

# STATES OF JERSEY

## OFFICIAL REPORT

TUESDAY, 25th APRIL 2022

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[9:30]

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

## **COMMUNICATIONS BY THE PRESIDING OFFICER**

### **The Bailiff:**

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

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

#### **1.2 End-of-Term Photograph**

If I might remind Members that there is the usual end-of-term photograph I think at lunchtime on Wednesday. For those who are not familiar with it, when we come to the end of a term then normally those who are not standing again will group in the middle and everyone else will be grouped around the outside, so there will be a permanent record. If people could remember that.

#### **1.3 Tribute to Connétable S.A. Le Sueur-Rennard of St. Saviour**

Members will, I know, have been saddened to have heard of the news that our friend and colleague, the Connétable of St. Saviour, Sadie Le Sueur-Rennard, passed away suddenly on 8th April. Many people have commented on what a unique and special person she was. I am sure that all Members will have their own particular memories of times spent with her. But it is fitting that we pay tribute to her in the Chamber this morning where she has sat as the Connétable of her beloved St. Saviour since 2011. She was born on 9th September 1945 at Clairval Farms, St. Saviour, to her parents, Eileen and Jack Le Sueur, both dairy farmers. She had a varied range of jobs in her career working as a cosmetics consultant for Dior and Chanel, and for Channel Airways, as well as being known as the “good wife at Hamptonne” for many years. But her main career was organic dairy farming and her affection for her herd or her girls, as she called them, and indeed for the farm where she was born and which she continued to run right up to her sudden death was her true passion. She was, as many may know, a country music fan and undertook an annual pilgrimage to Nashville, having been made an honorary citizen of Tennessee and given the keys to the city of Phoenix in 1974. She was a stalwart of the Island’s drama scene, appearing in many shows across the years, particularly in Christmas pantomimes, but her rendition of “Beautiful Jersey” in both Jèrriais and English was one of the highlights of every Liberation Day until she retired in 2015, although she could be persuaded to give an impromptu performance when the need arose, such as when she supported those campaigning against the use of People’s Park for the new hospital. Or when she was a delegate at the Commonwealth Women’s Parliamentary Association conference in the Falklands, in early 2020. She was the first female States Member to give a Liberation Day speech in May 2016 for the 71st anniversary, recalling for us all stories of her parents’ Occupation experiences. She was, as we all know, extremely passionate about her Parish, its people and the Island. She fought to prevent the loss of our Island’s traditions and was an ardent supporter of both the Jersey language and agriculture heritage. Her contributions to debates in the Assembly were always memorable. Her style inimitable. The content or indeed the way of addressing the Presiding Officer were not always in line with Standing Orders or indeed parliamentary. On one occasion her use of a Jèrriais phrase was simply recorded in Hansard as “Jèrriais spoken” because its translation was too colourful to be included. But her passion, drive and energy shone through and one of her final acts in this Chamber was to ensure greenfields were not rezoned in her beloved St. Saviour during the recent bridging Island Plan debate. She leaves behind her children, grandchildren, great-grandchildren, her brother, and her girls of course, and old Jackson. Our thoughts are with the whole family at this sad time. As she might herself have said, *Mèrcie bein des fais, à la préchainne*. I would ask Members to stand for a minute’s silence in her memory. **[Silence]** May she rest in peace.

[9:45]

## QUESTIONS

### 2. Written Questions

#### Connétable A. Jehan of St. John:

In terms of Written Question 112/2022, I received a revised answer on 22nd April but it has not been published or circulated to Members.

#### The Bailiff:

In which case, obviously that clearly, if it is a revised answer to a written question, it should be published and circulated in the normal way.

### 2.1 Senator S.Y. Mézec of the Chief Minister regarding residential properties (WQ.105/2022)

#### Question

Will the Chief Minister state the number of residential properties –

- (a) in Jersey;
- (b) owned by the States of Jersey;
- (c) owned by companies which are either wholly or partly owned by the States of Jersey (including a breakdown between these companies);
- (d) owned directly by Entitled persons;
- (e) owned by persons via share transfer;
- (f) owned by locally-based private businesses;
- (g) owned by foreign-based private businesses;
- (h) owned by Housing Trusts;
- (i) owned by trusts; and

will he further provide the percentage for which each of these categories makes up of the entire stock of residential properties?

#### Answer

- a) The 2011 Census identified 44,698 private dwellings and 157 communal establishments in Jersey. An updated figure will be available in the Housing chapter of the forthcoming 2021

Census. Further breakdown below

|                                      | 2011<br>number of<br>dwellings | 2011<br>%  | 2001<br>%  |
|--------------------------------------|--------------------------------|------------|------------|
| Owner-occupier                       | 22,574                         | 54         | 51         |
| States, housing trust or parish rent | 5,656                          | 14         | 14         |
| Qualified private rental             | 7,806                          | 19         | 22         |
| Staff, service or tied accommodation | 1,274                          | 3          | 13         |
| Registered lodging house             | 652                            | 2          |            |
| Lodger in private household          | 1,070                          | 3          |            |
| Other non-qualified accommodation    | 2,563                          | 6          |            |
| <b>Total</b>                         | <b>41,595</b>                  | <b>100</b> | <b>100</b> |

Source: 2011 Jersey census

(b) There are 133 buildings providing 330 units of accommodation. The breakdown of 133 / 330 is as follows:

Children, Young People, Education and Skills: 1 / 1

Health and Community Services: 54 / 168

IHE – Infrastructure: 1 / 1

IHE – Jersey Property Holdings: 46 / 128

Harold E Le Seilleur Trust (H&CS): 4 / 4

IHE – Sport: 3 / 3

Justice and Home Affairs: 17 / 17

Office of the Lieutenant-Governor: 7 / 8

(c) The number of residential properties owned by Andium is 4,674. Other properties are included in the answer above. Figures for other organisations have not been possible to gather within the time frame but will be forwarded to the Senator in due course. *The following figures were provided on 20<sup>th</sup> April 2022 –*

***Ports of Jersey***

*A total of four residential properties within their portfolio:*

*1 No St Catherine*

*1 No South Pier*

*2 No La Folie (cottages above pub)*

***SoJDC***

*SoJDC does not own any standalone residential properties (all have been sold on to third-party purchasers). Through SoJDC's ownership of the Waterfront Leisure Complex, however, there is an apartment for the manager/employee of the cinema. This apartment is let to Cineworld on a long lease.*

- (d) The difficulties in gathering this information were identified in P.93/2020; such data is not held at present. A Digital Register of Property, commissioned by the Chief Minister, is currently being progressed.
- (e) As above.
- (f) As above.
- (g) As above.
- (h) The number of residential properties owned by Housing Trusts was 6,160. A breakdown is below:

| Housing Trust                 | Number of properties |
|-------------------------------|----------------------|
| Andium Homes                  | 4,674                |
| JHT                           | 842                  |
| CTJ Housing Trust             | 177                  |
| Clos de Paradis Housing Trust | 88                   |
| FB Cottages Housing Trust     | 48                   |
| Les Vaux Housing Trust        | 331                  |
|                               | <b>6,160</b>         |

- (i) Refer to (d).

The table in the answer to (a) provides a breakdown of the entire stock in 2011. The upcoming Census will reveal up-to-date figures.

**2.2 Deputy I. Gardiner of St. Helier of the Minister for Home Affairs regarding Piquet House (WQ.106/2022)**

**Question**

- (a) Will the Minister advise whether Piquet House has been leased for use by the Justice and Home Affairs Department (J.H.A.) and, if this is the case, will he advise –
- (b)
  - (a) for what purposes Piquet House will be used by J.H.A.;
  - (b) when the decision was made that it should be used by J.H.A.;
  - (c) what consultation, if any, was undertaken about the change of use and with whom;
  - (d) the length of tenancy agreed with Jersey Property Holdings;
  - (e) whether any planning application has been submitted for the change of use of these premises and, if so, when it was submitted;
  - (f) the date on which J.H.A. submitted refurbishment plans;

- (g) what budget has been allocated to refurbishment and from which head of expenditure this will be take;
- (h) when refurbishment of the property started; and
- (i) how much has been spent to date on refurbishment?

### **Answer**

- (a) Piquet House will be used by JHA to accommodate the Victim Services team under one roof whilst we await the new building (Child's House) as contained in the Government Plan.

The team are currently split between Police HQ and the Dewberry House (SARC) basement. The basement is not fit for purpose for office accommodation, due to damp and roof leaks, and cannot accommodate the whole team. The remainder of the team are temporarily accommodated in Police HQ. Police HQ is not a desirable location for the team, who are independent from the police and who deal with some of our most vulnerable victims of sexual and domestic abuse. Following the staff review and growth in financial crime services they can no longer be accommodated there.

The services the team provide in respect of sexual and domestic abuse victims have been recognised by the government as a priority in the funding allocated to grow the service and provide a new building in the Government Plan. They are trying to deliver these important services, as well as a service to all victims of crime following the closure of Victim Support, whilst awaiting a new purpose-built building. Being located in Piquet House will undoubtedly enhance the ability to do so. They will have premises separate to the police station where the team can meet clients and where the team can operate as one which will provide greater capacity and capability.

- (b) The requirement was raised by the Police in August 2020, but at that time there was no space available. Piquet House had been allocated to the States Greffe in early 2020 for a Family Court, in March 2021 the Greffe started consultation for an alternative location to Piquet House. At this point JHA visited Piquet House and confirmed that it met their requirement.
- (c) As there were no other active bids for Piquet House, the Corporate Asset Management Board was notified verbally to confirm whether there was any other interest in the site, and when there was a nil return, the site was allocated to JHA.
- (d) JHA will use the premises until the new SARC is completed, which is scheduled for mid-2024.
- (e) No planning application was required, the building will continue to provide administration and office functions.
- (f) 8 June 2021.
- (g) An underspend of £100k from the 2021 SARC budget contributed to the refurbishment. The underspend was due to an inability to recruit an intermediary service during covid. The remainder of the contract sum of £236k is taken from the JPH maintenance project delivery budget.

