clearly involved and it is done at an officer level. I am not going to get into the details of

what may, or may not be, efficiencies, because that is a matter for that group. It is a matter for that group to bring the work together and then determine where in the remit it falls and then is it politically acceptable.

**Deputy M.R. Higgins:**

Just following on that then ...

**The Deputy Bailiff:**

Supplementary, yes.

**7.1.12 Deputy M.R. Higgins:**

If that is the case, that the Minister for Education's officers are involved in this exercise and the Minister for Education is not, is that appropriate?

**Senator J.A.N. Le Fondré:**

The point being is that it has been made very clear, all the way through, that politicians do not do the negotiations; it is always done at an officer level and that, therefore, it is appropriate for the officials to be party to it. When it gets to educational policy, if it does, then, absolutely, the Minister for Education needs to be involved and we have made it very clear and I have guaranteed this.

**7.1.13 Deputy J.H. Perchard:**

About 10 minutes ago, the Chief Minister alluded to the fact that teachers are well paid. A recent survey of local Jersey teachers show that, on average, they work 72 hours a week and, just for clarity, that includes 47 hours of unpaid hours, because contracts only consider 25 hours of lesson times as their paid hours. I would just like to clarify that when the Chief Minister describes teachers have been well paid, does he mean they are well paid for every hour they are contracted to do, or every hour that they, in fact, do on average?

**Senator J.A.N. Le Fondré:**

I think one has to look at the overall package and, as far as I understand, I accept the point that teachers do long hours and many professionals do. That is the point is that within the professional world, when one gets above a certain pay level, one is required to do extra hours. The levels being cited, I agree, are a lot. Obviously, what we have to remember - and I know the Deputy has very strong views on this and I am hesitant in saying this - is, obviously, teachers do also get something like 14 weeks of holiday a year. However, they do sometimes work those things, before she leaps up and I recognise that. But the point is the overall package, if one is receiving over £60,000 a year that is deemed quite a good pay package.

**7.1.14 Deputy J.H. Perchard:**

Sir, I have a supplementary. My supplementary is: does the Chief Minister take the point that a huge section of the teaching profession do not earn the kind of salary he is talking about and, in fact, frontline teachers, who earn less than £40,000 a year, who are still working that average of 72 hours a week and should be paid for the unpaid hours that they do throughout their weeks, evenings, weekends and school holidays?

**Senator J.A.N. Le Fondré:**

I have sympathy with what the Deputy is saying, but what I will say, because I went back and asked for the data, is that 80 per cent of teachers will earn more than £50,000; just under 40 per cent will earn more than £60,000. I am very happy to go through those numbers and the Deputy can challenge me on that, if she wants to sit down with me.

**Deputy J.H. Perchard:**

My question was does ... he did not answer that question, Sir.

**The Deputy Bailiff:**

If you need to clarify what the question was, then I will allow you to do so.

**Deputy J.H. Perchard:**

May I clarify what the question is?

**The Deputy Bailiff:**

Yes.

**7.1.15 Deputy J.H. Perchard:**

My question was, for that portion of teachers, whatever number it may be, 20 per cent, or not, or higher, does the Chief Minister agree that they should be paid for the unpaid hours of work they are currently doing, because their contracts say that their hours are for the lesson times specified in school and they are, in fact, working about 3 times those hours on average?

**Senator J.A.N. Le Fondré:**

I am not going to comment specifically on something I do not know the full details on. What I will say is that, in the past, we have tried to reward, within the same pay groups, employees who are at the lower end of the pay scales. In the past, the experience has been that the unions - not necessarily the teacher unions, I am talking in the wider context - have not supported that approach. We have tried that approach in the past for different pay groups and it has been rejected by the unions. That is where we are and I go back to the point. We believe in the context of the Island that the pay offers that we are doing are fair and the fact that we are offering 1.3 per cent above the cost of living next year is a fair offer. But I am very happy to sit down with the Deputy and understand the issues around the 20 per cent also of teachers that she is referring to.

**The Deputy Bailiff:**

Thank you, firstly, Deputy Maçon for his contribution to the Greffier's fund.

**7.1.16 The Connétable of St. Helier:**

The Chief Minister's well-resourced communications unit has produced a school report for S.E.B., which makes no mention of the fact that parents last month have been extraordinarily inconvenienced. Where is the apology for the Island's parents and to the Island's schoolchildren, who have had their lives disrupted? 7 days in May our schools were in session, how many days in June?

**Senator J.A.N. Le Fondré:**

Bluntly, you will have to ask the N.E.U. (National Education Union).

**7.1.17 Senator K.L. Moore:**

In one of his answers, the Chief Minister referred to one of the unions having an issue; however, I would like to know whether the Chair received an update, following meetings with one of the unions on Friday. Because, and I will paraphrase the answer, following that meeting, a message was sent out to its membership, describing that there was a profound dissatisfaction and opposition to the content for the letter that was given to them and that that was made clear in the meeting.

**Senator J.A.N. Le Fondré:**

I think there are 2 things we need to focus on here and we will know more as this week progresses, which was why, to an extent, I am being cautious in some of the words I am saying. Number one is we are getting to the point we have some further negotiations going on tomorrow and Thursday. In

any negotiation there will be public positions and there will be private positions and I am not really in a position to judge as to the strength, or not, of the public positions that are being espoused at the moment. What I will say in relation to the letter, we were informed that the unions, particularly, were not happy. We felt that there was a risk, because there is a meeting tonight from one of the unions, which risked using out-of-date information and putting to its members, because they have not basically been present at the negotiations in the previous 2 weeks. In other words, they were going to use information from 17th May and not the up-to-date information. We, therefore, felt that it was appropriate, as I have said previously, to write to our staff to clarify where we are. I also make the point to certain Members in this Assembly, who did approach me, I would say 3 or 4 weeks ago and it is anecdotal, where it appeared that certain teachers were not aware of the offer that was on the table. Therefore, we felt it is absolutely critical we inform our employees directly as to what the position is. It is a fast-moving position, but it cannot be unreasonable for the employer to write to its employees.

**7.1.18 Deputy C.S. Alves:**

Can the Minister advise: when did gain share get agreed by the Council of Ministers, since this has never been done in the public sector before and where does the other 0.8 go?

**Senator J.A.N. Le Fondré:**

The principle of gain share, I think, might be unusual in Jersey, but it is used in other jurisdictions. **[Interruption]** I know that groan came through, but bearing in mind that one of the unions is using a U.K. negotiator, they are familiar with it. That is the concept, it is not unheard of, so they are familiar with the terminology. In terms of where it goes, we have, as we have said, a deficit of at least £30 million coming ahead, so if that comes down to political decisions then can it be reinvested in the department, absolutely. Can it go to reducing that deficit? Absolutely, but that is a political decision. But, as we have said, the principle is that if we achieve that 0.8, or any number up to it, or even a number above it, that 50 per cent of that efficiency will go to teachers' salaries; that is over and above the offer that we have put on people's tables already, which I emphasise, I believe, is a very fair offer.

[12:30]

**PUBLIC BUSINESS**

**8. Draft Public Finances (Jersey) Law 201- (P.28/2019) - as amended**

**The Deputy Bailiff:**

That brings the time extended to questions to an end and that concludes all matters, other than Public Business. We come now to Public Business and the first item of Public Business is the Draft Public Finances (Jersey) Law, lodged by the Minister for Treasury and Resources. Members will recall that the principles of this law were adopted on 30th April, following a referral to the Corporate Services Scrutiny Panel; the debate, therefore, now continues with regard to the individual Articles. Members may well be aware that there are a number of amendments to the draft law which have been lodged. There is an amendment lodged to the second amendment, for which the minimum lodging period will need to be reduced, in order that it can be debated if need be at this session. I would suggest that we would deal first with that matter, namely the shortening of the lodging period. Minister, would you like to propose that aspect, the reduction of the lodging period for the amendment to the second amendment?

**Deputy S.J. Pinel:**

Yes, please, Sir.

**The Deputy Bailiff:**

Is that seconded? **[Seconded]** Does any Member wish to speak on that reduction of lodging? All those in favour of adopting the proposition, kindly show. Those against? Very well. Minister, I think I am correct in my understanding, but please do correct me if I am wrong, that you are accepting all of the amendments from the Corporate Services Scrutiny Panel, with the exception of the first part of the fifth amendment, which relates to Article 14, is that correct? Chairman, am I also correct in my understanding that you are accepting the Minister's amendment to your panel's second amendment?

**Senator K.L. Moore:**

That is correct, Sir.

**The Deputy Bailiff:**

In which case what I would like to do is ask Members - in order to speed up the process if Members agree - to take the Articles as amended, with the exception of Article 14, where there will be a separate debate, because that amendment is not accepted. Do Members agree to proceed on that basis? Very well. Minister, we have some 10 or 11 minutes before the adjournment might be called. Do you wish to propose Articles 1 to 13 as amended?

**Deputy S.J. Pinel:**

Yes, please, if I may, Sir, to shorten the whole debate.

**The Deputy Bailiff:**

Very well. Do you wish to speak to that?

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

I have already indicated to the Corporate Services Scrutiny Panel that I will accept all but 2 of their amendments, those relating to the insertion of a maximum borrowing limit and their proposals for internal audit. I am grateful that the panel is prepared to accept my amendment to their proposals for internal audit and to Article 13, concerning the process for amending a Government Plan. The Panel has indicated that I may propose the law on an as amended basis, although I am fully aware that the final decision has clearly been left with the Assembly. I would like to propose the law as amended in 3 groups; I would like to take Articles 1 to 13 of the law together, then to take Article 14 separately and then to take Article 15, through to the end of the law. I understand that the Assembly is happy for me to deal with the law in these 3 groupings; I will continue. Firstly, I would like to propose the first group, Articles 1 to 13. Article 1 provides for the interpretation of terms used within the law, including the listing of non-ministerial States bodies in Schedule 1 of the law. I accept the Panel's proposal that the official analyst be reinstated in this list. A review of the governance of regulatory bodies is currently being undertaken and once this is complete any necessary amendment to the law will be progressed. Article 2 sets the process through which this Assembly may approve the establishment of new States trading operations. Articles 3 to 8, which broadly re-establish the main funds operated by the Assembly. Article 3 is carried across from the existing law and retains the Consolidated Fund. It continues with the current practice that this is the main fund, with certain exceptions, through which the government's financial transactions flow. This is consistent with practice in many other jurisdictions. The Strategic Reserve Fund and the Stabilisation Fund are retained in Articles 4 and 5, reflecting the importance of their position. All decisions to withdraw money from and pay money into these funds lies with the States Assembly. Articles 6, 7 and 8 of the draft law enable the States to establish other funds, for specific purposes. The proliferation of States funds has caused concern and in order to address this, the draft law requires that when any new fund is established, it must have strong governance arrangements and specify the circumstances when it would be wound up. Importantly, it is the States Assembly that has to agree the establishment and



purpose of all new funds. Articles 9 to 13 provide for the introduction of the Government Plan, the document which replaces the current Medium Term Financial Plan. This document will specifically deal with States spending plans and income-raising proposals. As I previously highlighted in my speech on the principles of the law, some of the major criticisms of the current law have centred on the inflexibility of the fixed 4-year expenditure limits set in the Medium Term Financial Plan and the fact that the process fails to acknowledge and address the years immediately following an approved financial plan. This draft law, therefore, includes provision for a rolling 4-year financial planning cycle, enabling funding to be aligned with States priorities. In order to improve fiscal discipline, income and expenditure will be considered at the same time. I think it is important to remember that the Government Plan will not just contain the financial matters covered by this law, it will contain a wide spectrum of non-financial issues that will be at the discretion of the Council of Ministers. This flexibility is intentional, given that each successive Council of Ministers may have different approaches to content. Returning back to the detail of the law, Article 9 covers the content of the Government Plan. The Council of Ministers must set out for the States Assembly's approval its income and expenditure proposals for the following financial year. This is a change to current practice Article 9(2). Also, under Article 9 of the draft law, this Assembly must agree funding for heads of expenditure defined in the Government Plan. This will mean that, in future, it will be possible to link spending to strategic priorities, rather than being compelled to align resources to organisational silos. Funding for major projects, replacing the current capital project heading will be allocated on an annual cash requirement basis, but this Assembly will still be required to approve the full cost of a project and its funding before commencement. This means that we will be better able to make use of the cash we have available, ensuring that we can progress those high-priority projects. The law also specifies that the Government Plan will, more generally, set out for, information purposes, the Council's income and expenditure proposals for each of the subsequent 3 financial years. Although these figures will not be fixed in the approval of the plan, it is expected that any changes to these proposals will need to be justified in any subsequent Government Plan, Article 9(3). The Government Plan will also include details of other major States funds for the 4 years of the plan. We cannot consider our financial proposals with a blinkered annual approach. This is why, under Article 9(6), the Council of Ministers must take into account the medium-term and long-term sustainability of public finances and the outlook for the economy when preparing their financial proposals. Under Article 9(7), funding can be allocated to a reserve head of expenditure, replacing the current contingency allocation. Responsibility for allocation from this will lie with the Minister for Treasury and Resources. Like any other organisation, we cannot and will not know about every eventuality that may arise during a year and we must have the flexibility of a reserve. However, as States expenditure will be approved on an annual basis, I envisage that the annual amount allocated to the reserve will be much smaller than that currently allocated to contingency. Also, in recognition of changes in international best practice in government accountability, the draft law, with the Panel's amendment, proposes that the Government Plan must, as opposed to may, include information about sustainable well-being of the current and future inhabitants of Jersey. It is recognised that this is a new initiative and the longer-term framework to support this approach will be developed over time. Article 10 of the draft law provides protection to the amounts appropriated to those departments classed as non-ministerial departments. The estimates of these departments will be included in the Government Plan, as submitted to the Council of Ministers. Any States Member has the right to propose an amendment to the Government Plan, including the submissions of these departments. Articles 11 and 12 cover tax-raising and the process for dealing with tax proposals in the Government Plan. The draft law continues with the current arrangements under which the Minister for Treasury and Resources is responsible for bringing forward the necessary legislation to bring taxation issues into effect prior to a law being formally passed. Final sanction to taxation issues needs to come from Her Majesty in Council, followed by registration in Jersey's Royal Court. The law provides that any amendments are not limited to an amendment of the Government Plan, but may include alternative taxation proposals. Turning to Article 13 and my proposed amendment, which has been accepted by

the Scrutiny Panel, having listened to and considered the comments made during the debate on the principles of this draft law and other feedback, I hope that the Assembly will accept my amendment, which removes the requirement of the Minister for Treasury and Resources to be involved in any proposal to amend the Government Plan. However, I still maintain the view that this Assembly must make decisions on expenditure and income-generating proposals that have been properly researched and are supported with full financial information. This is why my proposed amendment still requires that any amendment to a Government Plan has to take into account the medium and long-term effects and sustainability issues, which the Council of Ministers has had to take into account in their proposals. Sir, I move Articles 1 to 13 of the law, as amended.

**The Deputy Bailiff:**

Are the Articles seconded? **[Seconded]** Does any Member wish to speak on the Articles 1 to 13? All Members in favour of adopting the Articles ... the *appel* is called for. I invite Members to return to their seats. The vote is on the adoption or otherwise of Articles 1 to 13 as amended. I ask the Greffier to open the voting.

<b>POUR: 39</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 0</b>
Senator L.J. Farnham				
Senator S.C. Ferguson				
Senator T.A. Vallois				
Senator K.L. Moore				
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. Ouen				
Connétable of St. Martin				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B. Ash (C)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				

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

## LUNCHEON ADJOURNMENT PROPOSED

### The Deputy Bailiff:

The adjournment is proposed. Very well, the Assembly will stand adjourned until 2.15 p.m. this afternoon.

[12:43]

## LUNCHEON ADJOURNMENT

[14:16]

### The Deputy Bailiff:

Very well. Immediately before the adjournment, the Assembly passed in Second Reading Articles 1 to 13 of the draft law. Minister, Article 14.

### 8.2 Deputy S.J. Pinel:

We have got to Article 14 and I am prepared to accept the Scrutiny proposal that Article 14(c) is removed and I am content that there are other ways for a Minister for Treasury and Resources to object to proposals to transfer from other funds, or to obtain financing which they do not agree with. I think the Corporate Services Scrutiny Panel Chairman has brought an amendment.

### The Deputy Bailiff:

Yes, that is right. You are proposing Article 14.

### Deputy S.J. Pinel:

I am proposing Article 14 as it stands, Sir.

### The Deputy Bailiff:

Is Article 14 seconded? **[Seconded]**

### 8.3 Draft Public Finances (Jersey) Law 201- (P.28/2019): fifth amendment (P.28/2019 Amd.(5))

### The Deputy Bailiff:

There is an amendment from the Corporate Services Scrutiny Panel and I ask the Greffier to read the amendment.

### The Greffier of the States:

Page 31, Article 14 - (a) In Article 14, before “The States may not” insert “(1)”. (b) After Article 14(c) insert - “(d) authorise the obtaining, during the first financial year covered by the plan, of financing in an amount that would permit the total amount of financing obtained by the States (including financing obtained under Article 26(1)(b)) to exceed the estimated income of the States derived from taxes and duties during the financial year that is immediately before the first financial year covered by the plan. (2) The following are not to be taken into account in calculating the total amount of financing obtained by the States for the purpose of paragraph (1)(d) - (a) any financing obtained from a third party by an organisation that is owned or controlled by the States, (b) any liability of an organisation owned or controlled by the States under any guarantee or indemnity given

by the organisation and (c) for the avoidance of doubt, the amount of any transfer of money from one States fund to another.”

### **8.3.1 Senator K.L. Moore (Chairman, Corporate Services Scrutiny Panel):**

The amendment would reinstate a statutory limit on the amount that the States can borrow. The current Public Finances Law, in Article 21, contains a cap on the amount of money the States can borrow. This is limited to an amount equal to the amount of income from taxation in the previous financial year. Our amendment would reinstate that limit. The cap currently equates to maximum borrowing of £767 million; actual borrowing is currently £243 million. In evidence to the Panel, and this is repeated in the Minister’s comments paper, Treasury explained that a cap was unnecessary, as any proposed financing, or borrowing, would be included in the annual Government Plan and would have to be approved by the States. C.I.P.F.A. (Chartered Institute for Public Finance and Accountancy) suggested that some level of additional control on borrowing was needed, so our amendment to Article 30 requires the Minister to publish a policy on borrowing; of course we will get to that later. But we recognised, however, that Members will have their own views on the most appropriate ways for the Assembly to control the amount the States of Jersey borrows. We structured our amendments in a manner that is intended to give Members a choice; firstly, reinstate a statutory amount, secondly, if Members feel that a statutory limit is too restrictive, the amendment to Article 30, which is accepted by the Minister, requires the Minister to publish a policy on financing. The Panel does not express a particular view on which method of controlling borrowing is preferable, but felt that this was an important matter of fundamental political direction that was important for the Assembly to decide upon. The change of attitude towards borrowing would be a major move away from the many years of prudent management of public monies. It is an important matter and one that the Government should be clear on. If Members turn to paragraphs 11 and 12 of the Minister’s comments, they will no doubt have noticed that, on the one hand, the Minister argues that the maximum limit could be seen as an invitation to reach that limit, something that has never, to my knowledge, happened in the Island’s history. But in the next paragraph, the comments suggest that a maximum limit might be too restrictive, preventing much needed projects from being fulfilled. It is this Sub-Panel’s hopes that the Assembly today will state its view on which of the 2 options provide the best way forward for the Island.

### **The Deputy Bailiff:**

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

### **8.3.2 Deputy S.J. Pinel:**

Having accepted virtually all of the Corporate Services Scrutiny Panel’s amendments, this is one where I disagree. There are no maximum financing, or borrowing, or lending, limits set in the draft law. This does not mean that the Assembly can borrow what it likes, when it likes, without considering the consequences. It means that the Assembly will have to assess the need and financial viability of such an approach, based on the medium and long-term sustainability of public finances and the implications on the economy of Jersey. The Fiscal Policy Panel is required to report and make recommendations on this issue. I have been advised that the setting of maximum limits in legislation does not follow best practice and implies that any limits are affordable and sustainable, when clearly they may not be. These are the reasons why I am not able to support the amendment put forward by Scrutiny. In my proposals, final decisions on financing will be made by this Assembly. The Panel’s proposal that the maximum amount that this Assembly can secure via financing arrangements should not exceed States income from taxation and duties is, effectively, the reinsertion of the limit set in the existing law. This is an artificial limit, which is not based on affordability and sustainability, an issue which the Scrutiny Panel have been keen to promote in one of their earlier amendments. I am concerned that the setting of a limit, based on States income from a previous year gives the impression that this level is affordable and acceptable. It may be but,

conversely, it may not be. The inflexibility of having an upper limit in the law may come back to haunt this Assembly in the future, when the best route to fund the provision and development of major assets may be via external funding. It does not seem to me that Scrutiny are implying that this Assembly cannot be trusted to make decisions on how it funds its own expenditure, as under the draft legislation it is the Assembly which makes the final decision on the affordability and desirability of external financing arrangements. I believe that a much better approach is that the States accepts the Scrutiny amendment to Article 30, also included in their amendment number 5, which places an obligation on the Minister for Treasury and Resources to present a written statement to the Council of Ministers' policy on obtaining financing, including details on types and amounts of financing that may be included in the Government Plan and the process and risks associated with any proposed financing, rather than the one we are currently debating. I would like to remind the States Members that all major financing and lending will be agreed by this Assembly, as part of the approval of the Government Plan. Decisions will be based on affordability, rather than on pre-set limits, with the Fiscal Policy Panel reporting on any such proposals in its annual report.

### **8.3.3 Deputy S.M. Wickenden of St. Helier:**

Firstly, I would like to thank Senator Moore for agreeing to let me be on her Panel for this very important Scrutiny matter. What we talked about very much in this amendment was giving the choice to this Assembly about whether we go from what we have always had, which is an upper limit that gives a future security about how much we can borrow and having an upper limit, or whether we want to agree that within the Government Plan year by year we ask the question, what is our current borrowing and see if it is acceptable to borrow more, if that is proposed within a Government Plan. Really, it is just about this Assembly having the choice, which was not in there before. This amendment really is about: are the Members of this Assembly happy to remove the cap that has been with us for a very long time in the Public Finance Law, or do we want to keep a cap, so we have that certainty that there is a limit that has been agreed by this Assembly? We agree it anyway and the Minister is absolutely right that the Government Plan will come in and we will get to make that decision year on year. I think the Panel thought that the best thing we could do in this amendment was let the Assembly choose whether the cap is there, or the cap is not. I think that it is prudent. I think the public will have a bit more confidence if there is a cap, because it is laid out, it is within the law. But I see the argument on both sides. But it is up to every Member of this Assembly to decide whether they are going to accept this amendment and keep the cap, that we have always had, or whether they accept that the Government Plan is the place to do it.

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

Does any other Member wish to speak on the amendment? I call on the Senator to respond.

### **8.3.4 Senator K.L. Moore:**

I thank Deputy Wickenden and the Minister for their comments and it really is a matter for the Assembly to decide. It is an important matter for us to voice, as an Assembly, our opinion, because this is simply a question of our approach to borrowing, as a political group of people and that is a fundamental aspect of what we do. I remind Members that this amendment grew out of the recommendations of C.I.P.F.A., which suggested that some level of additional control on borrowing was needed in this Public Finances Law. That is not to suggest that the limit would be sustainable, or affordable even; however, it would set in Members' minds an important level for us to remain within the boundaries of and to focus our decision making, because it will give a political and a clear political message about the agenda of the States of Jersey Assembly. I ask for Members' support and ask for the *appel*.

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

The *appel* is called for. I invite Members to return to their seats. The vote is on whether, or not, to accept the amendment to Article 14 and I ask the Greffier to open the voting.