(h) The contract was let in August 2021 and work started in September 2021

(i) £188,339 has been spent to date

### **2.3 Deputy R.J. Ward of St. Helier of the Minister for Children and Education regarding teaching staff on attendance and performance plans (WQ.107/2022)**

#### **Question**

Will the Minister advise how many teaching staff are currently on attendance plans; and how many are on performance plans?

#### **Answer**

People Services, Case Management Team records, show Teachers on:

Performance management – 0

Attendance management – 5

### **2.4 Deputy M. Tadier of St. Brelade of the Minister for Children and Education regarding modern foreign languages on the core curriculum (WQ.108/2022)**

#### **Question**

Will the Minister –

- (c) state the criteria that determine which modern foreign languages (M.F.L.) are offered within the core curriculum; and
- (d) advise whether there are any plans to offer Portuguese as an M.F.L. option alongside other languages in the curriculum and, if so, when this will occur and, if not, why not?

#### **Answer**

- (a) The Curriculum Council are responsible for determining the choice and options of M.F.L. offered in schools. At the present time schools determine the choice and options of M.F.L. / world languages offered in schools, over and above the core curriculum – this is based on pupil demand and expertise of staff
- (b) Portuguese is currently offered in some schools – this is a school decision; some schools use the local Portuguese teachers from the embassy to assist. A more coordinated approach will be discussed upon the launch of the new Languages Policy in May, and the commencement of the new languages adviser in April 2022.

### **2.5 Deputy R.J. Ward of St. Helier of the Minister for Children and Education regarding Greenfields Children's Centre (WQ.109/2022)**

#### **Question**

Will the Minister advise what actions, if any, will be taken following the second improvement notice served to Greenfields Children's Centre and what are the timescales for these actions?

#### **Answer**

The CYPES Improvement Board and Improvement Team are already delivering and progressing at pace, a wide range of actions to respond to the improvement notice, on or before 25<sup>th</sup> April 2022. Daily and weekly updates on operations, regulatory compliance and improvement actions are provided.

## **2.6 Deputy R.J. Ward of St. Helier of the Minister for Social Security regarding Income Support claimants (WQ.110/2022)**

### **Question**

Will the Minister advise how many Income Support claimants are currently repaying an overpayment at a rate of more than £20 per month?

### **Answer**

The recent announcement of additional payments of £20 per person per month to income support households will reflect the number of people living in the household. A pensioner couple will receive an additional £40 a month and a couple with 2 children will receive an additional £80 a month.

These payments are not affected by any repayment amounts for the household. Every Income Support household will receive an additional £20 per person per month as a separate payment under the temporary scheme.

There are currently 1,196 Income Support claims with a repayment recorded against the claim at a rate of £4.62 or more a week (equivalent to £20 a month) per person in the Income Support household. The Income Support system is designed to make payments in advance to protect vulnerable households from periods when they see a drop in income. As a consequence, when household income increases or benefit needs reduce, the household may receive more than its legal entitlement for a short period. This additional amount is then recouped in small regular amounts from ongoing benefit payments. Most repayment periods are short.

The alternative would be to provide Income Support payments in arrears. A household experiencing a drop in income or an increase in benefit needs would not be legally entitled to extra support immediately. If the benefit system included emergency loans to bridge that gap, then the loans would need to be repaid from ongoing benefit payments.

## **2.7 Deputy R.J. Ward of St. Helier of the Minister for the Environment regarding inspections of rental accommodations (WQ.111/2022)**

### **Question**

Would the Minister confirm how many inspections of rental accommodation have been undertaken since January 2021, and, of these, how many have required improvements under the relevant minimum standards?

### **Answer**

Since January 2021 the Housing and Nuisance Team within Environmental and Consumer Protection have undertaken in excess of 1400 inspections of rented dwellings, including:

- Proactive inspections of 70 Lodging Houses, each consisting of a number of individual rented dwellings.
- Reactive inspections in relation to most of the 225 complaints received from residents of rented dwellings

- More than 450 inspections of rented dwellings as part of the Rent Safe Landlord Accreditation scheme. A large proportion of these relate to properties owned by social housing providers.

It should be noted that the above figures do not include revisits.

At the conclusion of each inspection advice was given to relevant parties (landlords, agents, tenants etc.) verbally and / or in writing outlining any areas where minimum standards were not met or where prescribed hazards as outlined in the Public Health and Safety (Rented Dwellings – Minimum Standards and Prescribed Hazards) (Jersey) Order 2018 existed. Advice was also given on relevant areas where improvements could be made to properties, outside of the legal requirements, and on other Housing related legislation such as tenancy related matters

A majority of the inspections carried out identified one or more areas where minimum standards were not met or prescribed hazards existed, and therefore where improvements were required under the Public Health and Safety (Rented Dwellings – Minimum Standards and Prescribed Hazards) (Jersey) Order 2018 / Public Health and Safety (Rented Dwellings) (Jersey) Law 2018. However often these were relatively minor issues and were resolved in a timely manner on an informal basis in line with this departments enforcement policy. Since January 2021 formal action has only been required on 2 occasions with the service of 1 improvement notice and 1 prohibition notice.

## **2.8 Connétable of St. John of the Assistant Chief Minister regarding the Clinical Director of the Our Hospital Project (WQ.112/2022)**

### **Question**

Will the Deputy Chief Minister advise –

- (a) how much was paid to the Clinical Director for the Our Hospital Project (the Clinical Director) between 1st July 2019 and 31st August 2021;
- (b) how much was paid to the Clinical Director between 1st September 2021 and 31st March 2022;
- (c) what is the budget of the Clinical Director post from 31st March 2022 to 31st July 2022;
- (d) what plans, if any, are there to have a Clinical Director for the Our Hospital Project following July 2022;
- (e) how much has been paid to the Interim Project Director for the Our Hospital Project;
- (f) what is the budget for the post of Interim Project Director from 31st March 2022 to 31st July 2022; and,
- (g) what plan is in place for the role of Project Director for the Our Hospital Project following July 2022?

### **Answer**

The responses to these questions have been prepared in line with the banded engagement costs used in the regular report ‘Consultants: Reporting on their use by the Government of Jersey’, which is published in response to P.59/2019.

- 1. how much was paid to the Clinical Director for the Our Hospital Project (the Clinical Director) between 1st July 2019 and 31st August 2021;**



Between 1st July 2019 until 31st August 2021, the total of payments to the Our Hospital Clinical Director fell into the band £250,000 – £300,000. No payments were made to the Clinical Director for any other expenses.

**2. how much was paid to the Clinical Director between 1st September 2021 and 31st March 2022;**

For the period of the 1st September 2021 and 31st March 2022, the total of payments to the Our Hospital Clinical Director fell into the band £50,000 – £75,000.

**3. what is the budget of the Clinical Director post from 31st March 2022 to 31st July 2022;**

For the 31st March 2022 to 31st July 2022 period, the budget that has been allocated to the Clinical Director post falls into the band of £75,000.00 – £100,000.00. This is a budget figure and forecasts anticipate that this is unlikely to be fully expended.

**4. what plans, if any, are there to have a Clinical Director for the Our Hospital Project following July 2022;**

If the project receives planning consent for the main hospital scheme, the project will move into construction phase, at which time the resourcing of the project team will be reassessed. In line with this, the requirement for ongoing clinical input, will be assessed.

If planning consent is not granted, then the health brief phase will be extended and there may be a need for further clinical input to reconsider and challenge the current plans.

**5. how much has been paid to the Interim Project Director for the Our Hospital Project;**

Between May 2019 until March 2022, the total of payments to the Interim Project Director fell into the band £550,000 – £650,000. The Project Director has also been paid for travel and accommodation expenses, which fell into the band £20,000 – £35,000.

**6. what is the budget for the post of Interim Project Director from 31st March 2022 to 31st July 2022; and,**

For the 31st March 2022 to 31st July 2022 period, the budget that has been allocated to the Interim Project Director post falls into the band of £100,000.00 – £125,000.00, This is a budget figure and forecasts anticipate that this is unlikely to be fully expended.

**7. what plan is in place for the role of Project Director for the Our Hospital Project following July 2022?**

The resourcing of the project team will be reassessed following planning determination on the main site. Irrespective of the planning outcome, there will be a continuing need for a Project Director, as with all major capital projects.

## **2.9 Connétable of St. John of the Minister for Children and Education regarding the Greenfields Children's Centre (WQ.113/2022)**

### **Question**

In relation to Greenfields Children's Centre ('Greenfields'), will the Minister confirm the following –

- (a) what due diligence has been undertaken to ensure that the independent expert working on improvements to Greenfields (who is the Deputy CEO of the Independent Children's Home Association, who have described themselves as a politics lobbying organisation for the private residential care sector), has no conflicts of interest;
- (b) whether the use of Greenfields is significantly higher than that of comparable facilities in the UK and if so, will the Minister explain why this is the case; and
- (c) how many times the Police have been called to assist at Greenfields in the last four months?

### **Answer**

- (a) There is no conflict of interest as the independent expert working at Greenfields is an independent consultant and is not employed by the Independent Children's Homes Association.
- (b) There are no directly comparable facilities in the UK, so we are not able to benchmark the use of Greenfields Secure Children's Homes with the use of other Secure Children's Homes across the UK.
- (c) The Police have attended on 11 occasions in the past 4 months.

It is not unusual for police to attend any secure children's home setting where young people may be residing, either to secure their safety and welfare or due to remand reasons. There is a need for the Minister to protect all children's sensitive and personal information for those in his care. In that respect, and in the knowledge that the children living in Greenfields are our most vulnerable children, the reasons for the police attending Greenfields vary, and are not all related to the same presenting challenges each time. The safety of the residents of Greenfields and the need to protect them is the ultimate aim, and sometimes it is necessary for the police to assist in this respect.