<b>POUR: 16</b>	<b>CONTRE: 29</b>	<b>ABSTAIN: 0</b>
Senator S.C. Ferguson	Senator L.J. Farnham	
Senator K.L. Moore	Senator J.A.N. Le Fondré	
Senator S.W. Pallett	Senator T.A. Vallois	
Connétable of St. Lawrence	Senator S.Y. Mézec	
Connétable of St. Saviour	Connétable of Grouville	
Connétable of St. Brelade	Connétable of St. John	
Connétable of St. Peter	Connétable of Trinity	
Connétable of St. Martin	Connétable of St. Ouen	
Deputy R. Labey (H)	Deputy J.A. Martin (H)	
Deputy S.M. Wickenden (H)	Deputy G.P. Southern (H)	
Deputy K.F. Morel (L)	Deputy of Grouville	
Deputy M.R. Le Hegarat (H)	Deputy K.C. Lewis (S)	
Deputy S.M. Ahier (H)	Deputy M. Tadier (B)	
Deputy J.H. Perchard (S)	Deputy M.R. Higgins (H)	
Deputy K.G. Pamplin (S)	Deputy J.M. Maçon (S)	
Deputy I. Gardiner (H)	Deputy S.J. Pinel (C)	
	Deputy of St. Martin	
	Deputy of St. Ouen	
	Deputy L.M.C. Doublet (S)	
	Deputy of St. Mary	
	Deputy G.J. Truscott (B)	
	Deputy J.H. Young (B)	
	Deputy L.B. Ash (C)	
	Deputy G.C.U. Guida (L)	
	Deputy of St. Peter	
	Deputy of Trinity	
	Deputy of St. John	
	Deputy R.J. Ward (H)	
	Deputy C.S. Alves (H)	

#### **8.4 Draft Public Finances (Jersey) Law 201- (P.28/2019) - resumption**

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

We now return to Article 14 unamended. Does any Member wish to speak on Article 14? Those Members in favour of adopting Article 14, kindly show. Those against? Article 14 is adopted. Articles 15 to 66 and Schedules 1 to 6, I think, Minister, is that what you are proposing to deal with next?

##### **Deputy S.J. Pinel:**

Yes, please, Sir.

##### **Senator K.L. Moore:**

I would like to ask that Articles 38 and 39 are dealt with separately and also Article 41.

[14:30]

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

Articles 38, 39 and 41. Any Member is entitled to require separate votes on individual Articles and so we will deal with those as and when they arise.

**The Deputy of St. Martin:**

Sir, did we not agree how we were going to do this, before we broke for lunch?

**The Deputy Bailiff:**

We agreed that they were going to be taken, as amended, which is what they are being taken as amended, but that means they can be voted on separately. Each Article could be voted on separately by the Assembly. Yes.

**Senator S.J. Pinel:**

Sir, do I propose Articles 15 to 37?

**The Deputy Bailiff:**

You can proceed on that basis and then we will take a separate vote on 38, 39 and then when we get to 41, so that is probably the easiest way to do it.

**Senator S.J. Pinel:**

With 40 in the middle.

**The Deputy Bailiff:**

Yes, you will have to propose 40 as well, so, in effect, that will be taken separately, as well, because it is a standalone Article.

**Senator S.J. Pinel:**

So I stop at 37.

**The Deputy Bailiff:**

Stop at 37, it might be a useful way forward.

**8.5 Senator S.J. Pinel:**

Right, OK, thank you. Article 15 provides definition of what the approval of the Government Plan means. Under the terms of Article 16 only the Council of Ministers may propose an amendment to an approved plan; this exactly mirrors the process in the current law. Article 17 sets the process if this Assembly is unable to agree a Government Plan. This type of provision is found in legislation in other jurisdictions and has been included to enable public services to function, in what I hope would be the unlikely circumstance of the Assembly being unable to approve a Government Plan. The proposed provisions in Articles 18 to 22 are a carry-over from the existing law and allow the Minister to approve certain variations to be made to spending allocations, with the relevant consultation, or approval. I have listened to the views of this Assembly and others and have included a provision in Article 18, which means that no transfer will be actioned until the States have had notice of any such transfer. I have accepted Scrutiny's proposal that the period of notice will be 4 weeks. Over the years there have been many numerous comments and concerns raised by Scrutiny, P.A.C. (Public Accounts and Committee) and the C. and A.G. (Comptroller and Auditor General) about the issue of the availability and carry forward of unspent funds at the financial year end. I believe that Articles 19 and 20 address these concerns, by allowing the Minister to agree that unspent funds may be transferred to the reserve head of expenditure, which replaces the current contingency; or in the case of unspent funds, allocated to major projects, these may be made available for spend in the following year. Article 21 restates an existing provision, which allows the Minister to allow the use of additional departmental income over and above that estimated in the Government Plan. Article 22 places limitations on the availability to transfer funds that affect the non-ministerial States bodies and the States trading operations. Article 23 requires that the Minister for Treasury and Resources updates this Assembly on a structured, 6-monthly basis, of any transfers which have been approved, as well as any minor lending, or borrowing, which has been approved by the Minister.

This now includes Article 24, to reflect Scrutiny's amendments. Realistically, I do not see the necessity of this, as the Minister for Treasury and Resources is already required, under Article 24(3), to report to the States as soon as practical after any transfer has been agreed. Article 24 of the draft law rightly retains provision for expenditure that is linked to a state of emergency, or where there is an immediate threat to the health or safety of any of the population, or to the stability of the economy in Jersey, or the environment. A new provision enables the Minister for Treasury and Resources to spend up to £10 million from the Consolidated Fund, without prior recourse to the States Assembly, in any of those circumstances. If the amount is £10 million or over an amendment to the Government Plan must be progressed. Article 25 covers the investment of States monies. Current arrangements are maintained whereby the Minister must present an investment strategy and any update to the States Assembly and the Treasurer must ensure that investments are made in line with the strategy. Financing and lending is covered by Articles 26 to 29. I have already indicated that I am prepared to accept the Scrutiny Panel's proposal that the maximum amount to be obtained, via an overdraft, be set at no more than 25 per cent of States income from the previous financial year. I would again like to make the point that this is an arbitrary amount and, interestingly, I asked my officers about the level of overdraft currently available and was told that the current limit is £5 million across all the bank accounts, far lower than the approximately £200 million limit proposed by Scrutiny. Article 26 is a continuation of existing powers, which allows some flexibility and to enable the Minister to secure financing up to a maximum of £20 million, with no more than £3 million in any one year. Anything in excess of these figures would have to be approved by the States Assembly in the Government Plan. Article 27 allows the Minister to make certain loans within pre-set annual and maximum limits. With Article 28, allows the Minister to provide certain guarantees and indemnities, also up to pre-set annual and maximum limits. Article 29 makes it clear that any other loans, borrowing and guarantees can be made and given in the Government Plan. Article 30 sets out the role of the Minister, which reflects the role and remit set in the existing Public Finances Law. I have already referred to the reserve head of expenditure earlier in my speech and present an investment strategy and any updates and that responsibility for allocation from this will lie with the Minister for Treasury and Resources. It has always been my intent that a copy of the policy, for the reserve head of expenditure, would be published. It is difficult to see how the States could approve any allocations to this head of expenditure without knowing what the policy for its use would be. This is why I am prepared to accept Scrutiny's proposal, which would extend the Minister's functions, to present a written statement of the policy for the reserve and any update to the States. Article 31 establishes the Public Finances Manual. This document has attracted the interest of some Members and the Corporate Services Scrutiny Panel. The concept of a manual follows the practice in other jurisdictions. The manual will be published by the Minister for Treasury and Resources and will include directions and information on the administration of the law and public finances generally. In fact, many of these issues are currently addressed in Financial Directions, issued under the current law. The manual will be available publicly and will give greater visibility to the Government's control and governance framework and will change over time, as improvements are identified. I have indicated my acceptance of Scrutiny's proposal that the manual and any updates should be presented to the P.A.C. as and when they happen. This should enhance accountability for the content of the manual and will allow States Members to hold the Minister to account for its content and any subsequent changes made to it. I am also prepared to accept Scrutiny's proposal that the manual must include directions, including those on the standards which will be used to prepare the States accounts and the standards to which internal audits will be undertaken. These were already items which are covered in the draft manual, prepared by officers from the Treasury. Article 32 deals with the office and responsibilities of the Treasurer. I am aware that there have been comments made about the fact that this law makes no specific reference to the role of Chief Internal Auditor. The Treasurer remains responsible for the internal audit function, as defined in Article 32(2)(c). The detail on how this function will be carried out will be dealt with in the Public Finances Manual. The relevant part of the manual has been drafted and widely circulated to all those concerned. The draft



ensures that current best audit practice will be followed and that those responsible for internal audit have the appropriate independent access to those Members of the Government of Jersey. Although I do believe that the current draft of the law addresses the management and provision of the internal audit function correctly, I am prepared to accept the Panel's proposals to reintroduce the role of Chief Internal Auditor. My own amendment to the Scrutiny proposals correctly places the function and designation to the role of Chief Internal Auditor with the Treasurer. I am pleased that Scrutiny have indicated that they are prepared to accept this workable way forward. Articles 33 to 37 set out the appointment, duties and independence of the Treasurer, including the preparation of the annual financial statements. In order to emphasise the importance of the independence of the Treasurer's role, Article 35 of the draft law enables the postholder to issue a report to the States Assembly on the action of any person, who has dealt with public money inappropriately. The content of Article 35(2) is new and gives further emphasis to the Treasurer's independence, by enabling the postholder to report to the Council of Ministers on the actions of any person, including the Public Accounting Officer, that relate to the administration of the public finances. As indicated, I am prepared to agree that the Treasurer should not be able to delegate his, or her, function to the P.A.O. (Public Accounting Officer). I must emphasise that, in practice, a Treasurer would not delegate to the P.A.O. but, as indicated, I am prepared to accept that the law should make this point. In order to pre-empt some questions, I would like to remind States Members that the Council of Ministers recognises that there is a need to review and update some of the wider aspects of the overall accountability framework for the public administration, which is why it has already commenced a thorough review of the employment of the States of Jersey Employment (Jersey) Law 2005. The results of this review, which should provide a fit-for-purpose framework for modern public service accountability, will be brought back to the Assembly in the first half of 2020. Sir, I commend those Articles to the Assembly.

**The Deputy Bailiff:**

Are Articles 15 to 37 inclusive seconded? [**Seconded**] Does any Member wish to speak on those Articles?

**8.5.1 Deputy M. Tadier:**

I have got 2 points. One is a question and I would give the Solicitor General some notice and so I will ask it now, making him, perhaps, think about it. It is to ask what the legal implications are - and he may wish to comment on the practical implications as well, if he feels inclined - if a particular plan is not approved by the Assembly, where that leaves us? I know it is hypothetical, but I think it is still important to look at these issues. I know it was touched on by the mover of the proposition, so just to clarify that. Also, in Article 18, I am not entirely ... I am more relaxed than I was, perhaps, when I first read it, but Article 18 allows the Minister the power to change the heads of expenditure. Although there is a corresponding safeguard, in that it must come back to the Assembly, it still provides a mechanism for us to debate. Sometimes, it could be a very long debate that we have on a particular issue to do with funding a particular area and we think that we have secured that money, only for the Minister to then be able to decrease funding in that area and reallocate it somewhere else, at her pleasure. The 2-week notice period that is required to give to the States Assembly, I wonder whether she might comment on that, because it seems to me that 2 weeks might be sufficient when we are having ordinary sittings, but if it falls on a half term, or during holidays when not many people are around, I would like to think that could be increased and that routinely it would be that a longer notice period would be given. I do not know if that has already been picked up by the Scrutiny Panel. If it has, I apologise and congratulate them for already looking at that but, otherwise, the first point remains.

**The Deputy Bailiff:**

I will ask if any other Member wishes to speak first, before calling on the Solicitor General to reply.

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

Having delved into the old Public Finance Law, in order to attempt to solve certain problems, I believe the old Public Finance Law, after the emergency procedures, had an Article which talked about in response to a social, environmental, or economic, threat to the public finance. I think I heard and I just want clarification, I did not hear the word “social” when the Minister was reading out that particular paragraph. I wondered if that was the case, or whether social was just missed as she read it.

[14:45]

### **8.5.3 The Connétable of St. Brelade:**

I wonder if the Minister for Treasury and Resources would just clarify on Article 35, at what point that might become a criminal matter. It seems to me that it slides in that direction and I would ask, who might be the judge of that?

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

Does any other Member wish to speak? Solicitor, are you in a position to advise the Assembly on the question raised by Deputy Tadier?

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

I believe so, Sir. In relation to Deputy Tadier’s question, in relation to the non-approval of a Government Plan, there is specific provision in Article 17 of the draft law, which is intended to cover that situation. As I read it, if a Government Plan is not approved at the start of a financial year, then for each month of that year, during which the Government Plan is unapproved, then a States trading operation may withdraw an amount up to a maximum, which is set in paragraph 4 of Article 17, in relation to a proposed head of expenditure and that maximum in paragraph 4 is set at one-twelfth of the amount of the intended expenditure for that year in the most recently approved Government Plan. So it relates back to the previous Government Plan and it is one-twelfth of that amount in the previous Government Plan. That is my reading of Article 17.

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

Thank you very much, Mr. Solicitor. I call upon the Minister to respond.

#### **Senator T. A Vallois:**

Sir, before the Minister ... can I just clarify the Solicitor General’s response? It refers to, in particular Article 17, paragraph 4 and it states specifically: “Set out in the most recent year approved Government Plan” and that is fair enough for future years, but with the first Government Plan coming up and not having a recently approved Government Plan, would the M.T.F.P. (Medium Term Financial Plan) cover that under the law, or would the current Government Plan being approved by the new Council of Ministers this time have to be approved before the end of the year?

#### **The Solicitor General:**

Could I have a moment to think about that, please?

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

Could I add another question to the list? It does say in Article 3 that for each month of that year that the Government Plan remains unapproved, there should be an allocation of a twelfth per month but it does not seem to say what happens in the case of a second year, if the Government Plan remains unapproved. It may well be that the political reality of that is that it would trigger a confidence vote in the Government anyway and possibly a new election, although I do not think we have ever seen that in Jersey. Are there provisions for that kind of scenario? I also noticed that Article 17(1) talks

about if a lodged Government Plan has not been approved that presumably there may be a scenario where the Government fails to lodge a plan, but that may be dealt with elsewhere.

**The Deputy Bailiff:**

Solicitor, I appreciate that has not given you any time at all to consider your answer. Would Members agree that I will call on the Minister to respond and the Solicitor General can advise immediately before the vote is taken? Very well. Solicitor, you may wish to consider whether Article 57 has any bearing upon the matter as well.

**The Solicitor General:**

I am grateful, Sir, thank you.

**8.5.4 Deputy S.J. Pinel:**

As we know, we are waiting for the Solicitor General's answer to Deputy Tadier's question. I think he has possibly not understood the amendment that has been accepted with the 2 weeks of any proposition for expenditure which the Scrutiny Panel advised should be 4 weeks and we have gladly accepted that. So in this law it is 4 weeks. Deputy Southern mentioned the word 'social', I do not know to what he is referring, or which Article, so perhaps he could enlighten me.

**Deputy G.P. Southern:**

It is the paragraph after the one that deals with emergencies. It talked about a £10 million expenditure to cope with any - I thought I heard - social, environmental, or economic, threat to the finances.

**Deputy S.J. Pinel:**

Should I read that again?

**The Deputy Bailiff:**

Are you able to answer the question that Deputy Southern poses, Minister; it is a matter for you?

**Deputy S.J. Pinel:**

The word 'social' is not contained in it, which I think was the Deputy's question. It is not.

**Deputy G.P. Southern:**

In which case, could the Minister tell me the logic of that, because I believe it was in the old Public Finances (Jersey) Law?

**The Deputy Bailiff:**

I think we must avoid the possibility of having sequential speeches from people, who have already spoken but, Minister, you understand Deputy Southern's point which is if it is not there then that really was the force of his question that he raised with you originally?

**Deputy S.J. Pinel:**

Yes, I understand that, but this is law and one has to contain it in a state of emergency and health and safety of the population I do believe encompasses social.

**Deputy M.R. Higgins:**

Could I just clarify, we are talking about Article 24(2)(a) and (b), is that correct?

**The Deputy Bailiff:**

Minister, that is a point of clarification from your speech, I think, that the Deputy is asking for.

**Deputy S.J. Pinel:**

We are talking about that, Deputy Higgins, yes.

**The Deputy Bailiff:**

Then, Minister, I am assuming that is the end of your speech and you would wish to move the Articles, but prior to doing so, we would ask the Solicitor General to advise? Is that correct?

**Deputy S.J. Pinel:**

Yes.

**The Deputy Bailiff:**

Thank you very much. Yes, Mr. Solicitor, are you able to assist the Assembly?

**The Solicitor General:**

Yes. In relation to Deputy Tadier's supplemental question about what would happen if this state of non-approval were to carry on into subsequent financial years, so for more than one year? I do not think the law contemplates that situation so the law ... as I read it Article 17 is only really applying to non-approval during a current financial year. I do not think it really covers that situation which Deputy Tadier has suggested. In relation to Senator Vallois' question about what happens in relation to the first financial year, again, I do not think Article 17 really covers that, so it does not make any provision other than covering the first financial year. I do not think that Article 57, which deals with transitional provisions, it may not be broad enough to cover this situation. So, Article 57 is a power for the States to make regulations concerning transitional saving consequential, incidental, supplementary provisions that may be necessary, or expedient, to bring this law into effect. I am not sure whether those words 'to bring this law into effect' are sufficiently broad to cover a situation where, in the first year, a Government Plan is not approved. That is my preliminary view. I have not had the opportunity to consider it in any detail, but that is my preliminary view of those words. While I am on my feet, the Minister did also ask me in relation to Constable Jackson's question in relation to Article 35 as to when that might become criminal. My reading of that is that, yes, Article 35 does offer a possibility of dealing with matters, which may become criminal and that will be a matter for the Attorney General to prosecute but, yes, it does cover that situation, as well as civil matters.

**The Deputy Bailiff:**

Anything arising out of the advice given by the Solicitor General?

**Deputy M. Tadier:**

Can I just thank the Solicitor General and say we had better get this passed then, had we not?

**The Deputy of St. Martin:**

Could I just make a comment?

**The Bailiff:**

No, there is no opportunity to make a comment, Deputy. I do not wish to be dismissing you. You could ask a question of the Solicitor General, but we have reached the end of the debate. The debate is closed on that.

**The Deputy of St. Martin:**

Is the Solicitor not very concerned then that we may be approving something that could lead us into great difficulty quite shortly if we do not approve the plan? We could, in a matter of months, find ourselves with a situation where we might not be able to fund the running of the States.

**The Deputy Bailiff:**

I do not think that is a matter the Solicitor General can properly give advice on. He is to give legal advice, I think expressing concern, or otherwise, is moving into the area of a political observation and not a legal observation. Very well. All those in favour of adopting these Articles, kindly show.

**Deputy M. Tadier:**

Could we have the *appel*, please?

**The Deputy Bailiff:**

The appel is called for. I invite Members to return to their seats. The vote is on adopting Articles 15 to 37 inclusive. Those in favour of adopting those Articles ... I beg your pardon. I ask the Greffier to open the voting.

<b>POUR: 43</b>	<b>CONTRE: 1</b>	<b>ABSTAIN: 0</b>
Senator L.J. Farnham	Deputy M.R. Higgins (H)	
Senator S.C. Ferguson		
Senator J.A.N. Le Fondré		
Senator T.A. Vallois		
Senator K.L. Moore		
Senator S.Y. Mézec		
Connétable of St. Clement		
Connétable of St. Saviour		
Connétable of St. Brelade		
Connétable of Grouville		
Connétable of St. John		
Connétable of Trinity		
Connétable of St. Peter		
Connétable of St. Mary		
Connétable of St. Ouen		
Connétable of St. Martin		
Deputy J.A. Martin (H)		
Deputy G.P. Southern (H)		
Deputy of Grouville		
Deputy K.C. Lewis (S)		
Deputy M. Tadier (B)		
Deputy J.M. Maçon (S)		
Deputy S.J. Pinel (C)		
Deputy of St. Ouen		
Deputy L.M.C. Doublet (S)		
Deputy R. Labey (H)		
Deputy S.M. Wickenden (H)		
Deputy of St. Mary		
Deputy G.J. Truscott (B)		
Deputy J.H. Young (B)		
Deputy L.B. Ash (C)		
Deputy K.F. Morel (L)		
Deputy G.C.U. Guida (L)		
Deputy of St. Peter		
Deputy of Trinity		
Deputy of St. John		
Deputy M.R. Le Hegarat (H)		
Deputy S.M. Ahier (H)		
Deputy J.H. Perchard (S)		
Deputy R.J. Ward (H)		
Deputy C.S. Alves (H)		
Deputy K.G. Pamplin (S)		
Deputy I. Gardiner (H)		

**Deputy S.J. Pinel:**

Do I do 38 and 39?

**The Deputy Bailiff:**

They will have to be voted on separately, unless you are content those 2 are voted on together?

**Deputy S.J. Pinel:**

I will be, thank you.

**The Deputy Bailiff:**

Yes, in which case you can deal with 38 and 39 together.

**8.6 Deputy S.J. Pinel:**

Articles 38 and 39 of the draft law retain this Assembly's decision in P.1/2018 to establish the role of Principal Accountable Officer, P.A.O., in recognition of the need for clear accountability at the very top of the public service for the overall use of resources. This approach remains consistent with modern practice elsewhere in the British Isles. Article 39 maintains the approach that the Chief Executive Officer will be the Principal Accountable Officer, whose responsibilities include the designation of persons as Accountable Officers, A.O., for discrete parts of Jersey's administration and States funds. The Principal Accountable Officer retains responsibility for ensuring propriety and regularity of States funds and bodies and for ensuring that such resources are used effectively, efficiently and economically. The Principal Accountable Officer's responsibilities also include ensuring the performance of the relevant functions by the Accountable Officers and for publishing a full list of Accountable Officers. The law also enables the Principal Accountable Officer to appoint Accountable Officers in certain specified bodies which operate apart from the States. The Principal Accountable Officer has undertaken that before any such appointment is made to these bodies that consultation will take place in order to ensure that there is a clear and shared understanding of the accountable officer function within these bodies. I move Articles 38 and 39.

**The Deputy Bailiff:**

Are the Articles seconded? **[Seconded]** Does any Member wish to speak on Articles 38 or 39?

**8.6.1 Deputy J.H. Young:**

I just want to use this occasion to air an issue of governance. I fully support the fact that we need a Principal Accountable Officer, as at Article 39; it is sensible that their role is there. My reservation is that we have heard that the States of Jersey Employment Law is in fact not fit for purpose previously and I think I heard a commitment that that is going to be reviewed. Of course, when one reads Article 3, which is referred to, of that law and when you read Article 38 it does leave room for doubt, at the very least, of how governance is exercised because there is a very strong centralisation of power here and the accountability ... the Chief Executive Officer is the Chief Executive of the Council of Ministers and head of public services, he also heads the Chief Officer who leads departments for which Ministers have responsibility, although of course Ministers do not have responsibilities with departments any more.

[15:00]

Article 41 puts the accountability to the States Public Accounts Committee. What I would like to do is get a commitment, if I can, that these 2 laws be looked at. Obviously, it is going to be approved today but these 2 laws are looked at to try and ensure that we get a robust governance framework in place between the Chief Executive Officer, who according to the law has responsibility for implementation of all corporate and strategic policies and the power to direct Chief Officers, who are the senior officers in every department for which a Minister is responsible. That is a very strong

power. I would like, in the future, a commitment, please, that we would look, again, at the States Employees (Jersey) Law to try and make sure we can get the governance of these 2 key roles, the Principal Accountable Officer, which is absolutely necessary in the Public Finances (Jersey) Law, and the Chief Executive Officer in the States of Jersey Employment Law to get them in a good governance framework. I just ask the Minister, or perhaps another Member, who can give me that assurance, please.

#### **8.6.2 Deputy S.M. Wickenden:**

I am sure he is not going to thank me, but I would like to ask the Solicitor General what his views are that if these Articles were not to be approved, what that would mean?