## **2.10 Connétable of St. John of the Minister for Children and Education regarding Children's Services (WQ.114/2022)**

### **Question**

In relation to Children's Services, will the Minister advise –

- (a) Whether the service has used unregulated children's homes in the past 2 years, despite assurances that this would not happen and indicate how many times this has occurred during that period–
- (b) what is the staff turnover in residential care;
- (c) of those leaving, how many staff had exit interviews; and,
- (d) what improvements, if any, have been made from any lessons learned.

## Answer

- (a) There were two occasions between April and August 2021 when a children's home was established outside of the regulations. This was due to immediate need to safeguard children in the care of the Minister when there was no alternative regulated provision available. These settings were operational for a total of 4 months. On both occasions, regulatory requirements and expectations were upheld, and the Jersey Care Commission were proactively informed and provided with appropriate documentation.
- (b) For the 12 months to March 2022, the turnover rate for full time equivalent staff was 4.9%
- (c) In line with Government Policy, we endeavour to offer exit interviews with all staff that leave, but their engagement with this remains voluntary. Additionally, there is an electronic form where leavers can provide feedback. Central records show that one has been completed by residential care staff in the past two years.
- (d) Based on feedback and lessons learned from staff exiting the organisation, we are progressing a wide range of improvements such as:
  - 1. Benchmarking salary and terms and conditions.
  - 2. Reviewing staff rotas.
  - 3. Strengthening induction.
  - 4. Improving staff wellbeing opportunities.
  - 5. Ensuring that all staff have timely appraisals that are regularly reviewed.
  - 6. Ensuring and monitoring reflective supervision is monthly and impactful.
  - 7. Strengthening staff voice and feedback loops with managers.
  - 8. Improving the breadth of, and access to, learning and development opportunities.
  - 9. Improving the staff sleep over rooms.

### **2.11 Deputy G.P. Southern of the Minister for Social Security regarding Income Support (WQ.115/2022)**

#### **Question**

Given that in her statement to the Assembly on support for those impacted by rising costs the Minister said that "*as Minister, my focus is on supporting those who are most in need of help*"; will she advise

- (a) whether she accepts that those who are most in need are those who cannot work and who are totally reliant on Income Support;
- (b) if she accepts (a), does she agree that the figures given in her response to [WQ.54/2021](#) show that a single person reliant on adult and household components is £11.70 per week worse off due to the fact that Income Support components are not fully indexed;
- (c) whether she considers the award of £20 per month is inadequate to deal with inflation and if not, why not; and
- (d) if she accepts that the absence of full indexation can only increase income inequality rather than reducing it?

## Answer

At the end of March, I was pleased to announce a temporary scheme to support over 11,000 lower income adults and children with an extra payment of £20 per person per month from April to December to help those families with the increased costs of basic goods. The scheme has been designed to be implemented quickly to address the current situation. It does not differentiate between individuals eligible for the scheme as to the specific level of their household income.

- (a) The Income Support scheme does differentiate between households of different sizes and with different levels of existing income. A household with no income of its own will have the greatest need for Income Support and will receive the maximum amount available through the Income Support system.
- (b) WQ.54/2021 provides a comparison between Income Support component rates in 2014 and 2021. As that response indicates, there have been significant changes in the composition of Income Support since 2014 and it is not straightforward to make direct comparisons. For example, child components have seen significant above inflation increases. Work incentives have been increased from 20% to 26% and current statistics show the number of actively seeking work at a historic low. Government funding for social housing has increased significantly via the Income Support system, leading to major improvements in housing quality for Andium tenants. In respect of the specific example, the adult and household weekly components at the beginning of 2014 totalled £143.43. The RPI index for December 2013 was 156.4 and this increased to 181.4 in December 2020. Uplifting £143.43 by this increase gives a total of £166.36, compared to the 2021 component totals of £155.12. This is a difference of £11.24, rather than £11.70 quoted in the question.
- (c) An additional £20 per month per person will make a significant difference to a family living on a low income. For a pensioner couple, there will be an extra £40 per month, for a couple with two children this will be an extra £80 per month. The impact of inflation will be different on each household. These points were covered in my note sent to all States members on 30<sup>th</sup> March 2022, which I reproduce below:

*Dear States Members,*

*I understand that it is difficult for households to manage and deal with the sudden increases in prices we are seeing and are expecting to see during the year.*

*The latest inflation figure from December stands at 3.8% for the main rate, with the rate for low income households at 3.3%.*

*The Fiscal Policy Panel, who published their new economic assumptions today, think that inflation could rise to around 6% by the end of the year.*

*Yesterday, I announced a temporary scheme to provide extra support of £20 a month, per person, to over 11,000 people in Jersey who are likely to be the hardest hit by increases in the costs of basic goods.*

*The scheme covers Income Support households and pensioner households who are eligible for help with heating, health or other costs.*

*This will cost about £2 million and will be paid for from the Income Support allocated budget for 2022, which is expected to be underspent during the year, because of the record low level of unemployment.*

*In addition to the £20 a month per person payment, these groups will also see benefit rises during 2022.*

*The old age pension will increase automatically in October. It will rise by at least the June RPI figure. in line with the FPP advice, this is likely to be up to 6%.*

*Income Support rates will also increase in October, in line with the decision made last year by the States Assembly. Component rates will increase by 2.6%, in line with the FPP advice issued last year.*

*For wage earners, the minimum wage rose by 11% from 1 January 2022.*

*I was asked to provide information on the impact of the extra temporary support compared to the impact of inflation on households.*

*It is difficult to do this, because the impact of inflation is different for everyone.*

*It will depend on the goods and services they buy, and how much their prices are increasing - and it will depend on how much their overall income increases during the year.*

*Bearing this in mind, I expect that this scheme will provide support that is worth up to an additional 2% or 3% of average household spending for eligible recipients.*

*This will make a meaningful contribution to the rising cost of living for those most likely to struggle, starting from April, alongside the 2.6% uplift in Income Support component rates in October.*

(d) I do not accept that the absence of full indexation leads to an increase in income inequality.

The only sustainable way to reduce income inequality is to help people move towards their own financial independence. The policies of successive Social Security ministers have significantly improved the work incentives within Income Support and the statistics show that unemployment is now at a historically low level. Helping people get into and stay in work is one of the most effective ways that a government can address income inequality.

More broadly, the Income Support budget sits within the wider tax funded government budget and difficult decisions must be made each year as to the allocation of additional funding.

Upates to Income Support components are made by Regulation and are debated and approved by the States Assembly.

The current components are listed below.

| <b>Component</b>                | <b>£ / week</b> |
|---------------------------------|-----------------|
| <b>Part 1: Basic components</b> |                 |
| Adult                           | 100.73          |
| Single parent                   | 40.39           |

| <b>Component</b>   | <b>£ / week</b> |
|--------------------|-----------------|
| Child (first)      | 83.02           |
| Child (subsequent) | 70.00           |
| Household          | 56.14           |

## Part 2: Housing component

### Rental:

|  |        |
|--|--------|
| in the case of a hostel                        | 109.48 |
| in the case of lodgings or a bedsit            | 144.13 |
| in the case of a flat with 1 bedroom           | 212.45 |
| in the case of a flat with 2 bedrooms          | 272.02 |
| in the case of a flat with 3 or more bedrooms  | 291.90 |
| in the case of a house with 1 bedroom          | 243.53 |
| in the case of a house with 2 bedrooms         | 309.19 |
| in the case of a house with 3 bedrooms         | 361.06 |
| in the case of a house with 4 bedrooms         | 393.54 |
| in the case of a house with 5 or more bedrooms | 435.61 |

### Owner:

|  |       |
|--|-------|
| in the case of a bedsit or flat with 1 or 2 bedrooms | 7.07  |
| in the case of a flat with 3 bedrooms                | 9.94  |
| in the case of a flat with 4 or more bedrooms        | 14.07 |
| in the case of a house with 1 bedroom                | 7.07  |
| in the case of a house with 2 bedrooms               | 9.94  |
| in the case of a house with 3 or more bedrooms       | 14.07 |

### Shared by two or more households:

|                                      |        |
|--------------------------------------|--------|
| in the case of a hostel              | 109.48 |
| in the case of lodgings or a bedsit  | 136.57 |
| in the case of a flat with 1 bedroom | 201.39 |

| <b>Component</b>                                      | <b>£ / week</b> |
|---|-----------------|
| in the case of a flat with 2 bedrooms                 | 257.74          |
| in the case of a flat with 3 or more bedrooms         | 276.50          |
| in the case of a house with 1 bedroom                 | 230.65          |
| in the case of a house with 2 bedrooms                | 293.02          |
| in the case of a house with 3 bedrooms                | 342.09          |
| in the case of a house with 4 bedrooms                | 372.82          |
| in the case of a house with 5 or more bedrooms        | 412.72          |
| <b><u>B: Impairment component</u></b>                 |                 |
| <b>Personal care element:</b>                         |                 |
| for a score of at least 15 but less than 36           | 25.20           |
| for a score of at least 36 but less than 56           | 110.60          |
| for a score of at least 56                            | 158.76          |
| <b>Mobility element:</b>                              |                 |
| (a)   | 25.20           |
| (b)   | 50.33           |
| <b>Clinical cost element:</b>                         |                 |
| (a)   | 3.57            |
| (b)   | 7.14            |
| <b><u>C: Childcare day component (£ per hour)</u></b> |                 |
| (a) child under 3                                     | 8.00            |
| (b) child 3 +   | 6.70            |
| <b><u>D: Carer's component</u></b>                    |                 |
| Carer's component                                     | 51.38           |

I am proud that I have carried on with the move to increase child components, which I have increased by more than 3 times the rate of inflation since taking office.

A rigid approach to the indexation of Income Support components with no flexibility to provide extra support in chosen areas could lead to a stagnating benefit system, unable to adapt to changing needs.

## **2.12 Deputy G.P. Southern of the Minister for Economic Development, Tourism, Sport and Culture regarding inflation spikes in the United Kingdom (WQ.116/2022)**

### **Question**

Will the Minister advise what tangible proposals he has under consideration to ameliorate the impact of the spike in inflation in the U.K on our own economy, and does he have estimates for the extent and duration of such inflationary pressures?