#### **8.6.3 Deputy M. Tadier:**

It is not an ideal way to do it, but I wanted to seek clarification from a previous speaker, but I do not know if it is too late for that. Just to make the point, he seemed to be suggesting that, maybe, the Chief Executive Officer, referred to in Article 3 of the Employment Law and the Principal Accountable Officer should be 2 different positions and 2 different individuals. That has left me slightly intrigued, because he has not filled in the complete rationale for that - I am not saying I disagree with that - and whether his advice, therefore, is to vote against Article 38 on that basis. He seemed to say that this is going to go through today, but we might need, in the future, to look at this. But I think this is the right time to pass our judgment on whether Article 38 in its current format is correct. It is a very small Article, but I think very significant. It is inversely proportional to its length, if you like. I think, for my part, there is a better way of doing Article 38. Let us not beat around the bush, we have to put this in the wider Island context. Whether it is justified, or not, whether public opinion is correct in this particular regard, or not, there is a lot of opinion out there, which says that the States Assembly has already abdicated too much responsibility to the civil service, the Executive side, who are unelected. While we might be facing re-election, some of us, in 3 or 4 years and standing by our records either as a Government, or as individual Members of the Assembly, the unelected individuals, who may well remain in power long into the decade do not face that same level of accountability, although I am sure they are subject to other mechanisms. I think Article 38 is an opportunity for us now to decide whether we are happy with the *status quo* of what is being proposed or whether, in fact, there should be some checks and balances on that very powerful role. I will be taking this opportunity to indicate my stance, which favours the latter.

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

Since the Deputy asked me to clarify, would I be able to do that?

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

No, I think at this stage you can be asked to give way for clarification in your speech, which we tend to interpret also at the very end but, unfortunately, I had already called upon the next speaker, so you are not in a position to clarify, I am afraid, Deputy.

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

There are many people in the Island who believe that this Assembly is totally ineffective, we have no control over what is going on and I happen to share their view. Recently, we had the Independent Jersey Care Inquiry here and the panel I was on, we were asked how we could deal with the causes of some of the problems that we have. I said: "I do not believe we can at the present time, because, for a start, we do not know who is running the Island." For example, we have a whole series of new Director Generals, we have titles, we have a number of what were departments all brought together, no one really knows what is going on. Many of the Ministers did not even know what their budgets were until very recently. Judging by the answer to a question earlier, I do not think they do necessarily now know what they have money for. It was a question of the various groupings that we have that were departments, they are too big. I made the comment that Scrutiny cannot effectively

scrutinise them, because they are so wide. Scrutiny can pick a topic and the other two-thirds of what the section does are going to go unscrutinised. Equally, we have a government that has lots of resources, or apparently can buy in whatever resources they want, but Scrutiny has, in many cases, one Scrutiny officer, who is trying to deal with a number of things; we have States Members who have no resources whatsoever, they have their computer, they have to write their own letters, write their own reports, propositions and how can we effectively scrutinise what is going on. I felt that the decisions of the previous States Assembly where they, basically, gave the Chief Minister - that was Deputy (*sic*) Gorst at the time - complete control. He could get rid of his Ministers after 6 months and so on, and gave the Chief Executive all the powers that were held by all the other Accounting Officers and Chief Officers. The concentration of power is exceptional, I think and I also think it is highly undesirable. Certainly not democratic, in my view. So, therefore, I shall not be supporting Article 38 or 39; I think we need to look at this situation again and this is the only opportunity you are going to get to do it. If we reject 38 and 39 there has to be discussions about the role of the Chief Officer and the powers that he has. I would urge States Members to vote against 38 and 39 and let us go back to the drawing board and try and bring some democracy to this Chamber and to the Island.

#### **8.6.5 Deputy K.F. Morel:**

I just want to say that I share Deputy Higgins' concerns. Since I became a States Member, almost exactly one year ago, one of the biggest concerns I have had from the public is about this centralisation of power into one unelected person. That has come through from all sorts of different members of the public and they are looking to us to ensure that the Chief Executive can be held to account. In fact, they are looking to us to maintain our democratic powers that they have wanted to invest in us and I do worry that 38 and 39 just move further towards this culture where us, as democratically elected Members, are rendered impotent and an unelected Chief Executive is rendered all potent, so to speak. I just want to read this one thing from an article about local government and it is from November 2018, so it is very recent and it is about the new Chief Executive of Westminster Council. The new Chief Executive, Mr. Love, he says: "There is a change in culture that the organisation is crying out for and my drive is about shared leadership across the organisation. The leadership of this organisation should not be vested in one person." That is the new Chief Executive of Westminster Council, who obviously inherited an overly-centralised culture and is seeking to find their way out of it. As a result of that, I also feel that it is not right to support 38 and 39, because I do not want us to move further down this road of an overly centralised culture.

#### **8.6.6 Senator K.L. Moore:**

I am grateful to the Minister, who referred to the Employment of States of Jersey Employees (Jersey) Law, which is due to be reviewed in quarter 1/2 of next year. It was, however, the intention, prior to this law and the recommendation of a panel I do not recall, I am afraid, that the new Public Finances (Jersey) Law should have been brought alongside other pieces of legislation, one of which was the States of Jersey Employees (Jersey) Law, in order to ensure and assure that this point was dealt with and that there was some underpinning legislation to give clarity on this point. In its report, which I hope that Members have read, C.I.P.F.A. also described Article 39 as ground breaking; however, it did go on to counsel that clarity on accountabilities should be a central feature of the Public Finances Manual. Of course, the Panel, the Corporate Services Panel, have seen a draft of that manual that I do not believe Members have and it is obviously – apologies, they have - a piece of work that is available for constant updating by the Treasurer. Timing and perception are important factors to take into account when making decisions. We cannot, in good faith, at this position in time, in my view, support these 2 Articles where there are poor perceptions in relation to accountabilities and the way the structure is going at the moment. I am not sure if any other Members wish to speak, but I think subjects earlier, in particular in relation to the pay dispute and how that is progressing, is a matter of concern for some. Like Deputy Morel, the previous speaker, I also feel that I will be voting against these 2 Articles for the time being. Obviously, we will wait to hear what the Solicitor General's



advice would be, but it would be my understanding, through the work that we have done as the Corporate Services Panel, that not accepting these 2 Articles at this current time and waiting for the further legislation to underpin it would not prevent the Council of Ministers' progress in bringing forward the Government Plan, which, of course, is one of the reasons for hastening this piece of legislation was in order to allow them to do so.

**The Deputy Bailiff:**

Mr. Solicitor, are you in a position now to advise the Assembly?

**The Solicitor General:**

Yes, I will do my best. In response to the question as to what would happen, I think it was Deputy Wickenden's question, if Articles 38 through to 41 were not approved by this Assembly.

**Deputy S.M. Wickenden:**

I do ask for 38 and 39, but I think 41 should be included in that answer because it is relative.

**The Solicitor General:**

As regards Article 38, the Chief Executive Officer is already named as such in Article 3 of the Employment of States of Jersey Employees (Jersey) Law 2005. I am not sure if it is stated anywhere else that he is the Principal Accounting Officer. It might be logical that he is the Principal Accounting Officer, but this provision is intended to clarify, beyond doubt, that he is the Principal Accounting Officer. If Article 38 were not approved by the Assembly, he would remain the Chief Executive Officer, but I think there would be some doubt as to whether he was the Principal Accounting Officer. As regards if Article 39 was not approved, then my understanding is that there are already Accountable Officers, which are appointed in relation to ministerial departments. Those Accountable Officers would remain. But it would follow, obviously, that if Article 39 was not approved then there would be no clarity as regards who was the Principal Accounting Officer. There would simply be Accounting Officers for ministerial departments. I think the question is not raised in relation to Article 40, but as regards Article 41, I think by implication it would fall away, because the Chief Executive Officer has not been appointed the Principal Accounting Officer, so it must follow that as the Principal Accounting Officer he is not accountable to the States Public Accounts Committee as the Principal Accounting Officer. He may be accountable in other ways as a Chief Executive to the Council of Ministers, for example, but he cannot be accountable as the Principal Accounting Officer to the States Public Accounts Committee.

**8.6.7 The Deputy of St. Martin:**

I am grateful to the Solicitor for that learned advice. When I pushed my button, I was going to ask that the Chairman for the Corporate Services Scrutiny Panel would comment and, of course, she beat me to it.

[15:15]

I am grateful for her words and specifically about her reference to the manual, which answered the question from the backbenchers to my right. Then I was disappointed to hear that she was intending not to support these particular Articles, because she made 17 recommendations, which were all accepted and it is a great surprise to me to find, at this late stage, that she had not highlighted this as an issue before now. I think it has been a great piece of work to show how the Executive and Scrutiny can work together and a large, very large, number of amendments were proposed, most of them were accepted, apart from the ones we dealt with and it is just disappointing to have, at this late date, some criticism of these 2 particular Articles. I just wanted to make that point.

**8.6.8 Senator T.A. Vallois:**

I am not going to make any bones about this, because this is not a late issue, this has been going on for over a year now. This was represented in P.1/2018 and I am going to repeat the same concerns that I have had time and time again. The Minister for Treasury and Resources is completely aware of them, whether a Member of the Council of Ministers or not. That P.1/2018, which was debated on 20th March last year, I raised and other Members raised, it is an issue about moving power into one particular officeholder and not having the right checks and balances. Although the reassurance has been given about the Employment of States of Jersey Employees (Jersey) Law, what further concerns me is there has been no discussion at all, whether at Council of Ministers, or in the States Assembly, about single legal entity for Ministers, which was also part of that proposition that came forward. It was decided that would be put aside, until it would be decided by the new Government about what would happen with regards to that particular single legal entity. That brings me on to the issue with regards to although Ministers have that legal entity and that legal requirement, of course there was an amendment by Senator Bailhache at the time, there was a huge debate around accountability, putting powers into one person's hands and this is why I do not hold back from standing here and talking about this, because I still hold the position of my concern of putting a lot of power into one person's hands, without the checks and balances in place. From my point of view, when you have a large set of legislative requirements set against the Minister, whether it be with regards to cash limits, whether it be with regards to effecting propriety, all those types of things in terms of running your department, in terms of determining the fitness between the role of the civil service to carry out that particular role and the role of the Minister in terms of accountability, not just to this Assembly, but to the public as the wider accountability mechanism. Many Members in this Assembly were critical of that P.1/2018, it came as a package, looking at 3 particular pieces of legislation, Public Finances (Jersey) Law, Employment of States of Jersey Employees (Jersey) Law and the States of Jersey Law, because that is our governance structure. That is the governance and the way that we run the Island. That is not about propriety and regularity of finances; if you cannot get your governance right, you might as well not bother spending money, because you are wasting it. For me, it really concerns me, Article 38, 39 and 41, it continues to concern me, because I do not believe the appropriate checks and balances are in place. This Assembly have a propriety over the public service and the way the Island is run and I do not feel that the appropriate governance is in place to ensure that the power that fulfils this role is properly justified.

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

I just wanted to remind Members that following the approval, in principle, of P.1/2018, the whole new government structure, which is the removal of the silo mentality that we have had in the past to a more coherent and inclusive government and States Assembly is dependable upon accountability and that is what we have lacked previously. There have been so many Accountable Officers that blame has been pushed and passed from pillar to post and we have an opportunity here to consolidate this and make our Chief Executive of the public sector fully accountable.

#### **8.6.10 Deputy S.M. Wickenden:**

In the opening speech from the Minister for Treasury and Resources, the Minister mentioned that this is the continuation of what is already there from P.1/2018. But it is only in part. In P.1/2018 we did agree and it was in the report, that when we brought forward the changes to the Public Finances (Jersey) Law at the same time, as the wording within P.1/2018 and in the report, we would bring together the Employment of the States of Jersey Employees (Jersey) Law, which is the accountability framework for the role of the Principal Accountable Officer. The Minister for Treasury and Resources was absolutely right, this is a continuation of what we agreed in P.1/2018 and within P.1/2018 we did change the current Public Finances (Jersey) Law that created the Principal Accounting Officer, so this is not anything that is not already in the law that we see today as not changed by this current proposal. But we did say and it was written within P.1/2018, that it had to be hand in hand. The Employment of the States of Jersey Employees (Jersey) Law, which is the

accountability side of the financial side, should have been brought at the same time. I did raise the question during the briefing that Treasury kindly did for us on the Public Finances (Jersey) Law and they said: “That is the next piece of work. We are doing that, probably end of 2020.” No? So maybe March. It is a shame, because we have brought in KPMG to do the Public Finances (Jersey) Law with us and it is a shame that this was not done side by side in the way that it was asked to. Yes, this is P.1/2018 and what was agreed in that, in part. I want to take the personality side out of it, it is the idea that we are creating a power structure, but with great power comes great responsibility. Sorry, that was Spiderman. There should be accountability along with power and the Employment of States of Jersey Employees (Jersey) Law is the accountability side, so I can see where Members are concerned about the disparate way that this has been done and I am not surprised that this has come to light today in this debate. But I thought I would make it clear that P.1/2018 was about 2 different laws being done at the same time, not about giving the power in one and then we will sort out the accountability later.

#### **8.6.11 Senator J.A.N. Le Fondré:**

It is always difficult when we get to these kinds of discussions. I think Deputy Young was raising the point more as a query, rather than challenging it, from what I understood of what he was saying, but I might be wrong. What I want to do is just go back a little bit in history and I cannot remember which Comptroller and Auditor General it was - I am going to say it was the first one - who kept referencing what he called the double fracture, which was basically that Ministers could not tell anybody what to do and you had the silos building up there and then you had also the then Chief Executives, who could not tell the heads of departments what to do. That was the problem, you could not get a coherent direction and control, you ended up with silos, you ended up with expenditure going all over the place and the duplication and everything else that we see. Now, what I found interesting and I am going to quote from it in a minute, is the adviser that the Corporate Services Scrutiny Panel have used this time around is one that certainly a number of us would be very familiar with and I would hope that we all highly respect. What I found very interesting - just to remind Members - the quote from the C.I.P.F.A. report, who have been acting as an adviser, says: “In summary, the revised Public Finances Law is to be broadly commended through the introduction of key elements of good practice and financial management, including an attempt to provide a better balance on prescriptive issues that would not normally be found in typical public finance related legislation in other jurisdictions. Accountability for financial performance, aligning with P.1/2018 with clearly defined accountability to the P.A.O. and A.O.s is a significant improvement as C.I.P.F.A. has been highly critical of the current position in previous advice provided to the Corporate Services Scrutiny Panel on this issue. Holding to account departmental financial performance has been highlighted as a particular problem, particularly the position of the Chief Executive relative to the Accountable Officers. Clarification of Ministers’ responsibilities in relationship to the Executive is highly positive. Article 39 is groundbreaking, relative to the previous arrangements. The responsibilities of the P.A.O are significant, as highlighted in the Article, the independence of the Treasurer is unimpaired by virtue of Article 34, although there may be some overlap between the Treasurer’s responsibilities and the P.A.O.s responsibilities.” That is not identified as a problem. “Defining further clarity on accountability should be a central feature of the proposed Public Finance Manual”, which we have talked about. “The law builds on existing arrangements and promotes improvements in transparency and personal accountability by incorporating the changes brought into being through P.1/2018 with the role of the Principal Accountable Officer having been established in law since June 2018.” The summary there is endorsed. A change of real significance, C.I.P.F.A. have been highly critical of the position prior to P.1/2018. Now, irrespective of what my views may have been in the past, I do rely on the likes of advisers like C.I.P.F.A.; I have worked with them in the past and I take huge comfort in the comments that were made there. In conjunction with the other pieces of work, I think the fact that they describe Article 39 as groundbreaking is something Members should be taking account of and I will be supporting the Article.

### **8.6.12 The Connétable of St. Brelade:**

Just picking up on the Chief Minister, there seems to me - and perhaps the Minister for Treasury and Resources would confirm this - that there is a check, shall we say, on the Principal Accounting Officer referred to in Article 39. In Article 35, basically, it confirms that the Treasurer has the opportunity to deal with an obstructive Chief Officer, or Chief Accounting Officer should he so wish, according to Article 35. Would she confirm that in her summing up? Thank you.

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

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

### **8.6.13 Deputy S.J. Pinel:**

Thank you. May I take the opportunity to remind Members that this is a finance law, it is not to be confused with public opinion of central civil service control, or individual budgets. If Articles 38 and 39 are not accepted, there will be no Accountable Officers in ministerial departments for the first time since 2005. As the Chief Minister has already said, C.I.P.F.A., who were the Scrutiny Panel's professional advisers, has been most supportive of aligning this finance law with P.1/2018. Clearly defined accountabilities is a significant improvement on the current law. Several Members have mentioned the Employment of States of Jersey Employees (Jersey) Law and, yes, of course we would have been delighted if we could have brought both together in an accountability factor. It is just not possible with the resources we have and the amount of work that this law, the briefings and the meetings with Scrutiny and all the financial bodies have taken to do it. However, as I mentioned in my opening remarks, the review has commenced and will be completed by March on the Employment of States of Jersey Employees (Jersey) Law. Thank you to the Deputy of St. Martin who said there has been plenty of time now for amendments and really to single out 2 Articles during the debate, I feel, is a little unreasonable. I have mentioned the 2 laws should have been debated together. Also, I think the Connétable of St. Brelade mentioned the lines of accountability and responsibility with the Treasurer is absolutely correct. The Chief Executive Officer would be accountable to the Treasurer on the expenditure and revenue situation. There are very strong lines of accountability which, as I mentioned earlier, C.I.P.F.A. have commended us for including. I move Articles 38 and 39.

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

Point of clarification? Article 35, as I read it, is the Treasurer makes a report to the Council of Ministers, there is nothing here about coming back to the States and holding the person accountable to the States.

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

What is the clarification you are seeking?

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

Will the Minister for Treasury and Resources confirm that is the case: only the Council of Ministers will get the report and they make the decision, not the States?

#### **Deputy S.J. Pinel:**

I thought we had already agreed Article 35.

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

With respect, the Minister for Treasury and Resources made a comment, I was just seeking clarification on the comment she made just a few moments ago.

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

Minister, it is not a matter of revisiting whether Article 35 was passed, it was a matter of seeking clarification of your reference to it in your speech.

[15:30]

**Deputy S.J. Pinel:**

I think that is because the Connétable of St. Brelade mentioned Article 35 and I think I answered that question.

**Deputy M. Tadier:**

A point of clarification, if I may? The Minister in summing up was critical of the latest comment given in the Assembly by the Chair of the Scrutiny Panel, but does she accept that the Scrutiny Panel's amendments have been largely technical in nature and that any comments made on 38 and 39 are a political issue and it would not be appropriate for a Scrutiny Panel, as a body, to make the comments that have been made ...

**The Deputy Bailiff:**

Deputy, I think that is more by way of comment on your part. A point of clarification is, as the name suggests, a request from the last speaker to make something clear, not to agree a contrary proposition, or a developed proposition. It is simply to clarify what they meant when they said it. Very well, the *appel* has been called for and I invite Members to return to their seats.

**Deputy J.H. Young:**

Could I ask for 38 separately, please?

**The Deputy Bailiff:**

Very well, you may. The vote initially, then, is on Article 38 alone. The *appel* is called for and I invite Members to return to their seats. I ask the Greffier to open the voting.

<b>POUR: 26</b>		<b>CONTRE: 19</b>		<b>ABSTAIN: 0</b>
Senator L.J. Farnham		Senator T.A. Vallois		
Senator S.C. Ferguson		Senator S.Y. Mézec		
Senator J.A.N. Le Fondré		Connétable of St. Saviour		
Senator K.L. Moore		Connétable of St. Peter		
Senator S.W. Pallett		Connétable of St. Martin		
Connétable of St. Clement		Deputy G.P. Southern (H)		
Connétable of St. Brelade		Deputy M. Tadier (B)		
Connétable of Grouville		Deputy M.R. Higgins (H)		
Connétable of St. John		Deputy J.M. Maçon (S)		
Connétable of Trinity		Deputy L.M.C. Doublet (S)		
Connétable of St. Mary		Deputy R. Labey (H)		
Connétable of St. Ouen		Deputy J.H. Young (B)		
Deputy J.A. Martin (H)		Deputy K.F. Morel (L)		
Deputy of Grouville		Deputy of St. John		
Deputy K.C. Lewis (S)		Deputy M.R. Le Hegarat (H)		
Deputy S.J. Pinel (C)		Deputy S.M. Ahier (H)		
Deputy of St. Martin		Deputy J.H. Perchard (S)		
Deputy of St. Ouen		Deputy R.J. Ward (H)		
Deputy S.M. Wickenden (H)		Deputy C.S. Alves (H)		
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy L.B. Ash (C)				
Deputy G.C.U. Guida (L)				
Deputy of Trinity				

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

**The Deputy Bailiff:**

Very well. The vote is now on Article 39 and I ask the Greffier to open the voting.

<b>POUR: 28</b>	<b>CONTRE: 18</b>	<b>ABSTAIN: 0</b>
Senator L.J. Farnham	Senator T.A. Vallois	
Senator S.C. Ferguson	Senator K.L. Moore	
Senator J.A.N. Le Fondré	Connétable of St. Peter	
Senator S.W. Pallett	Connétable of St. Martin	
Senator S.Y. Mézec	Deputy G.P. Southern (H)	
Connétable of St. Clement	Deputy M. Tadier (B)	
Connétable of St. Saviour	Deputy M.R. Higgins (H)	
Connétable of St. Brelade	Deputy J.M. Maçon (S)	
Connétable of Grouville	Deputy L.M.C. Doublet (S)	
Connétable of St. John	Deputy R. Labey (H)	
Connétable of Trinity	Deputy K.F. Morel (L)	
Connétable of St. Mary	Deputy of St. John	
Connétable of St. Ouen	Deputy M.R. Le Hegarat (H)	
Deputy J.A. Martin (H)	Deputy J.H. Perchard (S)	
Deputy of Grouville	Deputy R.J. Ward (H)	
Deputy K.C. Lewis (S)	Deputy C.S. Alves (H)	
Deputy S.J. Pinel (C)	Deputy K.G. Pamplin (S)	
Deputy of St. Martin	Deputy I. Gardiner (H)	
Deputy of St. Ouen		
Deputy S.M. Wickenden (H)		
Deputy of St. Mary		
Deputy G.J. Truscott (B)		
Deputy J.H. Young (B)		
Deputy L.B. Ash (C)		
Deputy G.C.U. Guida (L)		
Deputy of St. Peter		
Deputy of Trinity		
Deputy S.M. Ahier (H)		

**The Deputy Bailiff:**

I think it falls for me again to thank Deputy Doublet for her contribution to the Greffier's fund.

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

My apologies.

**The Deputy Bailiff:**

Very well, Minister, the next Article is 40; 41 has been asked to be taken separately. So, if you would like to take Article 40 first perhaps.

**8.7 Deputy S.J. Pinel:**

Dealt with in Article 40 is non-ministerial bodies are excluded from the scope of the Principal Accounting Officer's responsibilities; however, these areas will still have Accountable Officers, who can be held to account for the resources of their area. I move Article 40.

**The Deputy Bailiff:**

Is it seconded? [**Seconded**] Does any Member wish to speak on Article 40? Those in favour of adopting Article 40, kindly show. The *appel* is called for. I invite Members to return to their seats. The vote is on Article 40 and I ask the Greffier to open the voting.

<b>POUR: 43</b>	<b>CONTRE: 1</b>	<b>ABSTAIN: 0</b>
Senator L.J. Farnham	Deputy K.F. Morel (L)	
Senator S.C. Ferguson		
Senator J.A.N. Le Fondré		
Senator T.A. Vallois		
Senator K.L. Moore		
Senator S.W. Pallett		
Connétable of St. Lawrence		
Connétable of St. Saviour		
Connétable of St. Brelade		
Connétable of Grouville		
Connétable of St. John		
Connétable of Trinity		
Connétable of St. Mary		
Connétable of St. Ouen		
Connétable of St. Martin		
Deputy J.A. Martin (H)		
Deputy G.P. Southern (H)		
Deputy of Grouville		
Deputy K.C. Lewis (S)		
Deputy M. Tadier (B)		
Deputy M.R. Higgins (H)		
Deputy J.M. Maçon (S)		
Deputy S.J. Pinel (C)		
Deputy of St. Martin		
Deputy of St. Ouen		
Deputy L.M.C. Doublet (S)		
Deputy R. Labey (H)		
Deputy S.M. Wickenden (H)		
Deputy of St. Mary		
Deputy G.J. Truscott (B)		
Deputy J.H. Young (B)		
Deputy L.B. Ash (C)		
Deputy G.C.U. Guida (L)		
Deputy of St. Peter		
Deputy of Trinity		
Deputy of St. John		
Deputy M.R. Le Hegarat (H)		
Deputy S.M. Ahier (H)		
Deputy J.H. Perchard (S)		
Deputy R.J. Ward (H)		
Deputy C.S. Alves (H)		
Deputy K.G. Pamplin (S)		
Deputy I. Gardiner (H)		

**The Deputy Bailiff:**

Minister, do you now come to Article 41?