### **Answer**

The inflation strategy group has already met twice to both assess the impacts of inflation and investigate the most appropriate, targeted mitigations. We recognise the importance of this issue and will be meeting again soon to discuss further options. We have already increased benefits to support those most vulnerable in our community, which were recently announced by the Minister for Social Security, as well as urgently investigating other possible targeted responses.

The Fiscal Policy Panel recently produced its latest report. Within that they have forecast inflation to continue to rise during this year and peak at 5.9% before starting to decline in 2023. However, inflation in the next year will continue to be higher than recent trends, before falling back to the long-term trend of 2.5%. It is important to note that this estimates peak Jersey inflation to be lower than UK levels but understand that the UK inflation will impact on our own economy.

## **2.13 Deputy S.M. Wickenden of St. Helier of the Chair of the Privileges and Procedures Committee regarding the submission of written questions (WQ.117/2022)**

### **Question**

Further to provisions of [Standing Orders](#) 10, *Contents of question*, and 11, *Submission of question to be answered in writing*, and the answer to [Oral Question 9/2019](#) will the Chair advise -

- (a) whether the Greffier refers 100% of all questions submitted by Members to the Bailiff, and if not, why not;
- (b) whether the Bailiff personally carries out an assessment on 100% of all written questions submitted by Members, to form an opinion on whether they contravene Standing Orders, and if not, why not;
- (c) if the Bailiff does not personally assess all written questions for compliance with Standing Orders, who undertakes such assessment and where is the delegation of this responsibility recorded; and
- (d) whether, based on the answers to the above questions, she considers it necessary or not to amend Standing Orders or working practices, so that they are consistent with each other?

### **Answer**

The majority of written (and oral) questions do not engage Standing Order 10 (*Contents of question*) or can be easily amended to bring them into compliance with that Standing Order. It is a longstanding convention that most questions are approved for publication on the Order Paper by the Greffier, with only certain questions being referred to the Bailiff. These include any question which the Greffier



thinks might contravene Standing Orders, questions to the Attorney General, and all urgent oral questions. This is a pragmatic use of time, especially given the tight timescale for the tabling and answering of questions.

Any Member may challenge the orderliness of a written or oral question, in which case the matter is referred to the Bailiff, who makes a ruling.

In relation to the specific questions posed by Deputy Wickenden the answers are:

- (a) no, for the reasons set out above,
- (b) no, for the reasons set out above,
- (c) the Greffier. The delegation of responsibilities in this area is a matter decided between the Bailiff and the Greffier and it is a long-standing practice which is not formally recorded.
- (d) Although there is a slight divergence between the system for approving questions set out in Standing Orders and what happens in practice, the Committee has received no feedback to suggest that this inconsistency causes any problems in practice. It will be up to the new Privileges and Procedures Committee to decide whether to bring forward a change in Standing Orders in the new Assembly.

**2.14 Senator K.L. Moore of the Minister for Home Affairs regarding the average time for prisoners to be kept on remand at H.M.P. La Moye (WQ.118/2022)**

**Question**

Will the Minister inform the Assembly of the average time for prisoners to be held on remand at H.M. Prison La Moye each of the past 5 years; and, in each of those years, of the maximum and minimum periods that any prisoner spent on remand?

**Answer**

The data is correct as of 12<sup>th</sup> of April.

| Year | Total number of remands | Average length (days) | Minimum (days) | Maximum (days) |
|------|-------------------------|-----------------------|----------------|----------------|
| 2016 | 194                     | 56                    | 1              | 440            |
| 2017 | 202                     | 66                    | 1              | 559            |
| 2018 | 183                     | 64                    | 1              | 515            |
| 2019 | 147                     | 96                    | 1              | 458            |
| 2020 | 131                     | 88                    | 1              | 498            |
| 2021 | 107                     | 82                    | 1              | 260            |

The short durations mainly relate to prisoners being presented at the prison on remand and then released from court (on bail etc.) the following day.

For prisoners who are still on remand we have used data from the 12<sup>th</sup> April as the cutoff for the duration calculation. Data was calculated from the day of reception to the Prison.

## **2.15 Connétable of St. Brelade of the Chief Minister regarding supply chain vulnerabilities and risks (WQ.119/2022)**

### **Question**

Given the much-increased ‘no warning’ cyber and other supply chain vulnerabilities and risks since Russia invaded Ukraine, will the Chief Minister undertake to improve Jersey’s resilience, and specifically a shift away from a ‘just in time’ re-supply basis to one based on 7 days on-Island supplies of essential food and critical stocks (including pharmaceutical products); and if not, why not?

### **Answer**

Jersey started looking at the headline risks associated with the war in Ukraine before the Russian invasion on the 24th February. On 3rd February, the Emergencies Council discussed a number of potential risks that could cause a significant impact to the Island, at short notice, including a potential war between Russia and Ukraine. As part of preparations, the Command, Control and Coordination structure was established, including the formation of specialist Cells (including a Supply Chain Cell) and the Cyber-Technical Advice Cell. Food stocks carried on-island are typically between 2 and 21 days for ambient foodstuffs, and 3 to 21 days for frozen products. Deliveries of perishable goods by their very nature are frequent because of their short shelf life. Experience from Brexit planning and Covid planning is that the supply chain of ambient and frozen foods to Jersey was extremely resilient, and planning for the risks associated with the war in Ukraine has not established any change in this at this stage. We also import foodstuffs in smaller quantities from the EU via French ports, which is an additional source of supply that could be exploited further if necessary. During Brexit planning, UK Government guidance was also that Government should not interfere in the commercial activities of the food industry, as to do so would by its very nature discriminate against some parts of the market and provide an advantage to others. We are confident that as long as foodstuffs are available in the UK, we will be able to get them to Jersey. Jersey’s food businesses are commercial operations, and they do not have a formal role in ensuring that Jersey’s food security needs are met. The Government of Jersey has in the past worked closely with the retail and wholesale sectors to gain assurances around the supply of foodstuffs in the event of short-term disruption. Specifically, to ensure that alternative supply routes are available if and when needed and to ensure that adequate supplies of essential goods (e.g., formula milk) are held on-island, such that periods of disruption of up to a week do not lead to shortages of these goods. However, as noted above, our current assessment is that the invasion of Ukraine by Russia should not at this point in time lead to short term disruption of Jersey’s food supply chain. These risks are reviewed on more than a weekly basis by the Supply Chain Cell, and are captured for scrutiny on the Op Calcite Risk Assessment, which is currently Version 1.6. The Supply Chain Cell’s opinion is that there is no requirement to recommend adding any further levels of resilience at this point, given the complexities that it would introduce. This will, however, be kept under review. HCS typically hold 4-6 weeks of drug stocks, and are an intrinsic part of the NHS supply chain. Hospital Supplies hold 6 weeks of consumables stock on island, across roughly 1,900 stock lines, and they also provide consumables for HCS, long term care and primary care providers. Jersey also forms part of the National Supply Disruption Response: this enables us to highlight any specific drug shortages that we may be experiencing, and this can be escalated to expedite the supply

of these drugs to us as needed. In terms of the Critical National Infrastructure, all organisations have been encouraged to carry enough stocks of spares, parts, and consumables since our Brexit planning to smooth out any supply chain or availability issues. This is still the case.

## **2.16 Connétable of St. Brelade of the Chief Minister regarding any non-government food security experts consulted since 24<sup>th</sup> February 2022 (WQ.120/2022)**

### **Question**

Following the Chief Minister's assurance to members that relevant Emergency Council subordinate teams had been reviewing contingency plans and consulting with requisite non-government sector-specific experts, will the Chief Minister provide details of any non-government food security experts consulted since 24th February 2022 (the date of the Russian invasion of the Ukraine) and state what further engagement, if any, is anticipated?

### **Answer**

The Government of Jersey first reported on the Island's food security in 2011, and again in 2017, looking in turn at the availability and affordability of food, securing the ability to produce food and guarding against supply shocks. Throughout 2019, with the potential for supply chain disruption resulting from a 'no-deal Brexit,' Government Officers analysed in detail the supply chains bringing food and sanitary goods to Jersey for retail and wholesale markets, food service, and the public sector; and they identified the risks inherent in these supply chains. Discussions held at that time, between Government Officers and retailers, helped to establish the lines of responsibility between public and private sector for Jersey's food security; and (in close liaison with HMG) Government officers appraised the options available under the Emergency Powers (Food) Act 1991 for responding to supply chain disruption. These same Government Officers continue to be engaged in Jersey's contingency planning to ensure that the island remains as food secure as practicable. They provide a detailed understanding of the on-island and off-island factors that might impact on our food security, and of the political and operational levers that can be used to mitigate these risks. The use of non-government, sector-specific experts in food security is limited at this point in time to Dr Steve Webster (author of the 2011 and 2017 reports), who is contracted to support IHE and government more broadly through Tautenay Ltd; and who also supported government in its "no-deal Brexit" planning.

Please also refer to WQ.119/2022.

<https://www.gov.je/SiteCollectionDocuments/Government%20and%20administration/R%20A%20Brief%20Review%20of%20Jersey%27s%20Food%20Security%2021022018.pdf>

## **2.17 Connétable of St. Brelade of the Chief Minister regarding a working group for enhancing Jersey's resilience and sustainability (WQ.121/2022)**

### **Question**

In light of comments from the Governor of the Bank of England that recent global developments could have a bigger impact than the 2008 global economic shock, and given the geopolitical and economic impacts on Jersey as a result, will the Chief Minister consider setting up an apolitical, top-level, expert working group to advise the incoming Government on options for enhancing Jersey's resilience and sustainability. including (but not limited to) a greater dependence upon Island resources / Jersey waters for agriculture and fisheries; and if not, why not?