**8.8 Deputy S.J. Pinel:**

Yes, please. Under Article 41, I accept the Panel's proposal, which amends this Article and makes both the Principal Accounting Officer and the Accountable Officers answerable to the Public Accounts Committee and the Principal Accounting Officer accountable to the Council of Ministers. Sorry, that was a bit of a mouthful.

**The Deputy Bailiff:**

I just wondered if you could say that again. **[Laughter]** Perhaps I should not have said that. Is the Article seconded? **[Seconded]** Does any Member wish to speak on Article 41?

**8.8.1 Senator K.L. Moore:**

Simply to say I am grateful to the Minister for accepting our amendment.

**The Deputy Bailiff:**

Does any other Member wish to speak? Do you wish to respond, Minister?

**8.8.2 Deputy S.J. Pinel:**

I thank the Chairman of the Scrutiny Panel. Thank you.

**The Bailiff:**

Very well, those in favour of adopting Article 41 kindly show. Those against? Article 41 is adopted. Articles 42 to 66 inclusive and Schedules 1 to 6, Minister.

**8.9 Deputy S.J. Pinel:**

Thank you. If I may take these to the end. I will just very briefly cover them. Article 42 covers the provision of information and records to those that are acting in accordance with the law. Part 6 of the law include Articles 43 to 46 and these Articles rightly maintain the independent Fiscal Policy Panel in legislation. The panel is required to prepare an annual report on the economy and public finances included in the Government Plan, including the medium and longer-term requirements and report on any external financing arrangements. Part 7 of the law deals with offences and related provisions and covers Articles 47 to 52. The draft law sets out a number of offences and penalties relating to the law. These have been approved by the Attorney General's office. Finally, Members will be pleased to know, part 8 of the law deals with miscellaneous provisions and covers Articles 53 to 66 and the Schedules to the law. Article 53 sets the Minister's duties in relation to States companies, where there are shareholdings. Article 54 is a standard article and limits a person's liability for an act carried out in the discharge of a function under this law, unless the act is carried out in bad faith, or is unlawful under the Human Rights Law. Under Article 55 the States can agree to amend Parts 1 to 6 and 8 of this law by regulation. Under Article 56, the Minister has certain limited powers to amend Schedules 2, 3 and 5 by order. This power does not extend to removing names from the schedules. Articles 57 to 63 are transitional provisions, which enable a smooth transition from the existing Public Finances (Jersey) Law 2005 to the provisions of this draft law. Consequential amendments are covered in Article 64 and are there to reflect amendments, which are required to other legislation to reflect the changes brought about by this law. There are a number of minor amendments that the Scrutiny Panel and I proposed to this Article. The Schedules to the law are proposed as amended and include, among other administrative amendments, the reinstatement of the office of the Official Analyst in Schedule 1. I propose that the remaining Articles through to the end of the law, including the Schedules, are accepted and I call for the *appel*.

**The Deputy Bailiff:**

Are the Articles seconded? **[Seconded]**. Does any Member wish to speak on any of the Articles, or the Schedules?

**8.9.1 The Connétable of St. Brelade:**



With reference to Article 43 and the Fiscal Policy Panel, my experience, as long as I can remember, of the Fiscal Policy Panel is that they have given sound advice, particularly with regard to spending and the States has failed to take any notice of it. There seems to be no mention, or any obligation, that the States, or the Minister for Treasury and Resources, should take any notice of what they say. I just wonder what the Minister for Treasury and Resources' views are on that and whether she will be taking notice of what they say.

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

I just wanted to use this opportunity, as well, to comment on part 6 and the Fiscal Policy Panel and their extremely valuable contribution to the way we have managed this Island financially. I do not like to disagree, but I would disagree slightly with the previous speaker, insofar as a great deal of attention has been paid to the advice they have given and I think without the advice they have given over the years we would be in a far more challenging position financially than we are now. It is one of the few reports that I look forward to reading every year and also I want to highlight the important work they are doing now which is advising, guiding and providing advice for the Government Plan, which is in full stream. But I do understand what the Constable is saying, when we do employ these experts we must listen, we must take heed of their advice and the Fiscal Policy Panel is a very valuable and important service for us.

#### **8.9.3 Deputy R.J. Ward:**

I do not know if it is a point of clarification, or just a check. Article 55, power to amend law by regulation, part 1: "The States may by regulation amend parts 1 to 6 and 8 in Schedules 1 to 5." Then part 2 says: "Only the Minister may lodge draft regulations referred to in the paragraph." Just some clarity on what that means in terms of where the amendments come from and who has the actual power to amend anything in this law.

#### **8.9.4 Deputy M. Tadier:**

With regard to Article 43, the wording seems slightly strange in part 7 where it says: "The appointment of the member of the panel may be revoked by the Minister" and in particular the first part: "(a) if the member has been made bankrupt" so there are 2 curiosities about this. The first is the use of the word "may" which makes it discretionary to the Minister, so it is not automatic as it might be for some other roles and you would have thought that it should be either not in there at all, or that it should be an automatic cessation of the member's role on that panel if the idea of bankruptcy is so inconsistent with being a part of that panel. The second point is, of course, the question of whether, or not, somebody who has been in the unfortunate position to have been made bankrupt is therefore automatically, or even, it has been suggested, not then fit for purpose of that panel. It may well be that it is helpful to have somebody on there who has just been made bankrupt, so that they could give advice about how the States might avoid the same calamity falling on them, which is not entirely hypothetical incidentally. Perhaps, first of all, if the Solicitor General could talk about his interpretation of the word "may" is, if it is the same as mine, that it is not an automatic disqualification. If that is the case, it means that it is subject to the individual Minister for Treasury and Resources, presumably, to decide whether, or not, that person is then discharged. It also applies equally to parts (b) and (c), but not issues that I necessarily want to focus on at this point.

#### **The Solicitor General:**

As regards the meaning of the word "may" in Article 43, a bankruptcy is a defined term and it includes a number of insolvency procedures such as a declaration of *désastre* under the Bankruptcy (Désastre) (Jersey) Law. It is possible for a declaration of *désastre* to be revoked in certain circumstances. In my view, this is providing some room for manoeuvre; if, for example, a *désastre* does not happen, or a declaration of *désastre* is revoked, then it would not be obligatory for the

Minister to revoke the appointment of the member of the panel. I think it is giving the Minister for Treasury and Resources some room for manoeuvre in the particular circumstances of the case.

**The Deputy Bailiff:**

Does any other Member wish to speak on Articles 42 to 66 and the Schedules? I call on the Minister to respond.

**8.9.5 Deputy S.J. Pinel:**

I echo the speech by Senator Farnham on the F.P.P. (Fiscal Policy Panel), which was a question from the Connétable of St. Brelade. We do listen to their advice, they are extremely valuable, they are independent. They publish a very good report. They did a briefing to States Members earlier this year and I cannot thank them enough for their independent approach to everything that concerns this particular law and others.

[15:45]

Deputy Ward with Article 55 and questioning the regulations. Regulations will have to come to the Assembly for agreement, so I do not think there is a problem with “may” being in there. I think the question from Deputy Tadier has been answered by the Solicitor General. I move those Articles.

**Deputy R.J. Ward:**

Sorry, I am not quite sure I got the answer to my question, which was who can bring amendments, who has the power to amend? Does part 2 of Article 55 suggest - and I may be reading this wrong - that only the Minister for Treasury and Resources may lodge draft regulations? Can we, as Members, bring regulations to this law?

**Deputy S.J. Pinel:**

My understanding is I would lodge the regulations, but they could be amended.

**The Deputy Bailiff:**

Very well, those Members in favour of adopting Articles 42 to 66 and the Schedules, kindly show. Those against? Those Articles and the schedules are adopted. Do you move the matter in Third Reading, Minister?

**8.10 Deputy S.J. Pinel:**

Yes, please. Could I take this opportunity to make a few concluding remarks? This draft law is part of a continuum of changes required to improve governance arrangements throughout the public administration and an essential step to enable the public service to work together for the benefit of Islanders. Further legislative improvements to the accountability framework for the public administration will be brought forward in due course. These changes may have further implications on our Public Finances Law. I wanted to end by reiterating some of the points I highlighted when I spoke on the principles of the law. This draft law revises the way in which the public finances of Jersey are regulated, controlled, supervised and administered. This is a significant piece of legislation and I have been determined that throughout its drafting there was significant consultation prior to its completion. The draft law has been discussed with the Council of Ministers and I am extremely grateful to the subgroup of Ministers, which included the Chief Minister and the Ministers for External Relations, Education and the Environment, who assisted in the detailed review of the draft law. I am also very pleased to see that the Chartered Institute of Public Finance and Accountancy, C.I.P.F.A., who were asked to do a high legal review of this legislation by the Corporate Services Scrutiny Panel, largely endorsed the proposals put forward in the draft legislation. I would also like to thank the Treasury team, who have worked patiently and devotedly to seeing it get to the Assembly. I am grateful to Members for their attention. Thank you, I propose the law in the Third Reading.

### **The Deputy Bailiff:**

Is it seconded in Third Reading? **[Seconded]** I will mention to Members that the various adoptions of amendments have meant that we are left with 2 Articles numbered Article 30(1) within the legislation. I therefore am going to exercise my discretion and power under Standing Order 75, which is otherwise the slip rule, to renumber the second of those Article 30(2). It is a technical amendment purely, it does not change any sense of anything, it just stops there being a mistake in the numbering going through. Very well, does any other Member wish to speak in Third Reading?

#### **8.10.1 Senator K.L. Moore:**

Simply to say that I am very grateful to the ministerial team for their listening and meeting with us on regular occasions. Also, I am particularly grateful to the Public Accounts Committee, Corporate Services Scrutiny Panel and the subsequent subpanel that developed out of that work. We will be very sorry to see Deputy Wickenden leave the Scrutiny benches, but look forward to working with him again in the future, perhaps. Through our public hearings, line by line and subsequent discussions with the Minister for Treasury and Resources, we eventually submitted 14 amendments in 4 packages and it has been encouraging to see the Assembly grapple with the aspects of those that we have brought today and to see such approval on the majority. Those amendments ranged through a variety of straightforward and administrative matters to those that we consider to be of vital importance to the democratic process and sustainable well-being of the people of Jersey. I do also appreciate that the last minute nature of debating the particular Articles 38 and 39 came as somewhat of a surprise to Members, but it was very much a last minute reaction to some circumstances, and also I think an important opportunity for Members to express their views on this matter, particularly for those who were not here when P.1/2018 was debated by this Chamber early last year. Such a piece of legislation is a fundamental basis of governance systems and the process of Scrutiny has, we hope, improved the law through collaborative and objective work. Some treat Scrutiny as the opposition and I hope that the work that we have done here will further prove to those, who may consider us as such, that we are the necessary check and balance and critical friend that through constructive challenge can bring sensible and helpful solutions to improve the work of the Assembly as a whole.

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

I am pleased to follow Senator Moore, because I wanted to just join her in recognising the work that has been done, not just by Scrutiny and the ministerial team, but a huge amount of work by other States Members and officers. This has been a difficult proposition, because it is a change in the culture of what we have been used to. I believe this is going to deliver better organised, better structured and more accountable financial management through officers in a more holistic way. The politicians, the Government, the Assembly will, if it demonstrates concise leadership and decision making in a good political and organised way, lead to a far better financial management position. I know it has been difficult for some Members. I think it is now down to us to make this work and trust in the process. I think we have made the right decision.

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

I must say I personally disagree with the previous speaker. I think we have compounded an error that we made in November of last year. It was the previous States Assembly that agreed P.1/2018 and brought in the current structure. I believe that we have a system which, at the present time anyway, is out of control and I think it will remain out of control at least until March, maybe into the middle of next year, or beyond. States Members, who were critical of what went on before, can no longer say it is the last States Assembly; you have taken responsibility for your actions, those who voted for it and you are going to have to answer for it. .

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

I am pleased again to follow the last 2 speakers, because I think they are both right. First of all, I absolutely agree with the points that the Minister for Treasury and Resources made in summary. There is no question that this is a major improvement, compared with previous Public Finances Law. As a civil servant in a past life, I had to work the earlier laws and understood and experienced the inflexibilities in there. Obviously, we have to adapt to modern times and change and I think this new law gives us a good chance of doing that. Particularly I am really pleased that people of the calibre of C.I.P.F.A. have supported it strongly. I think this is a case where the Corporate Services Scrutiny Panel has added massive value to the piece of work, because this is a very detailed and technical subject that I think is a difficult one. The Minister for Treasury and Resources, in her remarks, said that in due course we will complete the other work, the other parts of the picture. I very much hope that it is not in due course, that this is as soon as possible, because I do think we have a governance gap in our laws, because, at the moment, we have introduced within this law the reforms of P.1/2018, which I certainly was not in the Assembly with, but we have ended up with a gap where particular Ministers have responsibility for services and functions in their law where they do not have control of their resources, nor do they have control over the Chief Officers now. I do not think that is a satisfactory situation and it something that has to be addressed, should have been addressed when P.1/2018 was put in but, nonetheless, I think on our journey towards getting a better functioning government, better financial management and better governance, this is a good element. But, please, not in due course; as soon as possible.

**8.10.5 Deputy S.M. Wickenden:**

It is very difficult when you take an entire law and certainly one as important as this law, which is about how we spend money, how we agree who has control and how we do those kinds of things because it is taxpayers' money. It is a really hard piece of work. It was a big law and I really want to thank Deputy Morel, Deputy Gardiner, who just got elected and we got involved in these really long meetings looking at a very complex law and she took to it like a duck to water, straight into legislative scrutiny and did a great job. Deputy Alves came and joined us, Senator Vallois. I want to thank the Corporate Services Scrutiny Panel for letting me join with their panel to get involved in this work, which was really good and Senator Ferguson. I want to say that I am going to miss working with the Scrutiny teams on the side that I was, but I am looking forward to seeing them on the other side of the table. I want to thank the Chief Minister for asking me to join his team in the area that I am and I am looking forward to taking part in that.

**The Deputy Bailiff:**

Does any other Member wish to speak in Third Reading? I call on the Minister to respond.

**8.10.6 Deputy S.J. Pinel:**

Thank you. In accepting the proposals put forward by the Scrutiny Panel, I am conscious that there is a balance to be achieved between ensuring that the law is principle-based and less prescriptive, while also recognising the requirements of this Assembly. I felt it was appropriate to take a pragmatic view in accepting the majority of the Panel's proposals and I thank them for the time and the effort that they have put in to helping us produce an amended law, which I am sure will be fit for purpose. I am confident that this draft legislation provides a strong cohesive framework for our public finances which reflects both the changing way in which the Government of Jersey operates and one which also reflects modern international best practices in government accountability - that word again - and financial management, where appropriate, in the Jersey context. I propose the law in the Third Reading.

**The Deputy Bailiff:**

Sorry, did someone call for the *appel*? The *appel* is called for. I invite Members to return to their seats. The vote is on the adoption of the law in Third Reading and I ask the Greffier to open the voting.

<b>POUR: 40</b>		<b>CONTRE: 4</b>		<b>ABSTAIN: 0</b>
Senator L.J. Farnham		Deputy G.P. Southern (H)		
Senator S.C. Ferguson		Deputy M. Tadier (B)		
Senator J.A.N. Le Fondré		Deputy M.R. Higgins (H)		
Senator K.L. Moore		Deputy C.S. Alves (H)		
Senator S.W. Pallett				
Senator S.Y. Mézec				
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. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy J.A. Martin (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

**9. Cats: additional protection when involved in road traffic accidents (P.30/2019) - as amended.**

**The Deputy Bailiff:**

Very well, the next item is Cats: additional protection when involved in road traffic accidents, P.30/2019 lodged by Deputy Maçon. Deputy, you have lodged, I think, an amendment to the proposition. Do you wish to take the proposition as amended?

**Deputy J.M. Maçon of St. Saviour:**

Yes, I would like to take the proposition as amended and if any Member were to object to that they should probably speak now.

**The Deputy Bailiff:**

Yes, well this is entirely the right process. Do Members agree that we can take the proposition as amended? Very well. I beg your pardon. I ask the Greffier to read the proposition as amended.

**The Greffier of the States:**

The States are asked to decide whether they are of opinion to request the Ministers for Infrastructure and the Environment to consult on how cats could be given additional legal protection in the event of death, or injury, in a road traffic accident involving a motor vehicle with the consultation to include consideration of the Road Traffic (Jersey) Law 1956, the Animal Welfare (Jersey) Law 2004 and other legislation, as appropriate.

**9.1 Deputy J.M. Maçon:**

As Members will be aware, the e-petition entitled “Make it law to stop hit and runs for cat” achieved 5,385 signatures from members of the Jersey public. As a member of the Privileges and Procedures Committee, which oversees the e-petition process, given the amount of public interest in the subject and on behalf of the Equal Rights for Cats campaign, I present this proposition to the States Assembly, which requests that a consultation be undertaken to see if and how legal protection for cats can be afforded to cats. Over 5,000 signatures, even in electronic form, is not an easy threshold to achieve. I am sure Members will give this matter the due consideration it deserves. I heard on the radio this morning that the head vet from the J.S.P.C.A. (Jersey Society for the Prevention of Cruelty to Animals) commented that in 2018 over 90 incidents of road traffic accidents, R.T.A.s, involving cats had come to them and sadly 75 per cent of those cats were dead.

[16:00]

I did approach the States vet and the States of Jersey Police to ask for similar information. I am informed that no such information was available. We do have an absence of absolute figures, but what we do know is that incidence of cats being hit by motor vehicles in Jersey is much higher than that of dogs, around 17 incidents, as per my written question which came out in the last States sitting. Members would have read the accounts from various Islanders about the scale of this matter and even recently we have a case of cat being run over, the driver stopping, getting out, looking at the injured animal and then driving off. Thankfully, the driver behind them did the right thing and contacted the J.S.P.C.A., sadly, however, the cat still died. This is happening far too frequently and this is what the Equal Rights for Cats campaign is seeking to address. This group is of the opinion that changes to the Highway Code, while welcome, do not go far enough, as reporting an incident is what someone should do, not what someone must do. Most of us would stop, then contact the J.S.P.C.A. should we get an animal of any type, as it is the decent thing to do. The question here is: where the consultation meets, what potential changes might be enough? When the Highway Code was changed, was there enough awareness-raising when that change came into place? The wording in the Highway Code, is that something that could be better inserted in perhaps the Animal Welfare Law, in perhaps the Road Traffic Law? These are the types of questions which we would like to see in the consultation. We must recall that cats, for many people, are not just pets, they are often valued members of their family. The stress that is caused when a cat does not come home is great. Even if it just a closure, so people know that their pet, this member of their family, has passed. For the sake of a phone call, is that really too much to ask for? Ideally, if done quickly enough, a life can be saved. The group is not looking for people to blame, but for the morally right thing to be done. The group also acknowledges that responsibilities for cat owners need to be examined. We would like to see, perhaps, compulsory cat chipping, as I believe is the case in France, which applies to gifted and imported cats. They feel

that that should be considered as part of the consultation, as well. Indeed, the group themselves are prepared to help raise funds should that be necessary. Who is this group that I keep talking of? As Members will have read in the report, this group is a permissive group of people, who in their own time go out and search for cats after R.T.A.s if a cat is not found. They spend their own money and go out and raise awareness on behalf of cats. They are an online community, who collaborate in order to assist other Islanders, to help them find lost cats, as I have said, when they are involved in R.T.A.s. Members can be assured about the genuine passion that this group has for our feline friends. They do have first-hand experience of the situation out there on our Island roads. I know some Members have already said to me how they have seen the group out in their hi-vis jackets looking through various hedges and bushes on the Island while searching for cats. They are a very active group. I would like to thank the group for their time in helping me research other jurisdictions. As detailed in the report of the amendment, we have seen that there is not a universal approach. Some jurisdictions include cats as all animals, that are covered under the Road Traffic Laws; others do it as they are simply classed as property so, therefore, automatically, the rights are the same. Some other jurisdictions are the same as Jersey, where cats are not included; some have no protection whatsoever. I would ask this question of Members: would it not be great if Jersey could be a leader on this? Is this not something we could be the first to achieve, particularly across the British Isles? From my written question, the answer explains that when a dog is involved in an R.T.A. in the law it says the police must attend. We know from the answer that this does not always happen and that alternative protocols can be developed. For those, who have raised concerns regarding policing time, the mechanisms do not have to be the same. Regardless, this would be part of the consultation process which is being called for. For example, do we just need to develop a specific thing for cats? In the correspondence that Members will have seen, what the Equal Rights for Cats Group really want is that the wording in the Highway Code basically has greater strength put to it. It is about that phone call. It is about that reporting mechanism. That is really what they want. They do not want to blame people. They do not want to get into those types of issues. They just want the issues around making sure that a cat has that opportunity, possibly, to be saved, or just for the closure of the family, should the cat pass away. That, for them, is the ideal situation. Well, the ideal situation is that cats are not run over in the first place, but you see where I am going. I would like to thank the Equal Rights for Cats Group for engaging with our democratic system, making use of the e-petition system and contacting and engaging States Members. I hope States Members will hear the prayer of the petition. I know that many in their homes are putting their force together and praying for a purr-fect result.

### **The Deputy Bailiff:**

I do not think it is within my power to impose for puns. **[Approbation]** Is the proposition seconded? **[Seconded]** Does any Member wish to speak on the proposition?

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

Originally when P.30/2019 was first brought by Deputy Maçon, we did invite the Deputy in to talk with the Infrastructure Department and pointed out a few unintended consequences, if you like. I am glad he has brought this back, in an amended version, but I will take issue with a few things he has said. There is an inference, when he says “a breach of the Highway Code itself” that there is no criminal liability under the Road Traffic Law, which is basically true. However, I would point out that the Highway Code does, in fact, carry a lot of weight in court. Article 52 sets out the duty of the driver in case of an accident: to immediately inform a police officer. That was on the original. The Highway Code does carry weight. If you want to look it up on the gov.je site, it is listed in red, where one must, or one must not. Most of that is enshrined in law: you must not park on yellow lines, you must not go down a one way and leads all the way down regarding animals. If one looks under accidents, under 4(c): “If you are involved in an accident causing harm, damage, injury or death to a cat, whenever possible and where it is safe to do so and you are able to you should stop, inform Jersey Society for the Prevention of Cruelty to Animals, J.S.P.C.A., without delay, by telephoning between

0800 and 1700 hours Monday to Saturday, 724331, all other times 07797 720331.” I have spoken to colleagues, having pointed that out and I have spoken with the Minister for the Environment and we will be jointly doing this. In the spirit of co-operation I am more than happy to accept the amended proposition.

### **9.1.2 Deputy K.F. Morel:**

Similarly to the Minister, who spoke previously, I could not have supported the original proposition as brought by the Deputy. It placed far too great a burden upon the police, who do not need further burdens placed upon them. However, the proposition did get me thinking. I did do a small amount of work to work out whether my thinking was on the right lines. That was: as the J.S.P.C.A. were already charged with undertaking a reporting function, the J.S.P.C.A., until last week, have been struggling for cash, it did seem to make sense that, as a States, we could use the J.S.P.C.A., so they could undertake this reporting function more effectively. They would need money to advertise the service that they provide for reporting of cats involved in road traffic accidents. I am sure that would not go amiss for an organisation which is struggling. I spoke to the J.S.P.C.A. and they indicated that they would be happy to more formally provide the service and advertise it, *et cetera*. I do suggest that the Minister for Infrastructure and the Minister for the Environment that should this proposition be carried that the J.S.P.C.A. really is the first place to start. The bit I am pleased with is that the police should not be bothered with this, I am afraid. For the record, I have a cat, a very expensive cat, who incidentally sent me to hospital once with an awful cat bite. I love cats. I wanted to see a practical solution and that was not possible in the first iteration of this proposition. I believe with proper consultation and the use of the J.S.P.C.A., there is no reason why a suitable solution cannot be found.

### **9.1.3 Deputy L.B.E. Ash of St. Clement:**

Sir Winston Churchill said that a pig was his favourite animal. He said that dogs look up to you, cats look down on you, but a pig treats you as an equal. **[Laughter]** He would be two-thirds happy, I suppose, in Jersey, because you do have to report when a dog is knocked down and you have to report when a pig is hit. However, you do not with cats. When P.P.C. announced Deputy Maçon’s case the other day, people found it faintly amusing. It is not faintly amusing for the 5,000 people who signed the petition. It is not amusing for elderly people, for who that cat is their only companion. It is not amusing for people with mental health problems, who gain enormous comfort from their cats. It is not amusing for young children to whom that cat is an integral part of their family. I would just leave you with the words of one of the great men of the last century, Mahatma Gandhi, who said: “The greatness of a nation and its moral progress can be judged by the way its animals are treated.”

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

I am pleased to follow Deputy Ash, because he has used both of the quotes that I was going to use. I will be quicker off the mark next time. I am very pleased that the Minister for Infrastructure has accepted this proposition in principal. We must remember that society has domesticated these animals over the centuries and we have a duty and responsibility to them. I can never really understand why we have made rules for some animals and not for others. I wanted to say I fully support this. I hope we can find a pragmatic way to introduce some responsibility. We are known as an island for loving our animals. If I was a dog, I think I would like to be homed in Jersey. We need to move reasonably quickly, to bring a suitable situation that is in line with Gandhi’s quote that a society can be judged on the way it treats its animals.

### **9.1.5 Deputy M. Tadier:**

There is also a quote by George Bernard Shaw, which says never to wrestle a pig, because you both get dirty, but only the pig likes it. **[Laughter]** That is probably very little to do with this debate, apart from the fact that we know that social media can be used for good and for bad. It is easy enough



to wrestle figuratively with many pigs when it comes to social media. We have seen that the introduction of the facility for e-petitions has worked very well here. It is a force for good in this respect. It is because of things like the way social media is used that issues which are important to the people, which are not necessarily always at the top of our list, do get ultimately a response from Ministers and do get to be debated in this Assembly where, previously, they have stalled for whatever reason. I also echo the sentiments that there might seem something comic whenever we discuss anything to do with animals; there tends to be schoolboy and schoolgirl smirks that happen. That is perhaps understandable, because it might provide a break from the very tedious financial and other political work that we do here. We have been reminded, not least by the petitioners and the very moving emails that we have had ... I will not quote her full name, but one campaigner, called Sandra, who has emailed all of us and has been campaigning for years on this issue, reminds us that animals are often part of the family and anyone who has had a pet animal, or has one, will know exactly how that feels. I do disagree with the comment of a previous speaker when he says that it is too much of a burden for the police to receive a simple phone call saying: "I have had an accident. I have hit a cat and I think you should know about it." That does not seem overly onerous of a job to put on our police force, especially when there are many thousands of people in the Island who are cat lovers.

[16:15]

They are taxpayers and are funding the work that the police do. I do not want to see the police overly burdened, but I think if we decide as an Assembly, or the Minister decides, that it is an appropriate change to the law then that is simply one other thing that the police will have to do. It may well be very much an administrative exercise. I would take exception to those comments and just say that I disagree. My concern here though and this is not a criticism of Deputy Maçon, is that we have the comments from the Minister saying that the consultation already took place in 2015; it has effectively already taken place. What I wanted to ask the Minister, but perhaps Deputy Maçon can deal with it in summing up: what kind of consultation are we looking for here? Who is going to be consulted with? What is the law that needs to be changed? I was hopeful that this should have been done a few years ago. I did not put my tuppence worth in, because I knew that other people were dealing with it. I would have expected that we could debate today to request the Minister to bring forward the necessary changes to the law to ensure that when a cat is hit it gets reported to the relevant authority. That is what most of us want here. That is what the petitioners want. We need to give that very clear instruction to the Minister now, irrespective of what the technical details of the proposition says, to say: "Minister, get on and do this." We expect these kinds of accidents to be reported, so that people can, at least, have some comfort and to have the information about what has happened to their animals. That is what we all want. We have all been waiting too long for this, so please get on and do it.

#### **9.1.6 Deputy D. Johnson of St. Mary:**

To a certain extent, the last speaker has stolen my lines, but I will proceed. As I understand it, Deputy Maçon's proposition seeks to do 2 things. First is to ensure that any injured cat gets treatment, as soon as possible. The second is where the cat is not identified immediately, that at least some form of notification is transmitted to someone. The injured cat situation appears to be dealt with by the Highway Code at the moment. However, on the second point there is a void. Some years ago, my youngest son hit a cat on his way to early morning training. He was quite distraught. He looked for the animal, could not find it and charged me with notifying the local Parish Hall, which I was pleased to do immediately on its opening. They, in turn, were very pleased to receive that information; in fact, they knew who the likely cat owner was and presumably that information was relayed. I sense that is all the proposition is really asking for. Like Deputy Tadier, I am concerned that it should be ruled out because the police are too busy. I appreciate they do have a fair amount of responsibilities, but does it have to be the police? The Parish Hall could be involved. The Parish Hall could employ a particular employee to have that function. In fact, on my email, only this morning, I received a

message from a parishioner saying she would be delighted to take on that job if it came her way. I would think there were enough people out there to similarly make some offers. All I am saying is, I very much support the proposition. I hope it is in such a general form that we can find a way round this with the minimum of bureaucracy.

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

I suppose I must first of all declare an interest in this, because I and Senator Pallett are both members of the committee of the J.S.P.C.A., the Animal Shelter. The comment about why we have regulations for dogs and pigs, but not necessarily with cats. Of course, dogs and pigs are not generally out at night. Cats have no road sense, whatsoever, as far as I can gather, so why do interested owners not put reflective collars on their cats, so that at least you have a chance of not hitting them at night. Certainly, the J.S.P.C.A. will be quite happy to chip cats, so that they can be identified. They probably will also sell the owners the reflective collars. I agree that there should be a notification. It is unfortunate that these things happen. However, again, cats are impossible to train, bit like some people I know and so, yes, we do need to do something. I will support this.

#### **9.1.8 Connétable J. Le Bailly of St. Mary:**

I would just like to endorse everything that the House and the Deputy have said. Where do you define 'road kill'? We come across rats, rabbits, hedgehogs, squirrels and pheasants; they are defined as road kill, so there is no reporting at all. They are wild animals. Cats are owned by people. There should be some distinction. It is as good a family pet to anybody as a dog is. It would not take a great deal to change this in order to make that acceptable.

#### **9.1.9 The Connétable of St. Clement:**

I was not going to speak, but that last speech has made me get to my feet. Anyone who thinks they 'own' a cat is totally deluded. **[Laughter]** I have had cats. I have loved my cats since I was knee high. I could name you all of them: Arthur, Fluffy, Daisy, Emmy. I love them all. One or 2 have been involved in accidents. But one thing I would like Deputy Maçon to confirm when he sums up, he has amended his proposition to remove the police. That is very important, because the police cannot save the cat. The J.S.P.C.A. might be able to save the cat. They might be able to help it, but the police will not be able to do that. We make comparisons with dogs, but they are totally different animals completely. If a dog is not under control and is injured in a traffic accident, it is quite possible that the owner of that dog could be involved in a lawsuit for not keeping that dog under control and causing the accident. Are we really going to go down the road of licensing cats, having collars on cats with names, addresses and telephone numbers? That would be absolutely ludicrous. The 2 animals are not comparable. What is really important to me, whether it is the Honorary Police or the States Police, please keep them out of it. However, involve those who can help the animals, the J.S.P.C.A. I say once again to the Constable of St. Mary: you do not own a cat, the cat owns you; that is for certain. **[Approbation]**

#### **9.1.10 The Deputy of St. Peter:**

It is extraordinary how many emails I have had on this particular subject, compared to some of the other issues we are facing as an Assembly. This is a summary, basically, of my reply: I am a dog person and not a fan of cats. Having said that, I wish no harm or suffering to any animal. It is a sad reflection of our times that we have to have a debate when certain members of our society appear not to be able to pick up the phone and help an injured domestic animal. My concern is that this will get out of control, as dogs are being used as the example. We will have to all pay for licences for our cats. They will have to be microchipped, or wear collars with names and addresses on. You try and put the name and address, or the name and a telephone on a tiny collar, it is a nightmare to do. That will all have to be done. Let us hope that the result of this consultation, because I am sure it will go through, is simple and proportionate.

### **9.1.11 Deputy K.G. Pamplin:**

In doing my research on this, it was very pleasing to see, in the amended proposition put forward, the amount of work that went into it. I just want to echo those who have been doing this behind the scenes, the cat group and everyone else in between. I am aware that, in New York, they have a very simplified way of doing things. If New York City can do it, so can Jersey. Interestingly though, right now, fans of the Conservative Party and I think there are a few in here, know that their party is putting forward a proposition in the coming days. It is a Private Members proposition for the M.P. (Member of Parliament) from Gillingham and Rainham, which, would you believe, has support from 6 of the 12 possible future Prime Ministers of the country and, more curiously, many members of the Labour Party. One has argued that with everything that has gone on in recent times, that has brought the House of Parliament together, where they have not been for a long time. This Cats Bill, that the House of Parliament will be debating very shortly, is very similar to what we are talking about here, interestingly. The slight difference with the Cats Bill, as it has been dubbed, would be that drivers would be legally obliged to inform a local vet if they hit a cat and could be fined up to £20,000. Their argument for that is that, in the United Kingdom, many vets run 24 hours services and there is multiple choice. We know in Jersey, if anybody has had a call-out to a vet late at night, it is not a cheap experience. However, we do have the access locally to the wonderful service that is the J.S.P.C.A. I just want to caveat what was mentioned earlier about the funding of the J.S.P.C.A. They have been in situations of financial peril recently. Work goes on to stabilise that. There is a bit of legislation still waiting to come forward, which I have been talking a lot about since being elected, the Dormant Bank Accounts, which just need to be brought forward as an Appointed Day Act. The money under that law, we believe, is about £8 million, which is designated to help and support local charities and the Charities Commissioner. There could be specific funds required for services and charities that have a great impact on the Island way of life. This could be one of those going forward. Absolutely we should be supporting this and getting behind it. Our latest family animal, Wolfie, came from the Animal Shelter. As Senator Ferguson mentioned, the service provided there is that when we decided Wolfie wanted to come and live with us, as the Constable of St. Clement quite rightly said, he made that choice as much as we, they had already microchipped him and provided us with the reflective collar. Where we now live that is a bit of a God-send. There is a campaign we could all do to highlight the issues of looking after our domestic animals, which we would all be pleased to do. This is a slam-dunk and I look forward to seeing it go through and seeing the changes in the future.

### **9.1.12 Deputy M.R. Le Hegarat:**

I must admit I have dreaded this debate for a number of weeks, until it was changed. I am thankful to the Deputy for having changed it. As an ex-police officer, I too would not like to see cats introduced into the Road Traffic Law, because of the fundamentals as described by the Constable of St. Clement. However, I do, like all the other Members of the States Assembly, think that there is an obligation on us all that if we hit a domestic animal that the matter should be reported and that animal should be treated with respect. Therefore, I feel now that I can vote in favour of this proposition, because I do think that this is a very good way of the J.S.P.C.A. being used and the animal being taken to them.

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

I must say that, initially, I was not in favour of the proposition, because I thought it would increase a bureaucratic process about reporting and require a system of registration. However, I have been speaking to cat owners and it has occurred to me that life these days is, of course, very different from 1956, the year I was born, and when the Road Traffic (Jersey) Law was implemented. In those days, Jersey was very much a rural community with a very different view of animals. Cats would have lived outside in the main. If they were inside at night-time, when householders wanted to go to bed, I am sure they would have been kicked outside, rather than cosseted on their fluffy cushions. Now

we live in much smaller nuclear families. We live closer together. Families keep a variety of domestic animals, which play a far larger part in our lives and we choose to devote a lot of time, money and attention to them. Why? Because it adds to the well-being of so many people, who chose to keep their animals. When something happens to those animals it becomes extremely stressful to the owners, insofar as you can own. There is enough stress in modern life. It seems to me that if something, just a little something, can be done to improve the situation for those who choose to keep cats, then it will help them when those accidents happen, as we are never going to stop cats roaming.

[16:30]

The petitioners, who have come to the States and asked for this to happen are happy to register themselves and to bear the costs of registration. That is not an objection. They want that to happen. That will be helpful to trace what might happen to a missing cat and would provide closure, rather than a cat being left in a hedge and plaintive posters: "Please help us find our lovely cat." If there was an obligation to report, or if cats were to be registered, then it is more likely that some closure could be brought to the situation. It seems to me that there is a difference now to the position that may have prevailed in the past and it is reasonable to consult on what could be done to improve the situation. I hope that consultation will be in a position to come up with satisfactory answers.

**9.1.14 Deputy R.J. Ward:**

Just briefly, I would say this is a consultation and in that consultation I think we do need to consider making it much more necessary to microchip animals; cats in particular, because then they can be tracked. I would also say 2 things: one, there are lots of animals, cats and dogs, that need a home from rescue centres, either a cat and a dog from a rescue centre and they produce a huge amount of pleasure when you see them grow into who they are. Finally, it is good to see a nation of animal lovers and I would suggest if you really do love animals, stop eating them.

**The Deputy Bailiff:**

Does any other Member wish to speak on the proposition? I call on the Deputy to respond.

**9.1.15 Deputy J.M. Maçon:**

I would like to thank Members, who have taken the time to contribute to this debate and I would just like to begin by thanking the Minister and officers from his department and the States of Jersey Police. We did have a discussion around the initial proposition and, taking that back to the Equal Rights for Cat group, we did have a discussion about how we could address some of the concerns raised in the Minister's comments, in the Comité des Connétables' comments and that is how the amendment came forward and that seemed to address the issues. I just want to address some specific points and I would like to thank Deputy Tadier for his comments, because it has been quite helpful and I am sure the Minister is listening - Ministers I should say because there are 2 Ministers, which have been asked to do this work - about exactly what should go into that consultation to flesh it out a bit. I also thank other Members to say what they would like to see in that consultation document and I am sure the Ministers will take what has been said in Hansard as a bit of a blueprint as to how to take this forward. What I can say is that, in Education, with our 16-plus review, what we have also done is we have invited pressure groups to come in to talk to us about things which they would like to be covered. I am sure the Ministers would like to be engaged with pressure groups, particularly the Equal Rights for Cats, not necessarily to include everything that they want, but just to have a conversation about what could be included in the consultation. So, I think that is another way forward, to answer Deputy Tadier's question. The Constable of St. Clement talked about removing the police and yes, I mean this is what the amendment is. Can it be done in a better way? Deputy Tadier made a good point about whether it should just be done with having to report to a relevant authority and perhaps someone, or the Minister, decides what the relevant authority is. Should that be a triage? So, for example, you start with the J.S.P.C.A. If you cannot get through, to the States'

Vet, someone else to someone else; I do not know, but that type of question should be asked in the consultation as to exactly how it should be done. But, I think there is a way forward there. I would like to thank the Deputy of St. Mary for his very keen and technical look about how we face forward and how, yes, there is a problem in that there is no kind of notification to a relevant authority, whoever that is currently and how we could improve upon that. That is what this consultation is working for. I would also like to thank the Deputy of St. Ouen in just showing that when members of the public do engage with their States Members they can change their minds, they can bring in other things which Members can consider. We are not telepathic, it does help to talk to us as much as we talk to people, so that is useful as well. I think that has covered all the specific questions that have been asked of me. I would just like to finish by thanking Deputy Ash, because what he did was he brought us back to the human element, he brought us back to thinking about how cats as family members are valued, bringing so much enjoyment to different aspects of society, the elderly in particular and how important this will be for them. So, thank you and I thank all Members who contributed, even if I have not named them specifically. I would like to call for the *appel*.

### **The Deputy Bailiff:**

The *appel* is called for. I invite Members to return to their seats. I ask the Greffier to open the voting.

<b>POUR: 45</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 0</b>
Senator L.J. Farnham				
Senator S.C. Ferguson				
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 St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B. Ash (C)				
Deputy K.F. Morel (L)				

Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

**Deputy J.M. Maçon:**

On behalf of the Equal Rights for Cat group, may I thank Members for their unanimous support? What a purr-fect result. [**Members: Oh!**]

**The Deputy Bailiff:**

Well, I think I might have to interpret a fine into that. [**Laughter**] [**Approbation**]

**10. Draft Taxation (Companies - Economic Substance) (Amendment) (Jersey) Law 201-(P.44/2019)**

**The Deputy Bailiff:**

The next item is the Draft Taxation (Companies - Economic Substance) (Amendment) (Jersey) Law, lodged by the Minister for External Relations. I ask the Greffier to read the citation.

**The Greffier of the States:**

Draft Taxation (Companies - Economic Substance) (Amendment) (Jersey) Law 201-. A law to amend further the Taxation (Companies - Economic Substance) (Jersey) Law 2019. The States, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following law.

**The Deputy Bailiff:**

Are you *rapporteur* for this law?

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

I am indeed, yes, and I would like to congratulate the previous speaker, the Deputy on a purr-fect outcome. Over the last year, this Assembly has been no stranger to Economic Substance and the E.U. (European Union) Code Group. Today I do not propose to go back over the history of the project, other than to remind the Assembly that it passed the Taxation (Companies - Economic Substance) (Jersey) Law 201-, which I refer to as the ‘Economic Substance Law’ in December of last year. The Assembly will recall the Economic Substance Law was passed to deliver on commitments the Government made to the E.U.’s Code of Conduct Group on Business Taxation. The law created an economic substance test in Jersey, proposing substance requirements for all Jersey resident companies undertaking particular types of business activity. The Economic Substance Law was a success. It was rightfully recognised by the E.U. Code Group as fulfilling Jersey’s commitments. Accordingly, a decision was made by the E.U.’s E.C.O.F.I.N. (Economic and Finance Committee) that Jersey was fully white-listed in March, confirming our status as a co-operative jurisdiction. This represents a significant achievement for the Island and is another demonstration of our policy on meeting international standards and being a good responsible neighbour in the E.U. The policy amendment of economic substance is a developing one and is subject to improvement in thought in

many jurisdictions. With a significant piece of legislation, such as this, it is inevitable that there will be a bedding in period, followed by some amendments. The amendments today, proposed to you, fall into 3 categories. Firstly, as to the legislations implemented in Jersey and the test that is used by industry participants, as well as our own Taxes Office, who administer the law, there are certain improvements that come to light. For example, the amendment before you, in Article 2, will change the definition of fund management businesses to better account for the way in which the Financial Services (Jersey) Law 1998 works. The amendment adjusts the definition to account for when a separate fund manager has been appointed to a fund in this category. Secondly, the discussions with the E.U. Code Group, which ultimately secured our white-listing status, included a commitment to make certain clarifications to our law. The E.U. Code Group were of a view that it was important to change the definition of Jersey core income-generating activities specifically to remove the word 'within' and I am only too happy to propose this change. Thirdly, some amendments have been made to prepare the legislation for review by the appropriate O.E.C.D. (Organisation for Economic Co-operation and Development) body, the Forum on Harmful Tax Practices, known as the F.H.T.P. Although there has been significant focus on economic substance from the E.U., this issue is migrating towards the international organisation with responsibility for this area, the O.E.C.D., and I welcome this. Being cognisant that our legislation will go before the F.H.T.P. in mid-October and having had some discussions with the O.E.C.D. Secretariat, some of the amendments make our legislation more attractive to that forum. In particular is the removal of the word 'Jersey' from the phrase 'Jersey core income-generating activities', to make it explicit that all of a company's core income-generating activities are to be carried out in Jersey. The rationale here is to make the law clear on the point that core income-generating activities must take place in Jersey. This is a central idea to having economic substance in the Island and I am glad to clarify the law on this point. These amendments are made by Articles 3 and 4 of the law proposed today. Article 5 is also brought with the O.E.C.D. in mind. It makes the clarification to the scope of the provision of the information the Comptroller requires under the law. As you would expect, these amendments have been drafted only after engagement with the E.U. Code Group, the O.E.C.D. Secretariat, industry experts in Jersey and the J.F.S.C. (Jersey Financial Services Commission). Officials have also discussed the amendments with the Economic and International Affairs Panel. In conclusion, I propose the draft amendment to the Assembly as a crucial element of our commitment to the highest standards of tax co-operation. These proposals are a result of significant thought and analysis and I recommend them to the Assembly. I propose the principles.

**The Deputy Bailiff:**

Are the principles seconded? [**Seconded**] Does any Member wish to speak on the principles? All those in favour of adopting the principles, kindly show. [**Interruption**] The *appel* is called for. I invite Members to return to their seats. I ask the Greffier to open the voting.

<b>POUR: 39</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 0</b>
Senator L.J. Farnham				
Senator S.C. Ferguson				
Senator K.L. Moore				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of St. John				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				

Connétable of St. Martin				
Deputy G.P. Southern (H)				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy R. Labey (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

**The Deputy Bailiff:**

Do you wish to deal with the matter in Second Reading? I beg your pardon, Senator Moore, does your panel wish to review this?

**Senator K.L. Moore (Chairman, Corporate Services Scrutiny Panel):**

No, thank you, Sir.

**The Deputy Bailiff:**

Very well. How do you wish to deal with the matter in Second Reading?

**10.2 The Connétable of St. Ouen:**

I would like to take the amendments to the articles *en bloc* if possible, please, Sir.

**The Deputy Bailiff:**

Very well. Are the articles seconded? **[Seconded]** Does any Member wish to speak on any of the Articles? All those in favour of adopting the articles, kindly show. Those against? The Articles are adopted. Do you propose the matter in Third Reading?

**The Connétable of St. Ouen:**

Yes, I would like to propose the law in Third Reading and obviously I will answer any questions that are asked at that stage.

**The Deputy Bailiff:**



Seconded in Third Reading? **[Seconded]** Does any Member wish to speak in Third Reading? All those in favour of adopting the law in Third Reading, kindly show. **[Interruption]** The *appel* is called for. I invite Members to return to their seats. I ask the Greffier to open the voting.

<b>POUR: 40</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 0</b>
Senator L.J. Farnham				
Senator S.C. Ferguson				
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of St. John				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy G.P. Southern (H)				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy R. Labey (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

## **11. Green Street: proposal to make one-way (P.50/2019)**

### **The Deputy Bailiff:**

Very well, that brings us now to the final item of Public Business, Green Street: proposal to make one-way, lodged by Deputy Labey. Now, the matter has not been lodged for the requisite time, Deputy, so the Assembly will need to reduce the minimum lodging period in order that we can take it today. Do you wish to propose that, Deputy?

**Deputy R. Labey:**

Yes, please. It was Liberation Day that got in the way of getting this proposition in on time. There is a time sensitive element to it, given that the road works are due to finish very shortly, so I would ask the leave of the Assembly to take this matter today. I will speak very briefly on it. I am sure we can despatch it before the end of this sitting.

**The Deputy Bailiff:**

Very well. Is that proposition seconded? **[Seconded]**

**Senator L.J. Farnham:**

Yes and can I just suggest that we aim to finish this. Hopefully, it will not be too long a debate, but I would ask that we continue until it is finished.

**The Deputy Bailiff:**

I think that is a matter for the Assembly when we approach the time for the natural adjournment. Very well, it is seconded. Does any Member wish to speak on the proposition of the Deputy to enable the matter to be debated today?

**Deputy M. Tadier:**

I have just come back into the Assembly, so I think it is important to say that we should reduce the lodging time because, often, when it comes to these matters, it seems to be a one-way street **[Laughter]** whereby the Ministers get to reduce the lodging period but not backbenchers.

[16:45]

**The Deputy Bailiff:**

I really think I am going to have to ask P.P.C. to review the fining powers of the Chair in the afternoon. Yes. Does any other Member wish to speak on the proposition to debate the matter today? Did you want to respond, Deputy Labey?

**Deputy R. Labey:**

No, thank you, Sir.

**The Deputy Bailiff:**

Very well. All those in favour of allowing the matter to be adopted today, kindly show. Those against? Very well. I ask the Greffier to read the proposition.

**The Greffier of the States:**

The States are asked to decide whether they are of opinion (a) to agree that the current temporary arrangement allowing all vehicular traffic to travel in one direction only, south to north, on Green Street from the junction with Havre des Pas to the junction with La Route du Fort, St. Helier should be made permanent; (b) to request the Minister for Infrastructure, following consultation with the Parish of St. Helier, to bring forward for approval the necessary amendments to legislation to give effect to the proposal; and (c) to request the Minister for Infrastructure, following consultation with the Parish of St. Helier and LibertyBus, to make permanent the current re-routing of the outbound No. 1 bus route via Library Place, Pier Road and Mount Bingham.