## **Answer**

We fully support the provision of apolitical, expert advice for consideration by Ministers in complex policy areas. With respect to fisheries, Ministers benefit from the input from both the Marine Resources Panel, advising the Minister for the Environment, and the newly formed Marine Economy Advisory Group, advising the Minister for Economic Development, Tourism, Sport and Culture. We are well served in this area. Nevertheless, we would fully support co-opting additional individuals to either of the bodies on a permanent or ad hoc basis as and when required to deal with a particular scenario should there be a perceived gap in knowledge or expertise. There is of course an opportunity for some development of the local market for local fisheries products (insofar as this will increase resilience) and the bodies above are well placed to advise on that. However, we must acknowledge the scale of our industry, the economics and the range and availability of products in making that assessment. The Department for the Economy (Rural and Marine sector) aims to secure Jersey's ability to produce food - and this is achieved by a range of policies including direct and indirect support to the agri-food sector so as to ensure economic sustainability; along with land and resource management policies to ensure environmental sustainability. As with fisheries, there is some opportunity to develop the local market for local products, but here again we are constrained by economies of scale and the range and availability of products. We are also in the process of establishing a new Rural Forum, with independent stakeholders, to advise on this and other issues. Please also refer to WQ.119/2022

## **2.18 Deputy M.R. Higgins of St. Helier of the Chair of the States Employment Board regarding the Norfolk Police investigation into the Planning Department (WQ.122/2022)**

### **Question**

In relation to the Norfolk Police investigation into the Planning Department, will the Chair –

- (a) present the report on the matter to the States before the end of the final meeting of States;
- (b) explain what action, if any, the States Employment Board intends to take as a result of the report's findings with regard to structure, oversight and to personnel;
- (c) make a statement to members to enable the findings to be discussed before the final parliamentary session concludes; and
- (d) if he will not undertake any of paragraphs (a) to (c), explain why not?"

### **Answer**

a) The Terms of Reference for the Norfolk investigation were initiated before the time of the present SEB. The SEB have recently been informed that the Norfolk Police are not intending to produce a written report for the SEB following their investigation.

b) The Board is meeting with the investigating officers from Norfolk Police to seek further information about their investigations, findings, and decisions.

c) Unfortunately, the Chair and full SEB are only being briefed on 27 April 2022. It is unlikely that a statement will be made before the final States sitting concludes.

d) See above.

## **2.19 Deputy M.R. Higgins of St. Helier of the Minister for External Relations and Financial Services regarding Russian-owned assets in Jersey (WQ.123/2022)**

### **Question**

Following the unprovoked Russian invasion of the Ukraine, will the Minister advise members –

- (a) the total value of Russian-owned assets that have been placed in and transferred through Jersey from sanctioned and non-sanctioned Russian legal and natural persons;
- (b) the total value of assets that have been placed in and transferred through Jersey from sanctioned Russian legal and natural persons;
- (c) what compliance issues, if any, have been identified by the various authorities who are working on the implementation of sanctions; and

the Government’s position regarding future Island business with the Russian Federation?”

### **Answer**

Since Russia’s illegal and unjustified invasion of Ukraine, Jersey has aligned with the UK and other international partners in implementing a severe and wide-ranging package of sanctions measures.

(e)

The answer to the total value of Russian owned assets in Jersey is not a figure that the Government holds, nor is it a figure that would be easy to monitor given variation. The data available that might contribute to such a figure is subject to many variables and would only provide a snapshot of a particular moment in time. The JFSC (as the finance industry regulator) has maintained a general view of exposure of the industry and continues to monitor that position.

(f) The UK’s sanctions regulations are a robust package of restrictions on financial services, imports, exports and travel, and at the current time, over 1200 individuals and more than 100 entities are subject to asset freezes under the Russia financial sanctions regime. Any new asset-freeze designations will take effect immediately, which means any related funds or economic resources held in Jersey must be frozen without notice and without delay.

There is a legal obligation on financial institutions and others to report on compliance issues in connection with the Russian sanctions regime and I have committed to providing regular updates on the certain information that is reported to me. Last week I reported the total value of frozen assets reported to me as at the end of March. This totalled £713,300,000 and is rounded up to the nearest £100,000. I will publish a figure for April in May.

Jersey’s sanctions regime has been in place for many years and there is a well-established process in place for the swift and effective implementation of UK sanctions.

I set out the Government’s position, in a joint statement with the JFSC last month which confirmed that there is a significantly increased level of risk in providing services to customer relationships associated with Russia, and for new relationships it may not be possible to adequately mitigate the risk of sanctions evasion. All regulated entities on the Island remain obligated to carry out due diligence on a risk basis in this regard.

## 2.20 Deputy M.R. Higgins of the Chief Minister regarding the cost of living for Islanders (WQ.124/2022)

### Question

Will the Chief Minister explain –

- (a) the various factors that it has been assessed will impinge upon the cost of living for Islanders over the next 24 months;
- (b) what identified economic philosophy, if any, underpins the Government's economic approach to dealing with these factors; and
- (c) more specifically, the various measures, broken down by Ministerial portfolio, which the Government is proposing to take to deal with this situation?

### Answer

a) A number of factors are noted for their impact on cost of living, the Living Costs and Household Income Survey tracks several contributing factors including:

- Housing costs
- Fuel and energy costs
- Food costs
- Transport costs

The inflationary pressure particularly comes from a disruption to supply chains caused by the combination of Brexit and Covid. This is then overlaid by the pent-up demand from Covid worldwide lockdowns being released over a short period.

Additional contributing factors at the present time include rising energy prices - in part caused by the war in Ukraine and ongoing sanctions against Russia, as well as rising interest rates and inflationary pressures both in the UK and globally.

It should be noted that it is difficult to make accurate economic projections over a 24-month period. Indeed, just six months ago the Bank of England gave little credence to concerns over inflationary pressures which have recently exacerbated cost of living pressures.

b) The Government has not identified its economic policies with an underlying economic philosophy. The Government takes regular independent advice from the fiscal policy panel, which comprises three very experienced economists who each put forward their own views on current situations. The overarching aim of the Government is to maintain Jersey as a jurisdiction that is identified as politically and economically stable.

c) The [Government Plan 2022-25](#) included a number of measures intended to assist Islanders with the cost of living. As the Deputy will appreciate, these measures were adopted and will be delivered by the Council of Ministers and Government as a whole.

These included a new affordable purchase product, which the Minister for Housing and Communities will be leading on, that will help more Islanders own their homes. We will also take steps to ringfence the £13 million land value from the development of South Hill to support future assisted purchase schemes.

Furthermore, the Minister for Social Security introduced a one-off scheme which will fully fund a cohort of children in families who receive income support to become dentally fit. This is in recognition of the disruption to children's dental services during the COVID pandemic and the risk that those from lower income households would have been disproportionately affected. Some 700 secondary age children are covered by the dental catch up scheme.

Predating this, in 2020 the Minister for Social Security brought forward a major scheme to significantly reduce the cost for a general practice services for families in receipt of income support and pensioners in receipt of the Pension Plus benefit. Under this scheme adults pay just £12 for a GP appointment (£9 to see a nurse) and children receive surgery consultations free of charge. The Health Access Scheme benefits approximately 11,000 individuals.

Noting the current inflationary pressures in particular, the Government has taken a targeted approach to rapidly deliver assistance to those groups most in need. As the Deputy will recall, the Minister for Social Security has recently approved monthly payments to support those most vulnerable in our community. This will take the form of a direct monthly payment of £20 to every adult or child in a household (a household of four will therefore receive an additional £80 per month) claiming Income Support as well as additional "just about managing" households who have recently received a benefit/bonus (e.g. pension plus health scheme, community cost bonus, cold weather bonus). This scheme will run until December 2022 and will benefit well over 11,000 individuals.

The Inflation Strategy Group has been reconstituted. This group monitors changes in inflation and recommends steps the Government can take to assist Islanders. It is chaired by the Minister for Economic Development, Tourism, Sport and Culture and includes the Chief Minister, Minister for Treasury and Resources, Minister for External Relations and Financial Services and the Minister for Social Security as members.

A dedicated project team will be working with the Ministers of the Inflation Strategy Group to examine the impact of inflationary issues on Islanders and will report back with firm options to the new Council of Ministers as soon as it is elected, I have also, as Chief Minister, asked officers to look into the practicability of utilising something similar to the Spend Local Card but targeted in specific areas.

### **Further information**

In the spirit of giving a comprehensive reply, the Deputy will be aware of several other measures which have been suggested such as a reduction in fuel duty.

Reducing fuel duty is not being actively explored further at this time as it is not considered to be an effective means of delivering help to Islanders. It does not benefit all households equally. Households on lower incomes - who have lower rates of car ownership - make up only a small percentage of motor fuel spending. A reduction in fuel duty would therefore disproportionately benefit those households with higher incomes and more vehicles, with some of those least well off receiving no benefit at all.

In particular, the Jersey Consumer Council's Price Comparison.Je website on 12 April showed the cheapest litre of unleaded petrol in Jersey was 151.9p (in St Saviour) while the most expensive was 190p (in St Helier) - a difference of 38 pence. For diesel, the cheapest litre is to be had in St Saviour at 155.9p and the most expensive litre can also be had in St Helier for 190p - a difference of 34 pence. Islanders therefore have the ability to achieve significant savings by being selective in where they purchase their motor fuel.

The component of fuel duty hypothecated to the Climate Emergency Fund is essential in delivering on the commitments identified in the Carbon Neutral Roadmap that is due to go before the States later this month. The Carbon Neutral Roadmap proposes a suite of policies that seek to reduce

Jersey's reliance on fossil fuels over the long term for reasons of sustainability (carbon reduction) but also to increase the affordability and security of our energy supplies. By reducing resources to deliver these policies, Jersey will remain exposed for longer to energy market supply issues and the geopolitical tensions associated with fossil fuel production that we are seeing causing the current market volatility and associated impacts.

Finally, in relation to a reduction in fuel duty it would also be important to have some degree of confidence that such a reduction would be passed on in full to consumers and I note that this concern is also being expressed in the United Kingdom.

Other suggestions have included allowing free bus journeys to St Helier and/or three hours free parking. Whilst theoretically attractive, experience and evidence does suggest that these proposals can result in unintended consequences which would not achieve the desired outcome. Previous surveys indicate that Jersey consumers value the convenience of a location above the price of parking when choosing where to shop. Indeed, the percentage of respondents who considered the price of parking to be a factor was less than 10%. It should be recognised that free parking could therefore work contrary to its intended result. As it removes the price incentive to walk, cycle or use the bus for town workers, this could generate additional demand for parking spaces making it harder to find a parking space which in turn may put people off shopping in the town. Regarding free bus journeys, the most recent Household Spending survey found that bus fares averaged less than 0.2% of total expenditure – and that actually it was higher earners that spend more on public transport than lower earners.

In conclusion, we all recognise that the cost of living has significantly increased in recent months, and that is why the first steps have been taken to support vulnerable Islanders. Further work is being considered and will be ready for the next Council of Ministers to consider.

## **2.21 Deputy R.J. Ward of St. Helier of the Minister for the Environment regarding the States-approved Sustainable Transport Policy on carbon emissions (WQ.125/2022)**

### **Question**

With reference to the Oxera report entitled “Quantitative analysis of carbon neutrality by 2030”, cited in the Carbon Neutral Roadmap (P.74/2022), will the Minister explain his understanding of –

- (a) how and where in the report is the potential role of switching people to walking, cycling or bus travel (as per the States approved Sustainable Transport Policy on reducing Carbon emissions) considered; and
- (b) how, if at all, does the report quantify the second order benefits and costs of delivering the net zero agenda?”

[R-Oxera Quantitative analysis of carbon neutrality by 2030 20200401 HL.pdf \(gov.je\)](#)

### **Answer**

- a) Oxera was initially commissioned to review best practices of international decarbonisation policy in order to identify a set of illustrative policies to achieve decarbonisation to assess how Jersey could aim to be carbon neutral by 2030: [Carbon Neutrality by 2030 \(gov.je\)](#).

Following this, the quantitative report, to which the Deputy refers in his question, was commissioned to carry analysis of the potential costs of the illustrative measures identified in the first report that



were expected to make the biggest impact in terms of reducing carbon emissions. As such, the purpose and scope of these two reports was not to assess the potential role of switching people to walking, cycling or bus travel.

However, the potential role of switching people to walking, cycling or bus travel has been included elsewhere in the evidence base, such as in the emissions modelling and analysis for the development of the Carbon Neutral Roadmap P74/2020 as well as in other reports, including the Sustainable Transport Policy. This wider evidence base was used to inform the work of the Carbon Neutral Strategy at the end of 2019 and, in turn, set out the process for the development of the Carbon Neutral Roadmap P.74/2022.

The final Carbon Neutral Roadmap includes policies to support the Sustainable Transport Policy principles, including a series of bus trials and policies to encourage active travel. The Carbon Neutral Roadmap recognises that these policies will encourage and support behaviour change. The emissions modelling completed for the Carbon Neutral Roadmap assesses the carbon reduction benefits of all the policies included in the delivery plan.

- b) As already mentioned, the scope of the quantification report to which the Deputy is referring was specific to the initial cost analysis of the six illustrative measures identified in the initial report. Therefore, the scope did not include an assessment of the second order benefits and costs of delivering the entire net zero agenda.

As part of the development of the Carbon Neutral Roadmap, further work has been carried out and has identified a range of wider costs and benefits of carbon neutrality. A report was published in March 2021 as part of the evidence base for the Carbon Neutral Roadmap.

[Analysis of different carbon neutrality \(net zero\) targets for Jersey \(gov.je\)](#)

In addition, work has been carried out as part of the policy development process for preparation of the Carbon Neutral Roadmap P74/2022 to assess the wider distributional the social, economic and environmental impacts of the policies proposed. This report was published in March 2022 [Distributional Impacts of Jersey's Carbon Neutral Roadmap \(gov.je\)](#) and contains more content in relation to the information the Deputy seems to be seeking.

The full evidence base for the work on the climate emergency is published on gov.je

[Evidence for the Carbon Neutral Roadmap \(gov.je\)](#)

## **2.22 Deputy R.J. Ward of St. Helier of the Minister for Infrastructure regarding projects to encourage active travel (WQ.126/2022)**

### **Question**

Will the Minister advise –

- (a) what specific projects to encourage active travel in the form of walking and cycling are planned for implementation in 2022 and 2023; and
- (b) which such projects, if any, are either delayed (or it is anticipated will be delayed) due to a lack of specific funding?

## Answer

- a) IHE have a pipeline of projects which support active travel – specifically improving infrastructure as well as smart initiatives which recognise the need to change behaviours to realise the physical and mental benefits of cycling and walking.

| <b>Funding Programme + Project</b>                         | <b>Anticipated Implementation Year</b> |
|--|--|
| Public Realm: Havre des Pas Traffic Calming                | 2022                                   |
| Public Realm: Midvale Road Pedestrian Improvements         | 2022                                   |
| Public Realm: Broad Street Study                           | 2022                                   |
| Strong Start: Complete Covered Cycle Parking Pilot Study   | 2022                                   |
| Strong Start: Coloured Surface to La Moye Virtual Footpath | 2022                                   |
| Strong Start: Village Cycle Parking Units                  | 2022                                   |
| Strong Start: St Aubin's Bay Promenade Cycle Improvements  | 2022                                   |
| Strong Start: School Sustainable Travel Infrastructure     | 2022                                   |
| Strong Start: Bus Gate Trial - Pomme D'Or (Eastbound)      | 2022                                   |
| Public Realm: La Motte Street Pedestrian Improvements      | 2023                                   |
| Public Realm: Minden Place Pedestrian Improvement          | 2023                                   |
| Road Safety: Bel Royal Safer Route to School Improvement   | 2023                                   |
| Road Safety: Springfield Safer Route to School Improvement | 2023                                   |
| Road Safety: Grouville School Crossing                     | 2023                                   |
| Road Safety: La Route de Hogue Bie                         | 2023                                   |
| Road Safety: Rue du Sergenté Pedestrian Improvements       | 2023                                   |

- b) The table above presents the current funded programme of schemes with a walking and cycling element in their objectives. It is anticipated that there will be no delay in implementation due to a lack of funding.

At present the Sustainable Transport Policy (STP) does not have its own identified funding source, so delivery is reliant on funding from:

- the road safety programme (Car Park Trading Fund),
- development contributions from planning (Planning Obligation Agreements),

- public realm improvement schemes (Government Plan),
- legacy funding from the strong start delivery programme (Climate Emergency Fund).

If there is long term certainty of funding for the STP, the rate at which walking and cycling schemes can be implemented would be accelerated, for example the recently consulted upon Bel Royal cycle track and promenade improvement works.

**2.23 Deputy R.J. Ward of St. Helier of the Minister for Social Security regarding the use of discretionary powers with regard to Income Support claims and overpayment schedules (WQ.127/2022)**

**Question**

Will the Minister advise how many times, if any, she has directly exercised discretionary powers with regard to Income Support claims and overpayment schedules since May 2018?

**Answer**

Number of Ministerial Decisions regarding Income Support Discretionary Payment

|                            |    |
|----------------------------|----|
| May 2018-December 2018     | 18 |
| January 2019-December 2019 | 32 |
| January 2020-December 2020 | 24 |
| January 2021-December 2021 | 25 |
| January 2022-April 2022*   | 12 |

\* As of 20<sup>th</sup> April 2022

**Notes –**

Some Ministerial Decisions relate to repatriations or are for individuals who are not eligible for Income Support and therefore not all MDs are related to Income Support claims.

The above numbers relate to the number of individual Ministerial Decisions and not the number of individuals (i.e. there may be multiple Ministerial Decisions signed for one individual).

Income Support discretionary payments are only provided where the need for support sits outside normal Income Support rules. Income Support discretionary payments are not used to make payments to Income Support claimants who have received an additional sum on top of their legal entitlement and are now subject to a repayment schedule to return those monies to the taxpayer.

**2.24 Senator T.A. Vallois of the Minister for Social Security regarding the review of the Jersey Women’s Refuge and the effects of the Domestic Abuse (Jersey) Law (WQ.128/2022)**

**Question**

Further to the answer to Written Question 102/2022, will the Minister provide the terms of reference for the review of the Jersey Women’s Refuge and state what consideration, if any, is being given to the effects of the Domestic Abuse (Jersey) Law (in the event of its adoption by the States) on the capacity of the Refuge to support its clients?”

## **Answer**

As noted in the response to Written Question 102/2022, officers are working with the Jersey Women's Refuge (JWR) to review their current service specification with a view to coproducing a new service specification that is sustainable from a funding and staffing perspective.

This work has been ongoing since the beginning of 2022 and will be discussed with the JWR board in May. There are no formal terms of reference in respect of the project, but the aim is to coproduce a new specification to reflect the current and emerging position including any potential resource requirements.

JWR is a key stakeholder in respect of the Domestic Abuse (Jersey) Law. Consideration has been given to their voice and needs and the requirement to provide sufficient facilities and accommodation to safeguard victims. It is anticipated that the impact of introducing the Law upon the JWR will not lead to a significant increase in demand and it is seen as an essential tool to protect and support victims.

### **2.25 Connétable of St. John of the Minister for Health and Social Services regarding the Improving Performance Consultancy (WQ.129/2022)**

#### **Question**

In relation to the engagement of Improving Performance Consultancy, will the Minister advise –

- (a) whether any payments have been made and what these payments were for;
- (b) if such payments have been made, how much has been paid to the Company by Health and Community Services each month since March 2020; and
- (c) whether there are any plans to continue working with the Company?"