**11.1 Deputy R. Labey:**

This is a local issue, but its impact is of such magnitude on the residents affected, it is causing such frustration and despair for such a long time, years and years, that I have to ask the Assembly today for an intervention to provide hope to those residents that remedy is on the way. To be absolutely clear, this is a request to the Minister to take a look at a one-way option for Green Street between

Havre des Pas and the roundabout at the end of the tunnel at Route de Fort. If the Minister were to say we need to keep it 2-way at the top of the street by the tunnel roundabout, so that the residents of the Cedars, the Willows, Maison La Corderie can get in and out, without having to go all the way around, that would be welcome and perfectly acceptable. If the Minister were able, in his department, to find a way to keep the south end of the road 2-way from Le Clos de Pas, where the little row of shops is, all the way down to Havre des Pas, if we were able to keep that 2-way and I understand from the department that that is a possibility, that would also be completely acceptable to the residents and to us. So, we are talking about that section in the middle of Green Street where it gets very tight. The situation that the families living on that street, in that area where it pinches, has been absolutely dreadful for, not just the 5 years I have been a Member and they have been talking about it, but the 5 years before that and before that and the chicanes were put in at that time 15 years ago. The chicanes worked to a degree but, also, unfortunately, people speed up to get to the chicane when they see somebody else coming along, to get there first, so they can get through first. So, there are swings and roundabouts; it is a matter of balance, of course. But in that tight area, day in day out, hour in hour out, pedestrians: men, women and children, are fighting for pavement space with H.G.V.s (heavy goods vehicle), with buses and with cars who regularly, day in day out, have to mount the pavement to get past one another. It is to such a degree that families are afraid to send their children out to walk along the street to the shop to get a bag of sweets. Somebody I know, who lives in that area, regularly complains to me about it, I mean literally every month: "When are you going to do something about this?" She said: "I have put up with it for 20 years. Now I am a grandmother and I am trying to wheel a pram along there with my grandchild in", she said: "It is absolutely terrifying." Then we have the situation - and I circulated an email that I received from a constituent - again, in that area; I had not met her before. She rang me and I asked her to set her thoughts down in an email which I have circulated to Members at lunchtime today. So, she lives in one of the houses in that tight area of Green Street, the middle of it and, of course, when she comes home and she wants to reverse into her driveway to park, or the parking space in front of her house, more often than not her indicator is not recognised by the car behind, who goes right up to her fender. Then somebody else approaches coming up the other way and she is stuck in the middle bit. What ensues then, more often than not, she tells me and the air was blue in our telephone conversation with the abuse that she gets from other drivers because of this situation: "Move your, *et cetera*" and it is a screaming match and it happens regularly. Now, these are not her neighbours screaming at her, these are not the residents of Green Street, these are the people using Green Street to get to somewhere else and some of their behaviour is absolutely disgraceful. This lady tells me: "And it does not just stop with me. I get into my house and an hour later I am in my kitchen I can hear the same thing has happened to another neighbour and there is all hell breaking loose" and again the expletives in front of the children. I would describe it as carnage, it is a terrible situation and it is an accident waiting to happen. I have tried, Deputy Martin, Deputy Wickenden, we have tried to get the now Infrastructure Department to remedy this situation without success and I know that my predecessors have tried as well. It has gone on for far too long and that is why I am appealing to the Assembly to send a message to put a marker down that remedy will be on its way. What has prevented this situation being sorted out up to now, as far as I can gather from my own experience, is the situation with the buses and the worry that the traffic would be clogged up elsewhere around the network because of it. Then the road works came along in the New Year and we have had 3 months of road works and an enforced one-way system rather like the one I am asking for to be made permanent. The traffic chaos predicted has not happened; indeed, the Infrastructure Department tell me that: "The traffic studies we have carried out show that in terms of general traffic, the road system at present can accommodate Green Street operating one-way northbound only, during normal conditions, without creating unreasonable disruption elsewhere on the network." So, it can be done. The predicted chaos has not happened and even if it had, we have to put residents before commuters. I understand the pressure on the network and the very difficult job that the Minister has to do. I have huge respect for him. I am not trying to tread on his toes, I am not even trying to put his feet to the fire, I am just trying to put his feet on the

pathway to remedy, with everybody knowing it and having hope, at last, that there is an end in sight to this. Surely with the buses and I have to commend Mr. Kevin Hart who runs LibertyBus, I have had meetings with him, he runs an excellent service I think Members would all agree. The bus drivers in this Island are just the best, they are very caring. I use the bus regularly and I see how each bus driver looks after the senior people on the bus and occasionally, after a long sitting in the States, by the time it gets to my stop I might have fallen asleep and 9 times out of 10 he stops the bus and comes and wakes me up so I can get off at my stop. **[Laughter]** The genius of Mr. Hart, he has found the answer with the number 1 route going outbound, because it was always said by previous Ministers that the buses cannot go up Mount Bingham round that hairpin, they do not like it, they cannot negotiate it, it is dreadful for them. So, what Mr. Hart has done, of course, is take the bus to Library Place, which is great as well, just between the building we are in now and the Town Church. So there is a stop there now for it, which means that my residents with their shopping can get the bus at Library Place, rather than walking all the way to the bus station; it is very popular. Then it turns right and goes left up Pier Road. It goes up Pier Road. The buses have not gone up Pier Road for decades. That means that the largely elderly and infirm residents of Haut du Mont get a bus stop now right outside where they live, for the first time. There is a negative: the car parking spaces at the bottom of Pier Road have to be extinguished but there is a very under-used multi-storey car park in Pier Road just 200 yards up the road. Then the bus can continue, it does not have to negotiate the hairpin, up it goes over the top of Havre des Pas and it would be ideal if there was a stop there, if that could happen. But bus drivers will, if it is safe to do so, let elderly or infirm passengers off the bus and I think our constituents in Bingham Court, again, a lot of elderly and infirm, are benefiting from that. The feedback that we are getting at the Havre des Pas Improvement Group, at the last meeting with these road works, was universal. Everybody thought it was brilliant and that is the feeling on the street, it feels like a holiday. That is what most people say: "It feels like a holiday to us. It feels like we are in a different Parish now." What I ideally would like to see is that this temporary measure be made permanent right now, so it continues. Now, the Minister tells me that takes 2 months and he is reluctant to do it. The Constable tells me it can take a week and we can do it. So, I would just like them to get together and see, because people, of course they complained at the beginning, but now they have changed their habits. They have changed, they have got used to it and they have seen the benefit of it. So, it would be such a tragedy now to whip that carrot away, it really would. I am not going to labour this. We are talking about one small section in the middle of Green Street. People are desperate for it, who live on that street. We talk an awful lot about looking after people in St. Helier. We want people to live in St. Helier; let us look after them when they are living in St. Helier and let us, please, Assembly, give these people some hope that this dreadful situation will be put an end to. I make the proposition.

### **The Deputy Bailiff:**

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

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

I like Deputy Labey. Sorry, punctuation never was my strong point; I, like Deputy Labey. **[Laughter]** **[Approbation]** The proposition being presented is presented as a quick, easy, win, which will enable the residents of Green Street to have their lives improved immediately, without there being any impact anywhere else for anyone else. It is being presented as a solution to road traffic congestion, the fight for pavement space, an assortment of other ills, all with virtually no wider impact. If this proposition is passed, there will be the risk of significant impact. The unintended consequences could include increased vehicle speeds along Green Street, cyclists placed in danger. I am having letters now, I have got one today, from residents of the neighbouring streets, where traffic has now built up, at Roseville Street. I have got a letter here, also, from people who work near the roundabout, because they no longer have a bus. They have to walk the length of Green Street to catch the bus now to go east, which also includes people working at the police station. Also, before

I set out the risks if the proposition passes, I would like to assure Members that both I and my department recognise the issue and I would repeat, as I have said many times, if the Deputy would withdraw this, I would ensure that the road is properly looked at by the team at Infrastructure. We have got a few other projects in mind. We have had Deputy Higgins; we are looking at a road for him at First Tower. The Constable of St. Helier and Deputy Gardiner have asked us to look at St. John's Road; that is in the pipeline. We have had trouble recently with a few other roads we are sorting out. The Constable of St. Helier has asked us about Havre des Pas and we have tried to be helpful. We said: "Look, we cannot make it one way, but we can do this." So, we lowered the speed to 20 miles an hour, put in extra crossings. So, we are the 'can-do' department, but we need to work together on this. My department's traffic engineers, they do this day in day out. One other problem I do have, if I can read the proposition: "To agree the current temporary arrangements allowing all vehicular traffic to travel in one direction only, south to north, on Green Street from the junction with Havre des Pas to the junction with La Route du Fort, St. Helier should be made permanent." Well, the Deputy is telling me something else now, that it is sections of the road could be narrowed; sections of the road one-way, sections of the road 2-way, because I have to go by what is in the proposition. What the Deputy says, with the greatest respect, does not have a bearing on the proposition itself. If this is passed, that is what I have to go by here, (a), (b) and (c) to request the Minister. That is the proposition. I cannot vary it, as the Deputy suggests. If it is passed, this is what I must do. But this proposition is not the solution. Following road works there, which was largely during a school holiday, the impact has, therefore, not been really considered.

[17:00]

During the school holidays there has been very little traffic and it does not take into account the concerns of many people, who will be directly affected. I have asked Deputy Labey to withdraw his proposition, but he wishes to proceed with it; that is his right. No one disputes the quality of life could be improved for residents of Green Street if traffic flows were adapted. However, this is not the solution and it will set up a lot of issues that could come from accepting this proposition. If the proposition, as it stands, it is one way from south to north, then, obviously, all the residents in the flats at Cedar Courts will be affected, they could have a 10-minute detour just to get home when in fact it is 20 feet just inside the roundabout where they can turn right. But as I say, I am not in a position to, on the hoof, adapt anything that is said in the proposition and if it is one way of course there is the likelihood of traffic driving faster along Green Street. When we put the chicanes in, a few years ago, that did slow traffic down, with the calming chicanes. I have never had trouble there; I am sorry to hear that the Deputy has. We have been measuring traffic speeds since the one-way road works were introduced and these speeds have increased again. Between one-third and a half of all traffic are exceeding the speed limit and I would expect that to continue if this proposition were passed. In addition, pavement widening may not be feasible. The 2 pinch points in Green Street will still be pinch points. Because of the limited road width, it is unlikely that it would be possible to widen the footpath to any meaningful degree. I have had calls and letters from owners of shops in Green Street and other businesses in Havre des Pas and they have deep concerns about the impact of this proposition. Traders in Green Street, in particular, have been vocal about the effects it would have on passing trade. As I say, we can work with Deputy Labey to create a solution that met the demands of Green Street residents and its businesses but that would not be within P.50/2019 and while the proposition says that residents of Green Street have praised the proposal, what about the residents of Roseville Street? They can expect increased traffic, as local traffic is pushed onto their road and Roseville Street is narrow, with a great deal of parking. Cyclists going east might well be diverted onto Roseville Street, making it less pleasant and potentially a more dangerous route for them; this at a time when we are trying to encourage cyclists. We have spoken about the buses, which are greatly disadvantaged. As you quite rightly say, the bus drivers and LibertyBus are fantastic and they will try to adapt with whatever we throw at them and, sadly, we do throw a lot at them. But this does add quite a bit of time to the journey and they would much prefer to use their

original route, which they have been for some time. Every month there are 5,000 bus users from Havre des Pas. Up to half of them are children, or elderly, people in care homes, people with disabilities. There are also 1,200 bus users, mostly people working at the police station, Jersey Telecom, State Street and so on, who board the southbound buses at the Limes; they would be affected. I have spoken previously about residents of the Cedars, I think there are 150 apartments at the Cedars and many doctors are now living at the Limes; all will have to detour around according to the proposition as it is. They may have to face an additional walk of around 6 minutes to the bus stop. They might face an increased journey time of around 4 minutes and they might face a less regular service, or we may face a significant bill to increase bus services. Are we really going to approve a proposition that has an impact on so many people, without first consulting them all? As I say, my department are the experts, they live and breathe traffic flows day in day out, so we could work with the Parish and work with the Deputy to come to a solution to this, but this does not come through P.50/2019. The proposition refers to the elderly and infirm residents of Bingham Court and Rope Walk having expressed high satisfaction for the temporary re-routing and this proposition dismisses the impact on other elderly and infirm residents as a longer walk to a bus stop, but only a matter of minutes. So, when it comes to the elderly and infirm residents of Havre des Pas, we cannot support this proposition. This proposition also fails to consider the extra journey time and inconvenience. I would say that contrary to the claim of the proposition, the financial and manpower implications are not restricted to changing a few road signs and markings. As Minister for Infrastructure, I follow proper process when changing traffic roads and layouts, because I have a legal responsibility. I cannot just willy-nilly close roads, make them one way, everything has to be carefully researched, planned and go through the Law Officers' Department, because I have legal responsibility and I do that to ensure that the States is protected from the potential for civil, or criminal, claims and that the public are kept safe. That takes manpower and financial resources. If this proposition were approved, the resources for other road safety schemes would have to be diverted, potentially Safer Routes to School projects, St. Saviour, St. Brelade and the Parish schemes in St. Peter, St. Ouen, Trinity or First Tower and St. John's Road could be affected. I am sure that every Member is regularly contacted by constituents, asking for their roads to be improved; I certainly am. All the requests go to the Road Safety Request Review Board, ensuring they are prioritised and considered in the wider context. I am asking Members to reject this proposal, because it is not the quick and easy win which it is being presented as. If Members choose to approve this proposal, they would be allowing it to jump the queue, without giving any consideration for its impact. So, I ask Members to reject it, so the department can work with the Havre des Pas residents to develop a more pragmatic solution, one that balances the need of everyone, which is informed by proper consultation with the community and local businesses, so that they might consider the options and guide the final decision.

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

This is a tricky one. I recall, not long ago, the very unfortunate incident which led to a fire in the pizza restaurant at Charing Cross and, as a result, Broad Street was shut to traffic for a number of days; and what a transformation for the better to town, in my opinion, it made. Quite by accident, through a tragic circumstance, we were forced to trial something that, perhaps, we might not have been brave enough to trial and I think and hope that the Constable, or Parish Deputies, will follow that up in relation to Broad Street, because I think there is a great opportunity there by restricting traffic at certain times of the day to improve opportunities for the town centre. A similar sort of thing appears to have happened in Green Street. It is a bit of a dilemma for me and I understand completely what the Minister for Infrastructure says, because Deputy Labey, in his opening speech, did say that there would be some leeway at each end, because, of course, you have got the Cedars and the flats and the shops and we must take that into consideration. If this is passed, if the Minister was to come back, could there be some flexibility at each end, just to make it more convenient for those residents and those businesses? But we also heard the Minister say and I, like the Minister, agree that there

was a lot of, I think, ambiguity, there was a lot of this might cause inconvenience and this may be a problem. I mean since this road has been shut, and I am sure the Deputies of the area know, has there been a huge amount of kick-back from residents in neighbouring parts of St. Helier, because we do not want to create more problems than we solve? I do not like to go against my ministerial colleagues, but I am minded to support this, because I think there is an opportunity to improve the lot of a number ... that is quite a highly densely populated part of town and anything we can do to improve that I think is worth considering. But I just want, perhaps, the Deputy to confirm that there is some flexibility around the final arrangements.

#### **11.1.3 Senator S.Y. Mézec:**

I will be brief and I wanted to speak relatively early, just in the hope that Members might heed the main point that I want to make. But I want to preface that point by saying that Deputy Labey is currently very much in my good books, because I think he is doing an absolutely sterling job in P.P.C. and I think the energy and tenacity he has brought to it has been sorely needed. I made that point purely because he is not going to like the main point of what I am going to say now, which is that I simply think, as a matter of principle, it is inappropriate for a National Parliament to be making a decision in isolation on one road on the Island. **[Approbation]** That is irrespective of the merit, or not, as the case may be, for the specifics of what the Deputy is proposing. I think it is great that a local representative will try to represent his constituents in that manner, but he is doing it in a forum where the majority of the membership of this Assembly is not accountable to the same people as him and I do not think that makes this forum, this Assembly, to be the right place to be making these decisions. I wanted to make that point and say that I will be voting against the proposition on that basis. But to reiterate a point that I have made several times before and what was in the election manifesto that I stood on, which is that I think we need to devolve substantially more powers to the Parish of St. Helier, so that it can make these decisions; it can do so in consultation with the Minister for Infrastructure as well. I think that would be a much better way of providing a stronger voice for local residents, a better way of taking a more overarching look at issues, rather than deciding things in isolation. So, I would think it would be much better that we think about enabling some way for these decisions to be made more locally, through the Parish system, seems to me to be the right thing to do. I know there is work going on in the Parish of St. Helier to have those discussions about what more powers they could have and I would wholeheartedly support that. But I do think that there have been a couple of occasions, in the last few States sittings, where issues have been raised in the Assembly that ought to be dealt with at a much more local level and I do not think this is a good use of our time.

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

The last few speakers are right, but unfortunately this issue is loaded with conflicts and requires us to make a balanced judgment. For many years, we have had policies in the Island Plan that require us to set policies for our highways network. Policies that say we should classify primary routes, main routes, where traffic is the number one consideration, secondary and then local. But, of course, that has not been done and what has happened, we have had changes in traffic patterns on an *ad hoc* basis and that is not satisfactory. Of course, Green Street really illustrates the conflict very well. It is very close to the centre of town, it is clearly a major potential route into La Collette and if ever, in the future, La Collette became redeveloped, or whenever the fuel farm can be gone - and that is an issue that is going to have to be looked at in the Island Plan - that illustrates the need for it. But, at the same time, Green Street has got a neighbourhood quality, there is no question about it. Coming to it afresh, you would not define it as a primary route; modest homes, narrow pavements, small front gardens and those are the sorts of areas where previous States have had very enlightened policies. They have had policies for what were called environment improvement areas. I remember former Senator Walker bringing a proposal in this Assembly that various areas of town be given infrastructure investment, to enable those residential streets to be managed, so that life was better for

the residents. I think we got as far as Dorset Street, Columbus Street and so on; that was a successful scheme. But, unfortunately, no further ones, I do not believe, were pursued at that time. So, we are caught in this policy conflict. On the one hand we do need to maintain a viable traffic network and on the other hand, I believe, we have got Island Plan policies and policies which favour improving residential environments. There is no question this is a suitable area. Now, I feel sorry for the Minister for Infrastructure, this is where Deputy Lewis and I, we have got half the story each, unlike our ministerial equivalent in Guernsey where environment and traffic and infrastructure are all one, it is not.

[17:15]

We have to find ways of resolving that between us, which is part of the complexities and unsatisfactory nature of our ministerial system. But, nonetheless, we try and do our best. But equally, it is right that a local Deputy comes forward with proposals, with an opportunity to try and achieve some improvement. Now, I looked at the comments of the Minister for Infrastructure very carefully, because I thought I do sympathise with him and it is right. Principal in his comments as to why this should not be supported are the effects on the public transport network. We have heard about diversions, but key to it I notice it says: "There will be a cost of a circular bus service of £250,000 a year." Well, why have we not got a circular bus service? Why have we not got many of them? This Assembly has pushed and pushed for Hoppa buses and when I hear ... and I worked for many years up at South Hill and I know the residents of that area, Pier Road. Absolutely right, I had to struggle with carrying shopping up that road, get taxis. Great, they have got a bus service, but we should have that everywhere in those town areas and that is part of what I am hoping we can achieve with our Sustainable Transport Plan. So, when I say £250,000 I am not overly ... it is not a major factor for me, particularly when I look at HTC's accumulated accounts of £2.9 million accumulated profit in that Jersey bus service I ask why have we not got that. Also, I see the other reasons there, because I think the Minister is right to raise it. There has to be a proper process here. The Deputy has very helpfully said that he is happy to have a scheme modified and changed, in order to deal with the top and bottom ends of the street, in order to deal with those issues, see the courts and the shops and so on. It is right that that is looked at. Equally it is right, there probably needs to be more consultation on those details, to make sure we get a good workable scheme. I have to say I was not very keen on the argument that said by approving this we are going to divert efforts away from Safer Routes to School schemes. I was not keen on that, but I can see why: that the Minister for Infrastructure has only got a small team, because he has had his budget savaged and I support the Minister for Infrastructure in building that team up and making sure they have got enough money to be able to do all these schemes. So, I turn the problem round to a need. We must deliver the Safer Routes to School across the Island and that means resources and costs. So, just dealing with Senator Mézec's point, it seems that the problem with that is, I think, local. Yes, I am absolutely for devolution to local communities in Parish Assemblies and so on, Parish Halls but I think they have got to be local issues. But here, I believe, we have got a mix of local and strategic public network issues and that is why, I think, on this occasion it is right that this is discussed here today. So, I am hoping that I am, on balance, because I do not want ... you know, it is not an easy thing to me to go against my colleague, because it is not easy. It is not. I can see that you all understand and probably if I was receiving the advice of my officers the same as you are, I would be saying the same things, but equally I cannot ignore the strategic view. Our responsibilities are different. The Minister for the Environment has to look at strategies and broad policies, the Minister for Infrastructure is about operations, day-to-day operations, I believe and those do not go easily together. I am hoping that if the Assembly goes with Deputy Labey, that the Minister for Infrastructure will interpret that as including on his list to rework that scheme, to see how it can make it work and with extra resources to get it done, rather than just see it as well, it has got to be exactly like it is today. I hope, in the longer run, we can get the resources to bring forward all the things that I have asked for: major strategic policies, money to back up the work in all these programmes that we have failed to do before



because, otherwise, only in that way, if we are going to pile how many - I cannot predict what the Island Plan is going to do - but how many thousands of homes are we going to have to produce and where are they likely to go. Does that not make the argument for making our St. Helier and our urban residential communities better places to live? So, as a principle, I do not feel comfortable voting against a neighbourhood politician bringing forward a proposal to achieve those local environmental changes, because they will make a transformation in people's lives. So, on balance, I am going to support it.

#### **11.1.5 The Connétable of St. Lawrence:**

I wanted to speak originally to ask the Deputy to clarify something that he had said during his proposal and the Minister for Infrastructure referenced it. The Deputy kept referring to the middle of the road and I was left completely unsure about whether we were debating today to make the full length of Green Street one way, or not. Clearly, that is what we have to consider, because it is part (a) of the proposition, but when he sums up he really needs to make clear to us what he would be discussing if he were to sit down with the Constable of St. Helier and the Minister for Infrastructure. So, just a couple of points on this: the Deputy was surprised that people are using Green Street to get to somewhere else, that is what he said, people are using Green Street to get to somewhere else. So I ...

#### **Deputy R. Labey:**

A point of correction, Sir, I did not say I was surprised.

#### **The Connétable of St. Lawrence:**

No. I beg your pardon, he appeared surprised that people are using Green Street to [Interruption] ... no, that is my turn. Am I able to continue with my speech uninterrupted, please?

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

Yes, you are indeed.

#### **The Connétable of St. Lawrence:**

I would be grateful for that, thank you. Let me start again. He appeared to me and maybe other Members of the Assembly to be surprised that people were using Green Street to get to somewhere else and that struck me, because it is not a private road, it is a main public road, which is why it comes under the Minister for Infrastructure and not the Parish. It is a main road and that was reaffirmed by Deputy Young when he referred to it as a primary route. It is for people to use to get from A to B. However, the Deputy wants to put residents before commuters and, again, that is a quote that he made; I wrote it down: "Put residents before commuters." I think this is the dichotomy that we are facing and the Deputy is facing, because he is indeed putting residents - residents within his constituency - first in this proposition and forgetting, it seems to me, that it is a primary route that all commuters are able to use. The problem is that we all have people contacting us to say: "I think this road should be one way" or: "I think this road should be 20 miles an hour, not 30 or 40." I am really disappointed to read, in the comments from the Minister for Infrastructure, that despite being invited to meet and discuss the matter it seems that Deputy Labey chose to not do that. I am sorry, I am being interrupted again. I am sure that when the Deputy sums up he will explain whether, or not, he took up the invitation to meet with the Minister for Infrastructure to discuss this, because it brings me to the point that Senator Mézec made which is, is this something that should have been brought to the Assembly, or is it something that could have and should have been discussed with the Constable of St. Helier and the Minister for Infrastructure and the Deputy; and should it form part of a broader consultation, which is what Deputy Lewis says in his comments? So, in St. Lawrence, we have just undertaken a consultation with all parishioners about maximum speed limits and that is part of working with the Infrastructure Department to achieve their road safety strategy. It is a pan-Island strategy and the idea is that all Parishes will be consulted and all parishioners will be consulted on

maximum speed limits within their Parishes and that seems to me to be the right way to do things. Now, I do not know what the outcome of that consultation will be, but no parishioner in my Parish can say that they have not had the opportunity to be consulted on any proposed changes to speed limits and how those proposed changes may impact upon them, or may affect them. It seems to me that that is the way we should be working, we should be not looking at one road only, but looking at the broader picture. I do not think Deputy Labey seems to have done this. Give him his due, he is a good constituency Deputy, he has brought a number of propositions to this Assembly concerning Green Street alone and concerning development there and retaining green space. He knows that I supported him when he brought that proposition, because I felt it was important to retain that green space, but this is a parliament, this is a legislature and we should be debating more important matters, matters that impact on all Islanders. So, I am disappointed to know that the 3 parties do not appear to have sat down to discuss this, the 3 parties being the Parish of St. Helier, the Minister and the Deputy. I think the question has to be why have they not worked together. I think I have made my point. Another thing has occurred to me. When the Deputy spoke, he addressed part (b) really. He said this is a straightforward request for the Minister to consult with the Parish of St. Helier, but it is more than that, because he did not reference part (a), which is for this Assembly to agree that the current temporary arrangement should be made permanent. That is what we are deciding upon today. We are deciding whether, or not, a temporary arrangement should be made permanent and if we agree to that, the Deputy then wants the Minister for Infrastructure to work with the Parish of St. Helier to bring forward the legislation that will give effect to that proposal. So, if we agree with this, it is a *fait accompli* because, clearly, there will need to be consultation on how legislation can be changed to give effect to the proposal. I cannot support this, because I think it is something that should not have come to the Assembly and I think that wider, broader consultation - as referenced by the Minister for Infrastructure when he spoke and also in his comments - should take place before any changes are made permanent.

[17:30]

**11.1.6 Deputy G.J. Truscott of St. Brelade:**

Can I seek clarification from (a) in this proposition, because it does seem to me that there is no latitude in (a) for any kind of wiggle room regarding traffic to the north 2-way, traffic to the south 2-way and in the middle, which Deputy Labey alluded to? So, I just cannot see how we can move forward if this prescribes a south to north only solution to the proposition.

**Deputy K.C. Lewis:**

Just a point of clarification. My reading is: "As written in (a)."

**The Deputy Bailiff:**

I do not think you can give clarification of your speech, which is now quite some time ago. I think the clarification is probably from the Chair as to the meaning of the proposition. In my view (a) is entirely clear on its terms, it requires a temporary arrangement allowing vehicular traffic to travel in one direction only, south to north, should be made permanent, and (b) is based upon bringing forward legislative changes for the purposes of carrying (a) into effect. So, it seems to me that (a) is to be taken precisely in terms, which is a south to north permanency.

**Senator L.J. Farnham:**

May I propose that we continue until 6.00 p.m., with the aim of finishing this by then?

**The Deputy Bailiff:**

Yes. The next point to deal with is the question of the adjournment. You propose that we continue until ...

**Senator L.J. Farnham:**

Aim to finish by 6.00 p.m., if possible.

**The Deputy Bailiff:**

Are you proposing we continue until 6.00 p.m., or we continue until we finish?

**Senator L.J. Farnham:**

I propose that we continue and as we get closer to 6.00 p.m. we make a decision to adjourn at that stage, or finish the debate.

**The Deputy Bailiff:**

Very well. The proposition is that we continue the sitting until 6.00 p.m. of the **[Interruption]** ... is that seconded? **[Seconded]** Any Member who wishes to speak and to discuss that? Very well, those in favour of extending the session until 6.00 p.m. when we will review that matter again. Those against? Very well.

**Connétable J.E. Le Maistre of Grouville:**

Could you just clarify what you said about the explanation? Are you saying that if this proposition is passed that the one-way will go for the full length of the road and there is no leeway?

**The Deputy Bailiff:**

That seems to me to be the clear wording of part (a) of the proposition, Connétable and part (b) requests, does not require, but requests the Minister, following consultation, to bring forward for approval the amendments to the legislation to give effect to the proposal; the proposal being a south to north permanency in connection with one way. That is as I read the proposition.

**Deputy K.C. Lewis:**

May I make a further point of clarification, regarding something that was said earlier? The department did indeed have a meeting with Deputy Labey where the offer was made that we would do the work. So a meeting did take place.

**The Deputy Bailiff:**

Yes, very well.

**11.1.7 Connétable C.H. Taylor of St. John:**

Many of the points that I was going to raise have been raised and there was, unfortunately, a slight variance between the proposition, as we know, as written and as spoken, because Deputy Labey has proposed in writing that the full length of the road is one way. I was also concerned in that he said there should be consultation. We cannot vote on something and agree it and then consult. The consulting has to take place first. I would like to think that we are an evidence-based Government and that we are trying to do things on evidence and make decisions based on evidence. So, let us have the consultation first, then we can make a decision as to whether, or not, this is a good idea. The Minister for Infrastructure has raised a number of issues. Deputy Labey has raised a number of issues and it is right, therefore, that there is a consultation. Personally, I have driven up and down Green Street many times. It is a bit like running the gauntlet and if you ever want an obstacle course in a car then that is a very good example. There is a problem there, but it needs to be looked at and it needs to be looked at thoroughly and I do not think that we should be here setting something in stone saying it must be one way and then consulting on it afterwards. So, I would ask that the Deputy - and I know he will not - but I would ask him to withdraw it and take up the offer of the Minister for Infrastructure to carry out a full and thorough investigation, so that we can have evidence based decisions.

**11.1.8 The Connétable of St. Helier:**

I was beginning to think I was not on your list. We heard, first of all, from the Minister for Infrastructure. He called his department the 'can-do' department and then, I think, went on at some length to illustrate why that term does not - at least to some of us - seem to fit what he does. Before I come to the Minister's comments, I want to just tackle a couple of confusing points that have been raised by subsequent speakers. It has not been mentioned yet, but Green Street one way is part of a village improvement scheme that has been funded by the Parish, properly investigated and researched by WSP Traffic Consultants, who are extensively used by the States and properly consulted upon and, I may say, a scheme that was shot down in flames by the Minister on the very day we went live with it. The Minister does not support a one-way system in Havre des Pas and he does not support a one-way system in Green Street and his officers made that absolutely clear when we started our village improvement scheme consultation, which cost the parishioners of St. Helier a pretty penny. Members can tell that I am still quite annoyed that his department took the step of shooting down the proposition, before it was even put out to consultation. Deputy Labey has, I agree, jumped the gun because that process has only just finished; WSP presented to the steering group a couple of weeks ago. They are due to present to the residents' group on 4th July their findings from that consultation process. He has jumped the gun. Why has he jumped the gun? Because the road got closed. It got made one-way from the roadworks. He found, to his surprise, as I did, that he got more feedback from people saying: "Hang about, this is really good. This is working. We like it." Because of that, he has brought this proposition to try and keep, if you like, the roadworks in place, so that we can do some more work on the scheme and try and make it suit more people. I do not buy this argument that some Members are using that: "Well, the proposition says it has got to be one-way every single metre; therefore, if we cannot vote for that we cannot support the proposition." I do not buy that. What the Deputy is trying to achieve is the *status quo* and the new *status quo* is the one-way system in Green Street. He wants to allow that to develop, to be evaluated, he wants tweaks to be made by the Minister and I am sure we can make them. The bus service, as has been mentioned already, has already adapted extremely well to the new system and he wants to keep that one-way system in place for a bit longer, so we can make it work. If, in 6 months' time, it is a complete disaster I am sure the Deputy, as well as the Parish and the Roads Committee, would quite happily concede that, although I would be surprised if it was the case. I must say that I wish now I had suggested, when Midvale Road was last closed for roadworks ... I wish that I had suggested then that we make that one-way. That proposal was in the Island Plan, before the current one, as a priority and it has never been delivered by the 'can-do' Department of Infrastructure. That is why I speak with some warmth on this subject, because I know just how long it takes to get things done. It really is poor to hear the Minister, in his speech, suggesting that if this happens then other Parish schemes around the Island will have to be pushed back. That is shroud-waving. I do not think it is right. It certainly is not in the characteristics of a 'can-do' department. The Constable of St. Lawrence seemed to be suggesting that the Deputy was trying to stop commuters getting to work. Let us be clear about this. The one-way system, as currently exists in Green Street, allows the morning commute to take place uninterrupted. It is only the evening commute which is affected. People on the way back east, who want to nip down Green Street and go along through Havre des Pas, because it is quicker and it beats the jams in Pier Road. Well, I am sorry, I thought this Island had adopted a sustainable transport policy and that we were trying not to base our transport decisions around the needs of commuters. Now, it is interesting that Senator Farnham asked the Parish to follow up on the accidental Broad Street closure, another interesting example of how the world does not end when a road is closed for some unforeseen circumstances. Let me tell the Senator that the Parish has already asked the Minister - a previous Minister - of the 'can-do' department whether we could close Broad Street during busy times of day, so we could have more *al fresco* and people could walk around and meet each other, the way they did that afternoon of the fire and we were told and I quote: "Broad Street is in the Inner Ring Road and it cannot be closed." It is now called the 'Inner Ring Road', because the capacity of the other ring road is so stretched, because we have so singularly failed to control the growth in traffic that they now have to use the Inner Ring Road and take the traffic past our new hotel, past the Town

Hall and we cannot close it. So, I would love to close that road at least at busy parts of the day, or I would love to close it for lunchtime, but we were told by the Minister's officers: "We cannot do it." On the same note, let me take Senator Mézec to task over his suggestion that the National Parliament, as he calls us, should not be debating this matter. I would like to remind Members that many years ago I asked the then Minister of the 'can-do' department whether we could have a pedestrian crossing by what is now a café on the way to the library and he said: "No, we do not need one there." There is no need for a pedestrian crossing on the way to a library and a large church after all, is there? I had to bring that matter to the States, in order to get that through, because the Minister refused to put the crossing in when the Parish asked for it. So, yes, there may come a time when either St. Helier - maybe the other Parishes as well - have more devolved powers, but at the moment they do not. They have no option but to bring matters to this Assembly and have them debated. So, I do not think it is fair to say that this matter should not have come to the States. The legal responsibility the Minister talked about has already been met. The Minister cannot make a road one-way without being satisfied that it is safe to do so. The road has been one-way for several weeks. The impact is already in place. He talked about increased speed. Well, I need to get my honoraries down there, do I not, to do some more enforcement? I have taken note of that. But there can never be an argument made that a one-way road is more dangerous, because speed goes up, because you adjust it and this is the kind of adjustment the Deputy is looking to the Minister to make. If Green Street is going to be faster, if the Parish cannot police it 24/7, we will have to make some adjustments to it to control the speed, possibly some sleeping policemen if we cannot get the real ones down there. He referred to problems with buses. Well, again, if there are problems with the buses at the northern end and if police officers in the new police station are having trouble walking the extra 6 minutes to the bus, then I am sure we can make adjustments. Our 'can-do' bus service - and it really is a 'can-do' bus service - I am sure will be able to manage those problems. So, I do not believe that those objections he raised are valid. He also said that pavement widening is impossible. Well, of course it is at the pinch-point, but even at the pinch-point you have got a wider pavement than you have at the moment for the rest of the road. So, let us not be negative. Let us be positive. Let us try and see that in fact Green Street will become a much better road for everyone. It will certainly be easier for cyclists. I would hope that the Minister will look at making sure that cycling is possible in both directions, so that cyclists can continue to use it. I do accept there has been opposition from businesses. I have had, I think, 2 letters from local businesses and I have reassured them that if this proposal is supported by the States and I hope that it is, that we will work with the Minister to deal with those issues that the businesses have raised and, of course, that is one of the reasons why, if Members really want to be totally hamstrung by the proposition, that is their way of doing it. I say let us talk to businesses at either end of the road about how we can adjust the one-way system to suit the needs of everyone. I am just going to finish with 2 emails I have received from residents. First of all, someone from Green Street, who wrote to me to say and I quote: "What a positive impact the temporary one-way system is having on our extremely busy road. It has made such a difference with noise, pollution, road rage between drivers and buses having to mount the pavements constantly in order to pass each other. Being a resident we are loving being able to get into our driveway, without another driver glaring, or hooting us. Long may this temporary one-way provision continue." Secondly, an email from a resident of Pier Road who says: "The temporary changes to the parking on Pier Road have produced some unexpected benefits. The changes are to allow buses to travel up Pier Road while roadworks are carried out elsewhere. Coning off the parking bays has resulted in a much-improved traffic flow, without the previous delays caused by cars blocking the roads. Large vehicles no longer have to wait and so on." You probably will not be surprised to know that my family live on Pier Road and these, albeit temporary, changes have made a huge difference to our quality of life. I ask Members to listen to these constituents and to accept that this one-way system has fallen into our laps and we should not throw it away until we have evaluated its effects.

[17:45]

I urge Members to support the proposition.

#### **11.1.9 Deputy M. Tadier:**

Very good speech from the Constable of St. Helier, who knows his onions in this particular regard. So, first of all let us scotch the issue that there is absolutely no technical issue, or philosophical reason, why Deputy Labey should not be bringing this proposition to the Assembly today. I do differ from other people who have said that we are a National Parliament and we should not be discussing this type of issue. I completely agree with my good colleague, Senator Mézec and I think and I am confident that he will come round to supporting this proposition, because he knows that, in an ideal world, that you would have a Parish Council which could debate these kind of issues and if they had control over that road, which is an Island-wide road - it is a national road if you like - then they could perhaps discuss it if it was within their remit, but because we do not have that, it is entirely appropriate for individuals in this Assembly to bring these kinds of propositions. He will know that I have brought propositions in the past which relate specifically to a Vingtaine in my constituency and that was to protect green spaces and it was brought and it was endorsed, I think unanimously, by this Assembly. He will also know that a resident of St. Brelade started a petition. She later became a candidate for Reform Jersey and stood in the election and that the debate took place in this Assembly about whether, or not, we should have a zebra crossing on the road at La Moye, which is being progressed now and it would not necessarily have come to that had it not been in this Assembly. I am concerned that people have been asking for clarification about what this proposition does and I think it is because we have seen so many propositions come to the Assembly by backbenchers, which have been so watered down to the point of being meaningless and they said: "Perhaps have a consultation on maybe doing this" and we have become government by consultants. We are so scared now of making simple decisions that we are surprised when a proposition says: "Do something please, Minister, get on and do it" and then, obviously, talk to the relevant people, or the relevant authority, so that they can get on and do it, because that is what we are here for. We have become, I think, risk averse. But the proposition has merit in its own right, so not simply the fact that the Deputy has the right to bring this, but the system works really well. The new system and it has been serendipitous, so rather than having to wait for a consultation that might, at some point in the future, happen between 2 Ministers, who cannot even agree on the fundamental philosophy of what the future strategy for transport in the Island looks like. I cannot blame the Deputy for not wanting to go down that street, because he knows that you are probably not going to get any result if you cannot get 2 Ministers agreeing on a very basic issue. So, he has had something which is even better, the residents there have had a trial. They have had a trial, which they did not expect and the trial has shown that the system, the new system, works very much better. It is unfortunate that there is a residential area in a very big urban zone. Clearly, if you had the same situation in St. Lawrence, there are residential areas and we know that we have seen traffic calming measures in the Parishes, whether it is in St. Mary, or in St. Lawrence, which largely happen with consultation with the locals up there. It should not be the fact that we have got a residential area in town, where they have to disproportionately suffer because of the arteries that we have in St. Helier. I am also surprised to hear the Constable of St. Lawrence, who supposedly espouses the importance of local representation, Parish representation and here we have got even more micro than that. We have got a Vingtaine or, if you like, a district representation within St. Helier and the beauty of our system as it currently exists surely must be that the Deputy, in this case, has identified a problem, he has identified a solution which has already fallen in our laps, and say: "Why do we not just do it, rather than dillydallying around." I am reminded of the song ... we will play it tonight, I think, at the accordion club which says: "My old man said follow the man and don't dillydally on the way." Well, if the Deputy gets his way today, we will all be able to follow the van down that section of Green Street but it will be in a one-way and the traffic will be moving much better. I think the issue here is that it is better for everyone. Car drivers are better off. We have just passed a proposition to do with climate change, reducing our carbon emissions and we know that the current system on Green Street leads to

a lot of stalling. You have to wait. Buses have to mount the kerb often. It is true that this is an Island-wide issue, but the idea that we should not be doing anything because we cannot do everything, I am afraid, is fundamentally flawed. Now, looking at the wider issue, because these issues, I think, will need to be addressed, do we have a transport crisis in Jersey? I know some will say: "Well, it is not as bad as places like Cairo, Dhaka and perhaps the capital of Bangladesh which temporarily ...". Dhaka is the capital of Bangladesh. I was going to say Delhi although there is a Dakar in Senegal as well which is spelt differently. If that is going to be our basis for comparison then I think we have got serious problems. We know that there are too many cars in Jersey. There are, therefore, too many carbon emissions coming out of the backs of those cars, which are not good for the environment, or people who are on their bikes and pedestrians. We have 3 options; which is to do nothing, to widen the road so that we can get cars through more easily and I do not think that there is any appetite to do that - there is the expense and the message that would send out - or we make some roads one-way and look at traffic calming measures. Now, the traffic calming measures that are down there currently are not appropriate for the urban context. They work very well in places like St. Martin's Village, where the traffic flow is less and it looks good as well and it is a more rural environment. It does not currently work for the likes of Green Street. There is a fundamental disagreement, as I have said, between the Minister for Transport and Technical Services or D.f.I. (Department for Infrastructure) and the Minister for the Environment. I asked him a question early on - I cannot remember whether it was during his speech to become Minister, or subsequently - whether he wanted to make life easier for car drivers, or to make it more difficult for car drivers. I think that is an argument for another day, but what the Deputy is proposing here is a win-win for everyone. It is easier for traffic circulation in there. It could be a win-win for bicycle riders and for pedestrians and not forgetting the residents. I think it is important that we take action and that we do make the decision today, rather than relying on consultation with fractured parties, which will not necessarily come to a decision anyway.

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

Well, you would have thought everything had been said, but I can assure you it has not. I stand here today because somebody pointed out - the Deputy in front of me - that I was in the booklet, *100 Years of Votes for Women* ... well, I was not around 100 years ago, it just feels like I was and probably at this moment in time looks like I was, but I was not. I say to the Constable of St. Lawrence, she accuses the Deputy - and St. Helier is part of my district - that this is not being consulted upon. Well, the Constable for St. Helier dealt with that one. This time I started knocking doors at Haut du Mont in 1999 in Bingham Court with the then Deputy ... he was elected, Deputy Ted Vibert and all these people wanted was a bus just to go up and over, in 1999. I then got elected in a by-election and I was working with Deputy Routier and Deputy ... **[Interruption]** no. I will think of it in a minute. It was not Le Claire ... Dorey. There was just something the Constable ... yes, remind me, it was Deputy Dorey. Anyway, we consulted, we put letters through every letterbox around there and after 5 years ... and I think my Constable then was the president of Public Works and we worked hard to get temporary chicanes in, try and do traffic measures. This massive bit of work and the Minister for Infrastructure knows that the consultation on Havre des Pas and Green Street came out that both could be one-way and we always said ... and we consulted with our people. It has been out there in the media as well. There has been Island-wide consultation. People have objected; very few. But then what about an own goal. I am annoyed with the Minister for Children and Housing, because why did the road shut for 14 weeks' minimum and when the Minister for Infrastructure tells you that it was only closed in half-term holidays ... it was totally closed in half-term holiday. There was no up or down. No north, south, east or west. All the rest of the time it has been one-way from Havre des Pas down to Green Street roundabout. Why? Because the residents are suffering, losing their green space which came to this Assembly and was absolutely then ignored. Another 150 or 160 homes on the left of Green Street and they are building now ... sorry, they are not building now. This was to put a substation in to do this. In the next few months and coming years and they will not be

finished, because we had Andium down Havre des Pas last time to ... 2024 or 2025 the first people are moving in. They are doing 2 or 3 levels underground car parking; great for the area, but this road will close again, because you cannot have that sort of digging on that road without it closing. So, I do not know why ... it is like the Mary Celeste going down there. Somebody has already found different ways to get there. My residents, who have been waiting for over 20 years, now have a bus and they are elderly. I mean some of them were not elderly. Like me, I was not elderly when I started [Laughter] but they are now elderly and they moved up to Bingham Court and they moved to Haut du Mont and they moved to Pier Road Flats, thinking a bus was coming. It has taken 20 years and it is fantastic to see. I listen to the Minister for Infrastructure and he knows I try and support him wherever I can, but when he came out with: "It is really going to affect people who work in the police station." Well, I brought the proposition and we were told the police - and absolute respect, it is fitting in there - but the police have a transport plan. The police had a car park. They magicked up a car park that was in Green Street - still to be found - with 60 spaces to get that through the Assembly. To tell me today that residents have still got to suffer; no. It is on a main road. There is the one-way, there is everything. They come by motorbike mainly. So, in the big picture, I must be going mad, because I thought we decided to go carbon neutral by 2030 and the minute it comes to: do you give residents a little bit? Do you get rid of some of that carbon in Green Street, because it is not there now? It is absolutely fantastic. Weekends it is basically a tarred over road. You could play in the street. There are no cars going down; no up there, no down. It is fantastic. The Minister keeps saying: "Until it opens again." Now, this is what I am saying; I absolutely do not always agree with my Constable, but this is not a 'can-do' attitude. If the road is shut, the buses are working, nobody is taking longer to get to work. Everything is fine in the garden, except the Minister for Infrastructure says: "No, I want more time. I have to do this." The proposition is what it says, speak, consult with. Well, the consultation is done. We paid how much? When we got some rates money back from the States we went to the Parish Assembly to ask them: "Can we spend this much?" It brings tears to my eyes, but I think it is around £100,000. We have paid for the consultation. All the traffic figures are now there and people said: "It can work." The consultants say it can work and the proof; it is working and it is only there, because these residents are having another 160 homes shoved into that street, not any other way in, all going into an underground car park and it should probably be ... the pinch-point will have to come from Havre des Pas, so they are making it a one-way basically because it will be very hard to turn into it any other way. So, I am sorry, that this is apparently a parochial district issue brought to this Government Assembly. I have waited over 20 years for a bus and today I want this Assembly to make sure the bus that came stays going around and it stays giving these residents a better life and the new 160 flats, which could be up to 300 residents moving into that area in the next 5 years. I will finish there.

**The Deputy Bailiff:**

We have now reached 6.00 p.m., which is the length of time that the Assembly agreed to sit. To inform Members, I have 4 Members yet to speak, who have given me notice of their intention to do so. It might assist if any other Member who wants to speak indicates now so that we can see if there are any additional Members, so Members can take an informed view.

[18:00]

**Senator L.J. Farnham:**

I would like to propose that we try and get this done tonight. [Approbation]

**The Deputy Bailiff:**

The Assembly has been sitting for a significant period. Do Members wish to take any kind of break now even a brief break? Very well. Then I now have 7 people who have indicated their wish to speak. Well, any advances on 7? At least we will ...



**Deputy J.H. Perchard:**

Excuse me. Sorry to trouble you. Would it be an appropriate time to ask for the guillotine motion to be adopted by the Assembly? I am just wondering whether it is ...

**The Deputy Bailiff:**

Yes.

**Deputy J.H. Perchard:**

I think we have been going for an hour.

**The Deputy Bailiff:**

Yes. The normal rule is that at least 10 people will have spoken before. We have had 9 people speaking thus far. Let us consider the matter after the next speaker, Deputy. But firstly there is a proposal that we continue to finish the debate today. Is that seconded? **[Seconded]** Members in favour? Against? No, very well. Then the States will continue until this debate is finished, or someone proposes an adjournment; whichever is the sooner.