#### **Answer**

- (a) Yes payments have been made. Several different assignments have been commissioned, which have included development of policies and associated documentation and service reviews. Further details of the work undertaken can be found in this FOI response:

<https://www.gov.je/government/freedomofinformation/pages/foi.aspx?ReportID=4925>

- (b) Payments by month, since March 2020:

| Year               | Month | £              |        |
|--------------------|-------|----------------|--------|
| 2020               | Mar   | 3,750          |        |
|                    | Apr   | 1,300          |        |
|                    | May   | 7,500          |        |
|                    | Jun   | 3,000          |        |
|                    | Jul   | 3,000          |        |
|                    | Aug   | 8,541          |        |
|                    | Sep   | 11,365         |        |
|                    | Oct   | 4,600          |        |
|                    | Nov   | 17,320         |        |
|                    | Dec   | 3,000          |        |
|                    | 2021  | Jan            | 1,500  |
|                    |       | Feb            | 5,250  |
| Mar                |       | 4,200          |        |
| Apr                |       | 10,858         |        |
| May                |       | 10,679         |        |
| Jun                |       | 9,999          |        |
| Jul                |       | 9,800          |        |
| Aug                |       | 19,900         |        |
| Sep                |       | 6,681          |        |
| Oct                |       | 4,500          |        |
| Dec                |       | 6,500          |        |
| 2022               |       | Feb            | 13,500 |
|                    | Mar   | 9,000          |        |
| <b>Grand Total</b> |       | <b>175,743</b> |        |

c) Improving Performance Consultancy was no longer engaged as of the end of March 2022.

### 3. Oral Questions

#### 3.1 Deputy G.P. Southern of St. Helier of the Minister for Health and Social Services regarding the Community Alarm System (OQ.68/2022)

Will the Minister provide the rationale behind the decision to reduce the subsidy for the Community Alarm System that is being made available to the majority of users of such preventative devices?

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

The new telecare system has been commissioned to replace the existing system, which is now out of contract, no longer in production, and becoming increasingly difficult to source spare parts for. In addition, the existing system has very limited functionality, providing only a call-bell provision. The new telecare offer has much greater functionality and can be expanded to include many products if needed or wanted by the recipient. It also uses the latest technologies and is not dependent on landline capability alone. Telecare is one of the services that enables Islanders to remain at home, if that is their choice, and with greater functionality the new service will be able to support more people. Where individuals have been assessed and require the system as part of their care package, this remains the same. It is fully funded and there is no cost for the telecare offer. But where people privately hired the old system as a matter of choice they currently pay and it was recognised that an increase in costs at the changeover could be difficult for some. With this in mind, and as H.C.S. (Health and Community Services) had to change the system, we decided to subsidise the change with a gradual reduction in subsidy over 2 years; the first year being fully subsidised, giving individuals the opportunity to prepare for the change or make other arrangements if they choose.

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

What is missing from that statement is any idea of the real cost. Does the Minister agree that the real cost of this service to those who volunteer to help the department out by providing a facility to have the care in the home is an extra £150 a year? Could the Minister state whether he thinks that is reasonable to pay for a service which is part of the Care Model, which enables people to have proper care in their homes?

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

As I have said, for those for whom this is an essential part of their care package that service is provided free of charge but there are many such call alarms commercially available. When the Government entered into this contract it chose also to make its service available to other customers who may wish to make use of it, and that has happened for many years. But of course there are increasing costs here to move from an analogue to a digital system. With new technology often comes greater cost and which we all experience with our own mobile contracts. So the subsidy itself, the first year remains at its present rate of £10.50, the fixed monthly charge, including G.S.T. (goods and services tax). That is going to rise in a year's time to £14 and by 1st July 2025 it will be £21. That is over the next 3 years a rise, for those who are asked to pay, of £11 a month. But as I have said, it is a marketplace, there are other services available for those who might wish to avail of them.

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

Given the significant spend on I.T. (information technology) development and digital development by Jersey's Government, is it really necessary to pass on these, which are relatively small costs for the Government but significant for individuals? Would it not be best to just take on this charge?

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

I suppose we could take on this charge. There are many things I would like to do and just provide free at the point of use but of course there is always a cost to these things. If Health was to provide this service free of charge then something else in the Health budget would have to give. It is always a case of balance and I do stress that those who are deemed to need this service as part of their care package get it absolutely free. Others can join the package but there are multiple packages for them to choose from on the market, they will be paying for others. If they are not at a point of needing it as part of a care package I think it is right that they should make this contribution.

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

Given that the Care Model relies heavily on preventative, which is quite right, is this not exactly the type of thing we should be paying for to prevent problems over the longer term? What other areas of digital investment will mean other things being lost from our health services if that is the model behind this?

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

This does provide a good preventative measure. This is a subsidy that has been introduced by H.C.S., it is not one that has been reduced because we had not previously offered any subsidy to private users of this who chose to take advantage of it. It is just a recognition that over the next 3 years we will gradually ease in and give users assistance with that charge. I am not aware, in response to the latter part of the question, of any other services affected.

### **3.1.4 Senator S.Y. Mézec:**

Is this an example of the sort of extension of user pays services which we might anticipate to see more of under the Jersey Care Model?

**The Deputy of St. Ouen:**

It is precisely not any sort of extension. There is no policy change here. Those who need the service receive it free. Those who choose to use it are asked to make a charge. They are now getting a far better enhanced product and the charge is being subsidised for the first 3 years.

**3.1.5 Senator S.Y. Mézec:**

This was something that those who have benefited from it in the past will now pay more for. Does the Minister accept that that will inevitably mean fewer people will use this kind of service and will instead risk becoming a greater burden on other parts of the health system, which will need to be funded in some other way? On that basis, does he not consider this move to be completely short-sighted?

**The Deputy of St. Ouen:**

No, I do not accept that at all. The existing method of providing a service is continuing. There is no policy change here and in fact this product, this service, could well be attractive to many more people. Service users can add all sorts of services to monitor their health and well-being. It will be attractive to families as well who do not live with their loved ones. Devices that can be added include full sensors, motion sensors, pill dispensers, devices report on activities for daily living; for example, a smart plug on a kettle could send an alert to a family member using an app which comes with the device if the kettle has not been used for a period of time. Very significant enhancements, which point the way towards improved preventative services in the future.

**3.1.6 Deputy G.P. Southern:**

These particular vulnerable people are asked to subscribe to a system which will support them to retain their independence for longer, better monitor their health and well-being, as well as help to reduce the amount of support that they need at home. This is totally in line with the overall policy of the Care Model and yet come 2025 this group of people will be paying twice the amount for this service than they otherwise would be to match the Jersey Care Model. Does the Minister really think that this is fair and not a burden on these particular people who are helping him deliver a service to people's homes, which is in line with the policy?

**The Deputy of St. Ouen:**

As I have said during this time of questioning and will repeat, that those who require this service as part of their care package will continue to receive it free of charge. Those who choose to purchase this service, because they make a choice among all other devices and services available, will be asked to pay the appropriate charge because, as we know, digital technology does incur charges. But the benefits it brings will be of use. But where there is an absolute need that is met entirely by H.C.S.

**3.2 Senator S.Y. Mézec of the Chief Minister regarding the Common Strategic Policy and reducing levels of people living in relative low income (OQ.70/2022)**

Will the Chief Minister state whether it is his assessment that the current Government has achieved the aim set out in the Common Strategic Policy to “reduce levels of people living in relative low income”?

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

I am pleased of the progress that has been made towards this objective since 2018. We recognise that more work will always be needed to assist those on lowest incomes, particularly during the current wave of inflationary pressure, but we have taken some tangible steps towards assisting vulnerable Islanders over the last 4 years. I am going to give a few examples, if that is okay. I think starting at the very top. We are presently showing the lowest level of unemployment in the last decade and that is ... if you are not unemployed you are earning more money therefore you have

improved the situation of that individual. Therefore we have to celebrate that. That is one of the best things that we have had in the last decade. That is after the pandemic. Bear in mind that during the pandemic we went up to something like 2,290 actively seeking work, now we are down to something like 720. That is a massive improvement. We have steadily increased the minimum wage rate by 23 per cent, that is 3 times faster than inflation, and we are now at the target of 45 per cent of mean wages. The first child component in income support has increased by £17.50 a week, that is up 26 per cent from June 2018. We have frozen rents across Andium properties, that is with the support of Housing Ministers - plural - but obviously with my support as well, as no doubt the questioner will remember. We have reduced the social security rent cap to 80 per cent. As I said, we have increased the first child component in income support and, most recently, the Minister for Social Security has agreed a special payment of £20 a month for all Islanders on a means-tested benefit to provide targeted support during the current inflationary pressures. We have made it very clear that that is a first step. It is something we get in place and, depending on the nature of the household, that can be up to £80 a month for that household. We have not sat down and twiddled our thumbs, we have not made the poor poorer, we have set and targeted all the efforts that we can do. I hope that is recognised. That is not saying we cannot do more but that is saying we have made some tangible benefits to those individuals ...

**The Bailiff:**

Can I just ask you to bring your answer to a close?

**3.2.1 Senator S.Y. Mézec:**

With all of that contained in the Chief Minister's answer, is it the case therefore that he is expecting the household survey results to come through and demonstrate that there are lower levels of relative low income in Jersey than at the previous survey? Or is it likely to be the case that in fact that survey will show the opposite?

**Senator J.A.N. Le Fondré:**

I genuinely do not know what those numbers are going to look like. As we have all expressed our disappointment but understanding of the reason that the data that I committed to ... we funded the study and COVID came along and basically disrupted the whole collection of data, which is why we are now setting that study going again, or it is going again, and it will be in place at a high level for the next Council of Ministers to see what other changes they need to make. We have to remember that will be over a period of time and so the data the Senator is referring to will be before the significant change in cost of living that has happened in the last few months, partially, for example, because of the war in Ukraine and things like that. I think the other point, which we do need to remember, are the issues around relative low income there are also the points that, for example, we have given better and far more reaching access to things like dental treatment, to G.P. (general practitioner) access.

[10:00]

That has improved the lives of I think it is 11,000 individuals. That will not show as an improvement in income because it is taking off their expenditure side. That we need to recognise as well. But I think we have made some very tangible changes. There is always more we can do but compared to when we first came in, there have been improvements.