**11.1.11 Deputy S.M. Wickenden:**

Like Deputy Martin, you would think that everything has been said, but it has not yet. Firstly, I think I would like to speak to - although he is not here - Senator Mézec; hopefully he is listening. I mean I would like to change Senator Mézec's mind about voting for local issues within this Assembly, or maybe he could text his former Deputy, Sam Mézec and go have a word with Deputy Sam Mézec because Deputy Sam Mézec voted on things like the green space in Green Road. He did not mind voting for parochial issues within this Assembly, so I would like to ask Senator Mézec that while I am talking maybe he could send a text to Deputy Mézec. This is such a frustrating issue for my residents. There has been a lot about saying we should go and talk to the department about this. Fifteen years this has been on the cards for the residents and elected representatives. The department knows about Green Street and the troubles it is in. It knows about the whisper, something like a one-way system, or some fix to be done. They have known for 15 years, but when we did go and see the department they said: "Leave it with us. We will need to start a consultation." You think: "Well, you have had 15 years and you have not even got to the point of looking at it, not one iota." Not one bit have they started the process. We have been doing our village improvement scheme. How long is it going to wait? The Minister points out that there are other people that are in the line for roadworks that is being asked for, but it does seem ... I am wondering what the prioritisation list happens in D.f.I. is. There is one from Deputy Gardiner and we have been waiting 15 years. We put in a request, we want Green Street, they put it at the bottom of the pile and then everything goes on top of it in their paperwork and the priority is, who was the last person to ask; that is on the top. If it is I am going to prioritise myself, the Minister's Department, in my new role as Modernisation and Digital, because this is just not good enough. It has been too long waiting for this. The residents are affected. It feels like we are creating 2 tiers of people that live in this Island more and more. It is the people that live in St. Helier and it is the people that do not; the ones that need to drive through. There is a quality of life issue here. We have to do better than this. We have got sustainable transport policies that try and change behaviours. Please support this and the parishioners. When we go around on the elections, we have got around 11,000 voters, it is Green Street every time. You knock on all the doors, but Green Street all the time. Whenever you knock on the doors the same thing: "Please can you do something about this traffic, before somebody gets killed?" You know, please carry on like this and we are trying, but to say that after 15 years, it is not right for us to bring it to the Assembly, I do not know what else you can do. You can bring it up for years and years to the department, but what have you got left if the department continues to ignore you and move on to something else? Your only choice, as an elected representative, is to bring it here and say: "Enough

is enough” and that is what Deputy Labey has done. I really do hope that you can support this proposition and try and make the residents’ life in this area just a bit better.

**The Deputy Bailiff:**

Deputy Perchard, do you wish to give 30 minutes’ notice of the guillotine?

**Deputy J.H. Perchard:**

Yes, Sir.

**The Deputy Bailiff:**

So that means that within 30 minutes’ time you are entitled to move the proposition that the debate is closed and at that point the proposer will sum up. Very well.

**11.1.12 Deputy G.P. Southern:**

Just briefly. The first time in many a year I have been totally won over and convinced by my own Constable. I thought he gave a speech that perhaps the proposer should have given, where he called on the evidence had not been found, consultation had not been done, the assessments have not been done, the safety has not been done and wiped away the fact that we have done very little consultation with the Minister. He made the case perfectly and I am going to vote and I encourage everybody to vote for this particular scheme.

**11.1.13 The Connétable of St. Clement:**

Unlike some, I like debates like this. In fact, I would go further, I love debates like this, because it is an issue which we can all personally relate to, if we wish. But, even more importantly, whichever way we go it is going to impact directly and immediately on the quality of life of people in the area of Green Street. Some Members were talking about the number 1 bus service, which obviously I know quite well, from St. Clement, but it is only very recently that it has started using Green Street. It used to travel straight down Route du Fort into Georgetown and for some reason it was changed, much to the chagrin and annoyance and anger of people in Georgetown, who no longer have the direct number 1 bus to Gorey. The message there is, whatever you do you are going to please some people and upset others. You cannot avoid that, whatever you might do. Now, I have got a certain sympathy for the proposition and I realise why I have got that sympathy, because it suits me. I say, we can relate to this proposition personally and I can do that, because I drive up Green Street from Havre des Pas, very often I drive from God’s own Parish up to Snow Hill Car Park; that is my usual route. Since the road has been one way it is has been much, much easier; much better for me, because I do not have to drive over the pavement to avoid a bus, or a large vehicle, coming the other way and I do not have to speed up to the chicanes to make sure I get there before the car coming south, because I do not like being beaten to the chicanes. While I was reading this and listening to the debate, listening to all the arguments; all that is good. All that is good and I can see the improvements it has made in the immediate area, but what I do not know - what I do not know - is the impact on nearby roads, because I do not use Roseville Street and Nelson Avenue and those other roads, so I do not know what the impact there is. I do not know what the impact is on the businesses in the area and that is important, because it is the economy of the area and it is important that at least we understand - at least we understand - what is happening, whether we choose to take any notice of how that it will impact. What I really do not know - although we have had a few emails - we do not really know what the impact is on the residents as the Minister was saying. For people from the Cedars and other places in the area are going to have to go round a long way, which may be OK, because we have done it in St. Clement. We have closed a road, which has made people drive a long way but, hopefully, improved the quality of life. I want to support the proposition, because my sympathy is for it, but as I can say, we can directly impact on the quality of life of people but what I do not know for certain, or within reasonable certainty, is whether that impact will be for good, or for bad. I do not know that yet. That is why I want the Minister to do some work on it and promise to do some

work on it and promise to come back with a report to make the decision. So, on that basis - while I say I have got a lot of sympathy - I do not think, at this stage, I can support the proposition, because not enough work has been done on it.

#### **11.1.14 The Deputy of St. Martin:**

Here we have a local solution to a local issue and regardless of what Deputy Mézec may say. Where else is Deputy Labey to come with this other than here and it is right that he does, because here is the first challenge, or one of the first of the first challenges to our carbon neutrality stance. Here is an opportunity to encourage walking and to encourage cycling and here is an opportunity for States Members to back up their decision of not so long ago. I can only back up the words of the Constable of St. Helier earlier. The Minister says it is a 'can-do' department, but the Minister could be producing some plans to help the Deputy here through his issues and maybe buses going in both directions on Green Street might be one of those and I am surprised he can say he is a 'can-do' department when he is not coming forward with those plans. The Deputy did not mention 2-way buses in this speech and I was listening. One of the other benefits of this scheme, so far, has been the taking away of the parking spaces in Pier Road and they have only been mentioned once, but I have, for some time now, been campaigning to have those spaces removed and why is that? To make the pavement wider, so people can get to and from Pier Road Car Park and walk easily. One of the worst things about Pier Road Car Park is the walk to and fro and it is not the fact that it is a hill. It is the fact that the pavement is so narrow it is difficult to pass people and here is an opportunity; widen the pavement in Pier Road, keep those cars out of there. Where have those cars gone? Those cars have gone in the car park, where they should be. They should not be parked on the road at all. So, it is obvious that compromise is needed here and the Deputy alluded in his opening remarks ... he went away slightly from the tight wording of his proposition and suggested a cul-de-sac at both ends. That makes a lot of sense to me. Unfortunately his proposition is what it is and we are going to need some compromise to move forward here. So, we are faced with the: what do we do? Do we support the Deputy with the current *status quo* and know that if he gets it he will compromise and speak to the Infrastructure Department about how we make his scheme even better, or do we go back to the old 2-way system and look forward to changes coming out of the Infrastructure Department, which we know will not happen. So, for me, I am going to support the Deputy today in the knowledge that he will go back to Infrastructure and make some changes to make his one-way even better and I say to the Minister, let us have more 2-way cycle, 2-way walking, 2-way buses, but let us see some commitment to carbon neutrality.

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

I will be brief. One of the comments that I did not like hearing from the Minister in his speech - and it is also contained in the comments he made - was the impact it would have on the St. Aubin's Inner Road and then he mentioned St. John's Road. It was almost trying to say [**Aside**] we will not support this because it is going to damage ...

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

I beg your pardon, I have been accused of blackmail. Will the Constable withdraw that remark?

#### **The Connétable of St. Saviour:**

I apologise.

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

I know it is late in the day, Deputy. I did not hear the remark but the Connétable has clearly accepted that she did say it, so you must withdraw it and apologise.

#### **The Connétable of St. Saviour:**

I withdraw it and I apologise.

**The Deputy Bailiff:**

Very well, thank you very much indeed. Yes, carry on.

**Deputy M.R. Higgins:**

If one looks at the comments paper - and I think it was almost the last paragraph of it anyway - it mentioned about St. Aubin's Inner Road and St. John's Road and it does seem to be important because these things are in the mix, they should be delivered on time and I do not believe that this particular one should cause any delay. I find it really strange. As much as I want to support the residents of my area and I might add, by the way, I previously held back to get the crossings on the roads in Longueville Road, because I remember again the same argument was put forward. I held back. However, they have got theirs. Ours is due. Let us get it done and we need to deal with these things, because residents are being affected and we all know what the underlying problem is, it is far too many cars, too much congestion and so on. No, it is not your fault. It is the way the Island is. But what I am trying to say is, I do not believe it should cause delays to the others and I will be furious if it does, because I will be screaming and causing no end of hassle, but I do believe that I will support the Deputies of No. 1 District on this, because I know what my residents have gone through.

[18:15]

**11.1.16 Deputy H.C. Raymond of Trinity:**

Well, I am totally confused and I will say this, because I think most of us in this room, probably all, agree with the sympathy with regards to the proposition. What I find very difficult and I am not even ... unusual for me to sort of go down the Senator's route, but I have spent the last 6 months, every Friday morning, from 9.30 a.m. to 12.30 p.m. hearing from each Parish what they would like to do. I have just gone through zebra crossings, pavements, bus stops, pelican crossings. There are events put on and suddenly there is a solving of the problem within each Parish. I sit there every 3 hours for every Friday morning, I would not come away. I think that these priorities of what is going on in each Parish ... you are going to have to come up with some form of level as to say which takes priority and which does not. Is a crossing worth more than a pelican crossing and where do we go on this, because I cannot believe what my Minister has been through, if you honestly think he sits there on a Friday morning and he says: "Goodness gracious, we have got this from St. Lawrence, because they have had 2 weeks of the roads being done" as an example, Connétable. But what I am trying to get at is there has to be a realisation from all of you in here, there is a list of things that is very important to every Parish and I honestly believe you are going to have to come down, or give help, to the Minister for Infrastructure to decide what to do. He has got 3 senior staff in there and they come in with a list: "Tarmac, we are going to shut Gorey for 3 weeks and that is going to close the roads, what do we have to do?" Somebody comes back and says: "That road was shut, why can we not shut it permanently all the time, or make it one way?" I do not know where you are all coming from, because the trouble is everybody in this room has got sympathy with what Deputy Labey is trying to do. But the problem is - we will go back to Deputy Higgins - money, priorities and how do we determine what the priorities are. I will leave you with that thought, because the agenda for Friday has come down for the Infrastructure meeting on Friday morning and would you believe, without mentioning any Parishes, there is traffic calming in a couple of the Parishes that need to be looked at. So, is that important? We have had Acorn, we have had people talking about disabled people, no bus stops in the right places, walking straight out on to main roads. You have got to prioritise, and I just leave you with that thought. Because, otherwise, on a Friday morning it makes our life, and it makes my life ... I do not know what the priority is. I have been in for 12 months; I had no idea what priorities were until I hear what is going on this evening. I think the trouble is 49 of us probably all sympathise with what Deputy Labey is trying to do, but we have got to get there and make some sort

of decision and it is us within all this Assembly that is going to have to make the decision, for goodness sake, to help the Minister out, not to have a go at him.

**The Deputy Bailiff:**

Deputy, if I could just remind you when making speeches if you could address them through the Chair, so you would not say “you”, you would say “Members”.

**11.1.17 Deputy I. Gardiner:**

I did not plan to speak today, but my name was mentioned twice during the debate and it is probably because I brought St. John’s Road to the Assembly. The reason that I brought St. John’s Road to the Assembly is because the report that Infrastructure received from the Roads Committee was dated back to 1994. We are talking about 25 years, not 15 years. As a St. Helier Deputy, I do believe in one-way systems. We do live in St. Helier, as a highly populated area, we would like to see less traffic if possible, at the same time do care for the commuters, so one-way coming in, one-way coming out. I do understand the point that has been made just recently, we do need to prioritise. There is a limit to the budget, a limit in the manpower. But there is a different topic I think, it is not about prioritisation, it is about acceptance that we would like to have a one-way road at Green Street when the consultation has been done. Nobody is saying that it should be done tomorrow, or in 3 months, the Constable mentioned let us have a trial for 6 months, let us not make any special arrangements now. The proposition is saying at part (c) consultation, consultation should be made with the Parish of St. Helier and maybe with the Parish of St. Helier we will say we will follow with St. John’s, Midvale, Inner Road this year and Green Road will be done next year. We are happy to prioritise, but the main principle that it should be done as a one-way road, it can be accepted. So, from my perspective, yes, we do care for our residents and we do care for the climate change and I would like to see the acceptance of this proposition in principle and priorities will be done. I am sure that we can do the priorities later.

**11.1.18 The Deputy of St. Peter:**

Let us hope I am the last. What I like about this proposition is I like the urgency. I like the fact that we will deliver an immediate positive impact on those immediate residents within Green Street. I came into this job to make a difference quickly and not be bogged down by very slow processes. That is what I like about it. But one thing that worries me is there will be a certain gentleman in St. Peter, who will remain anonymous for the purposes of this, who will be on the phone immediately after to say: “Can you please bring a proposition to make Rue des Sapins in St. Peter a 20-mile-an-hour limit?” I will suggest all of us will have our own residents in our own Parishes that will have their own pet ideas that they want to bring to the Assembly. Then what will we do? Will we ever get a hospital built? Will we ever get anything done, if we spend our time doing these issues? That is my major worry. On a more tactical level, there is one word that worries me in 2 of the paragraphs, (a) and (c), it is called ‘permanent’ and you can look up ‘permanent’, permanent is permanent, it is an unambiguous word, it is called permanent. Now, I can understand the permanent in (a), I would rather see that this trial was extended to one year, or even 2 years, so the Infrastructure Department are given the data, not have to go and try and test the data. I would like to see that. But the one that really worries me is I can imagine the conversation that the Minister for Infrastructure has with the consultation with LibertyBus telling him: “You are permanently going to put that bus route in there.” Permanent. So he is going to have to change his business model permanently, in order to address this. It is the one word used in 2 paragraphs that worries me more than anything else; that word ‘permanent’. I would like to hear the comments from Deputy Labey on that, because I really want to support this, because the urgency, the immediate decision, the fact we can impact those lives positively; but I am worried about the commitment we are making through the absolute detail of the wording of this proposition.

**11.1.19 Senator J.A.N. Le Fondré:**

I am quite pleased to follow the previous speaker. I am slightly nervous following Deputy Martin. I have done this in the past, I have received the ire of her tongue later and also Deputy Wickenden, because, obviously, they are doing exactly what they should be doing as representatives of their districts. I have done the same in the past. But if I use the analogy of what Deputy Labey is up to is should I, in the past, have tried to make Bel Royal to Millbrook one-way, should I have tried to make Rue du Galet, which is residential, one-way, or how about anywhere along Route de St. Aubin? Because, bluntly, those 2 roads and Rue du Galet take most of the traffic from the west of the Island; it would be great for the residents, would it not? The point is that, in reality and very simple and following the Deputy of St. Peter's comments, let us go back to that proposition and what it says and what we heard earlier. It is very clear, it does not matter how Deputy Labey tries to address it, it says: "To travel in one direction only, south to north [that is clear] on Green Street [now the crucial bit is] from the junction of Havre des Pas to the junction at La Route du Fort." That is it. That is what this Assembly is directing the Minister for Infrastructure to do. I appreciate there was a meeting, but what sometimes happens is you need to go through some iterations here, go back and have that discussion, which I believe is what was trying to happen yesterday, for example and just tweak it. Because what we have got is a permanent - to use the Deputy of St Peter's comments - closure of all of Green Street from the roundabout to traffic going north to south. We have heard the comment, yes, I think it is likely that vehicle speeds would increase. It is certainly the case that what they are saying that for the bus routes you will not be having buses going down from that roundabout down Green Street, because that is what the proposition says. It does not give a carve-out for buses, for example. You can say that is not being sensible, that is stupid, it is flexible, but the way officers work is they take the instructions that this Assembly has given and we have been told that those instructions are very clear. That is where it comes down to, because it does mean that the people up by Route du Fort will be taking an all-around journey. It may put more pressure on the outlying roads and anyone down the middle will have to make a much longer journey and those will be elderly. I fully support what people have said around things like the carbon neutral bit and all that sort of stuff. Where is the evidence that this reduces car journeys? There is not any. As far as I can see, what it is going to do is increase car journeys in different points, so is that going to make things worse, or make things better? We do not know. That is where the Minister is saying: "Come and talk to us about it." As the Deputy of Trinity was referring to - and I have some sympathy, because I was in his position about 4 years ago, maybe 5 years ago, I cannot remember, when the Minister was Minister then - and so I have seen the number of calls on the times of the engineers, constantly and I have probably some in there myself, as well. Everybody then gets very frustrated, because sometimes people jump the queue, which puts everybody back and sometimes it is the capacity to do certain things, bearing in mind that is within the whole programme of road maintenance, as well. But anyway, we are running out of time in terms of Deputy Perchard's proposition. I just make the point that precisely why - irrespective of the wonderful words - and I do like Deputy Labey, but in this instance no matter what wonderful words he is going to produce and he will do some, he will be theatrical, he will be passionate, he will say: "Think about the residents" and all that type of stuff, the proposition that he is asking us to sign up to is to travel in one direction only, south to north on Green Street, from Havre des Pas to Route du Fort. That is what the proposition is. Do not be seduced, I would suggest to Members, by the fact: "We can just trim it here, we can trim it there, we can do the consultation." Yes, we should be doing the consultation, we should be working with the Minister on this front a little bit more than has taken place. But the proposition is very clear and that is what Members have to decide for themselves. I will not be supporting it.

#### **11.1.20 Deputy S.M. Ahier:**

I will be brief, I know we are all desperate to get away. Deputy Labey, in his opening speech, mentioned the problem for local residents and he also mentioned the fact that some children may be walking down the road to the general store to get sweets. Well I think I can assure him that if this proposition is carried, they will not be going down the road to get sweets. I have been down to the

stores and I have spoken to the local retailers - as I am sure Deputy Labey has done as well - and they are not too well-pleased with the suggestion that the road is made one-way and, therefore, in support of local small Jersey businesses I will be voting against this proposition.

**The Deputy Bailiff:**

Does any other Member wish to speak on the proposition? I call on the Deputy to respond.

**11.1.21 Deputy R. Labey:**

If I may respond to the last speaker first. That is part of the reason why making the road 2-way up to that row of businesses will assist and, of course, when the developments happen along the line, they will have very much minimal residents in the locality, very much more customers. I am just getting a little tired of being called theatrical all the time by some quarters, because it is a passive aggressive kind of insult, because it is saying I am phony and superficial and acting. There is nothing phony about this argument, because people in this stretch of the road are suffering and we know one-way road in this stretch will improve lives, because it has just happened with the road works. It is serendipitous. They all are saying it is like a holiday, it is like being transported to another Parish and now we are going to whip that away from them. I think that would be cruel and inhumane. I am open to the 2-way buses, but I think that what worries me is then, in the same way, the bus going up Pier Road and up Mount Bingham has been such a gift for people in that area. I do not think now that we can take it away.

[18:30]

When the facts are against you, you argue technicalities and the fact is we do know this will improve people's lives, because we have seen it happening in the last 3 months. So, this legislation has to come back, this is asking the Minister for Children and Housing to draw up the legislation. I am saying to the Assembly that if that legislation is one way from Clos des Pas to the entrance to Maison La Corderie, that is acceptable and fine and we will be happy with that. That does mean, to the Constable of St. Clement, that the Cedars, the Limes and the Willows and Maison La Corderie would not have to go around the block, because they can go 2-way at the top there and, similarly, 2-way at the bottom. Members can use these sorts of technicalities. It has to come back and I absolutely give you the assurance that if it came back with that stretch we would be happy. It will improve people's lives. You can hang opposition to this on a technicality, but you will deny opportunities to improve the quality of life of people, who have suffered for too long. I do not want to jump the queue, I just want to be in the queue. When is it their turn? When is it St. Helier's turn? I do not want to jump the queue, but this needs to be on the queue. The Minister for Infrastructure, if we ask him to do it, will make this work and make this work safely, I have absolutely no doubt. The consultations have been going on all year. I have been on the steering committee for the area improvement scheme with a senior member of the Minister for Infrastructure's Department, we get on very well. It is probably where the idea came from for the 2-way top and bottom and I think they can make it work. That would be ideal and then we would be happy with that. So, I would just say this, that part of the reason why I am sitting on the Planning Committee again is because the best bit about sitting on the Planning Committee is that we have some leeway in terms of what balance we apply to which rules, or regulations. It does mean that we can apply common sense and sometimes grease the wheels to enable somebody to have their application passed where there are no complaints and we can do it and we have that power and when that happens and everybody is happy it is a really satisfying thing. Politics is so intangible, it is difficult to sort of get a result and it is great, because on the Planning Committee we can get immediate results, to make things better. That is what I am asking the Assembly to do today. Without question, this will improve people's lives. Of course, there has to be lots of consultation. This will improve people's lives; we know it will, because we have seen it happen. Please remember the speech from the Constable, who is with me and my district Deputies. This has been going on for too long. It is dreadful that situation. The Members have the power today

to make that improvement. I am confident that the Minister for Infrastructure will do it and will come back with something acceptable to us all so I maintain the proposition and I ask for the *appel*.

**The Deputy Bailiff:**

The *appel* is called for. I invite Members to return ...

**Deputy K.C. Lewis:**

A point of clarification, Sir? I think you know what I am going to say, that what I have said you could say is irrelevant, what everybody has said is irrelevant, but (a) is my direction from this Assembly, yes or no?

**The Deputy Bailiff:**

I think, Minister, that is simply a repeat of the point that you have already made. It is not really a point of clarification and it is something on which I have already given information. Members know what (a) means. Very well, I invite Members to return to their seats and I ask the Greffier to open the voting.

<b>POUR:</b>		<b>CONTRE: 19</b>		<b>ABSTAIN: 0</b>
Senator L.J. Farnham		Senator S.C. Ferguson		
Senator T.A. Vallois		Senator J.A.N. Le Fondré		
Senator K.L. Moore		Senator S.Y. Mézec		
Senator S.W. Pallett		Connétable of St. Clement		
Connétable of St. Helier		Connétable of St. Lawrence		
Connétable of St. Saviour		Connétable of St. Brelade		
Connétable of St. Peter		Connétable of Grouville		
Connétable of St. Ouen		Connétable of St. John		
Connétable of St. Martin		Connétable of St. Mary		
Deputy J.A. Martin (H)		Deputy K.C. Lewis (S)		
Deputy G.P. Southern (H)		Deputy S.J. Pinel (C)		
Deputy of Grouville		Deputy of St. Ouen		
Deputy M. Tadier (B)		Deputy G.J. Truscott (B)		
Deputy M.R. Higgins (H)		Deputy L.B. Ash (C)		
Deputy J.M. Maçon (S)		Deputy G.C.U. Guida (L)		
Deputy of St. Martin		Deputy of St. Peter		
Deputy L.M.C. Doublet (S)		Deputy of Trinity		
Deputy R. Labey (H)		Deputy S.M. Ahier (H)		
Deputy S.M. Wickenden (H)		Deputy J.H. Perchard (S)		
Deputy of St. Mary				
Deputy J.H. Young (B)				
Deputy K.F. Morel (L)				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

**The Deputy Bailiff:**

Well that concludes Public Business for this meeting. I invite the Chairman of P.P.C. to propose the arrangements of public business for the future meetings.



## **ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS**

### **12. Deputy R. Labey (Chairman, Privileges and Procedures Department):**

There have been no changes at all to the order of public business, as listed on the Consolidated Order Paper. The family friendly legislation is on the agenda for the next time and while it is difficult to predict, of course, I would imagine the Assembly's meeting on 18th June could go into a second day. With that I propose the arrangement of public business.

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

Are Members content? Very well, the States accordingly stands adjourned until 18th June.

## **ADJOURNMENT**

[18:36]