**3.2.2 Deputy G.P. Southern:**

Is it not the case that we do have the preliminary numbers attached to the pre-pandemic condition of our workforce and our incomes and when is he going to produce that and will it be before the election?



**Senator J.A.N. Le Fondré:**

I do not think I understand the question from the start point. If it has been produced by the Statistics Department and the chief statistician, that is under their control and he is obviously better informed than I am.

**3.2.3 Deputy G.P. Southern:**

Is it not the case that he has requested the census figures before taking priority over the income distribution survey?

**Senator J.A.N. Le Fondré:**

Number one, that is basically inferring that I have interfered, and therefore broken the law, in the operation of the chief statistician and his department and I hope the Deputy will withdraw that suggestion because that would imply I have overridden my powers as a Chief Minister. We have absolutely respected the independence of the chief statistician and I think the Deputy should know that, and I think he is being somewhat mischievous. For the avoidance of doubt, no.

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

Would the Chief Minister give his statistics on the use of foodbanks during his tenure as to whether they have gone up; whether he has that information?

**Senator J.A.N. Le Fondré:**

No, I do not have that information. Obviously the information is not generated internally within the Government.

**3.2.5 Deputy M. Tadier:**

The Chief Minister can reel off statistics that he thinks supports the claim that under his Government things have got better yet surely one of the key indicators of poverty and relative poverty in Jersey is the use of foodbanks, which the media certainly has been telling us has been going up in recent years. Is that not something that the Chief Minister is interested in finding out about statistically and learning about the people who lie behind those statistics?

**Senator J.A.N. Le Fondré:**

My understanding is the statistics themselves are produced by the providers of the foodbanks and therefore that is all under their control. It is something that I think would be of interest, and I am sure that will be revealed when the full surveys are produced.

**3.2.6 Senator S.Y. Mézec:**

This follows on from what Deputy Tadier has just asked. It is clearly a fact that the use of foodbanks has gone up in this term of office from the already too high level that it was at the start of this term of office. Does the Chief Minister not regard that as being a key indicator of relative low income in Jersey because if people cannot afford to feed themselves and the numbers of those people are growing then that does constitute clear evidence that levels of relative low income have gone up during his term office and not gone down?

**Senator J.A.N. Le Fondré:**

As with any figures, these type of figures we need to understand. We need to understand the rationale behind it, particularly bearing in mind that we have been through a pandemic. But I make the point we have taken a vast number of steps to significantly support individuals and improve their livelihoods, for want of a better expression, during those 4 years. As I have said, the fact, for example, minimum wage has gone up by 23 per cent, the fact that, for example, we have assisted about 11,000 individuals to have either free or much subsidised G.P. access is something to be applauded. I did not say we were in a perfect world but I said things have improved in the last 4 years, and that should

be something we should be proud of as an Assembly, because various Members have contributed to that. As I have said, unemployment is at the lowest level for a decade.

### **3.3 Deputy R.J. Ward of the Minister for Social Security regarding long-term incapacity benefit (OQ.66/2022)**

Given that the assessment for long-term incapacity benefit takes into account how the disability in question affects the person's state of mind, their ability to care for themselves and their ability to get about, will the Minister advise how these components are weighted in the final assessment of benefit need?

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

The long-term incapacity allowance is awarded based on percentage of a person's loss of faculty. This is based on an assessment by a specialist medical doctor who compares the loss of faculty with a person of the same sex and age who does not have any loss of faculty. The weighting of the individual factors in the final assessment is a clinical decision taken by the doctor.

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

There is one question in the application regarding mental capacity. Does the Minister believe it is adequate to understand the real needs and challenges faced by applicants?

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

I am not sure if the Deputy is reading the incapacity award, long-term incapacity or long-term sick, but both of them are covered by R.189/2021. It says that the L.T.I. (long-term incapacity) assessment method and the work is under way and it needs to look at how they are assessed. That is the next big job for the new Minister for Social Security. I am not disagreeing. It is work ongoing.

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

Sorry, Sir, can I just ask does the Minister ... I just did not understand really the answer to that question, whether that is adequate or not. Is she saying it is not adequate because it is being assessed, just for clarity?

#### **The Bailiff:**

Can you clarify that further? I only ask because there are no other Members wishing to ask questions.

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

Sorry, I am not disagreeing with the Deputy, I am saying it is under review. There is a report, P.189. I did a presentation to all States Members and a separate one to Scrutiny. I do not know if the Deputy attended, but it is all under review, especially the assessment of how it is assessed. That is for the next Minister to do. I hope that helps the Deputy.

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

Is it not the case that while the long-term incapacity is assessed by doctors the clinical component for those receiving income support who have a disability is also defined by reference to officers and not doctors and, therefore, confuses the image as to who has incapacity, who has that disability and who does not?

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

The Deputy is now asking about a different assessment under income support, on that form. Both of the assessments are able to be asked for a redetermination under 21 days, but definitely the L.T.I. one, the Deputy knows ... he did attend the presentation and asked some very pertinent questions. No, it is not fit for purpose and it literally does need changing. It is a very, very old law.

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

Does that not especially refer to mental capacity where there are only a few questions on the overall assessment sheet and that this is assessed by an officer, and when is she going to get around to changing some of this?

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

Again, you are asking about a different form, a different incapacity benefit, and that one is not being looked at. The one that is being looked at, that the Deputy has read in R.189/2021, is the long-term incapacity and the short-term incapacity, et cetera. But that one is done by officers and it can, I think, be reviewed by a doctor.

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

The question was about long-term incapacity, I just remind the Minister. So, given the increase in mental health issues following in particular COVID that has been recognised in our society, is it not important to increase the emphasis on this area of assessments and also with the recognition of things like post-traumatic stress disorder and so on and our greater understanding of these issues for people long term? Will the Minister be urging those areas to be looked at in much more detail?

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

I do not know how many times I can say the whole of the L.T.I., how it is assessed, et cetera, is a recommendation in R.189. It is very, very many years old and it will be done. It is a big job for the next Minister. It will be in my handover recommendation and it is being worked on as we speak by officers while we are running around trying to get re-elected.

### **3.4 Deputy G.J. Truscott of St. Brelade of the Minister for Housing and Communities regarding balcony floor plates in Les Quennevais flats (OQ.73/2022)**

Further to the Government-backed project to repair the balcony floor plates in the Les Quennevais Park flats, will the Minister provide a progress report and an indication of when the works will be completed?

### **Deputy R. Labey of St. Helier (The Minister for Housing and Communities):**

Members will remember approving a loan scheme to assist some of the owners of these apartments with advancing the money for the much-needed repairs, but the States is not involved with the administration of the repair contracts. That is down to the property management agency. The public is still the co-owner of some of the apartments so Property Holdings take an interest and are informed by the property management company of how the works are progressing. Deputy Truscott might have seen the scaffolding having gone up on block A, which is the block they are going to start with. There are 8 blocks in all. Survey work is being undertaken now. I do not think the physical construction and replacement of the balconies has begun yet, but when that does begin systematically they will go through the 8 blocks, A to H, and the works will take 2 years. I did speak to the property management agency last night when I got in and asked if they were able to retain the contractor that they had in place when we were having the debate about the loan scheme, and they were able to do that, which is good news. I also asked if the loan scheme that Members approved ... how that had helped and the answer was it had helped enormously. That is why they were able to progress. I hope that satisfies the Deputy.

### **3.4.1 Deputy G.J. Truscott:**

I thank the Minister for his answer. I am sure the Minister is aware that a number of local building projects have been severely impacted by inflation. Could the Minister confirm that this project is expected to be delivered within the originally agreed price?

**Deputy R. Labey:**

I do not have information on that but I do not have information to the contrary either. The works were scheduled to begin block A mid-October 2021 to mid-February 2022, with the final block being mid-July 2023 to mid-November 2023. We know that that schedule has been delayed because it is quite hard to get construction work and builders in. You have to take your place in the queue. So I believe that the delay is nothing more sinister than that.

**3.4.2 Deputy M. Tadier:**

Can I thank my fellow Deputy for raising this issue? It is important to the 96 flats that are there, even if they do not all have balconies. Could the Minister give us an update - preferably now but if he does not have the information could he circulate it - about the uptake of the loan scheme, about how many people have asked for a loan and what the nature of the loan was, whether it was capital repayment or interest only? I think that would be really helpful in knowing some of the circumstances that these individuals are in. Because some have told us, as he knows prior to the debate, that they would have trouble paying back the loans.

**Deputy R. Labey:**

Yes, I can get the information for the Deputy. I think that is better done privately and I will email it to him.

**3.4.3 Deputy M. Tadier:**

It does not need to be done privately. I think this is public money which is being given. I do not think there is any secrecy about the uptake. It would be good for all States Members I think to know what the uptake of the loan is. We do not need any private details of any of the individuals. Is that okay with the Minister?

**Deputy R. Labey:**

Yes, it is. I do understand from my conversation last night that the loans are all in place, the required loans are in place, but I will get the breakdown for the Deputy.

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

Walking around the area on Friday, I noticed that there was a significant amount of builders' equipment laid out in one of the blocks. Will the Minister agree that it is all very well for the work to be done for the flats that need it, but for those who do not need it the outlook is not very aesthetic? Would he agree that he will put pressure on the contractors to move the job on as quickly as possible?

**Deputy R. Labey:**

Well, I think that is a job for the Minister for Infrastructure, who is in the Chamber and listening.

**The Connétable of St. Brelade:**

Thank you. I will take that up with the Minister for Infrastructure.

[10:15]

**3.4.5 Deputy G.J. Truscott:**

If the cost of the project due to inflation has risen, could the Minister indicate which party would be expected to absorb the additional cost involved, the taxpayer or the flat owners?

**Deputy R. Labey:**

I do not have that information. That is a question for Treasury or Infrastructure. We can find that out for the Deputy.

### **3.5 Deputy K.F. Morel of St. Lawrence of the Minister for Housing and Communities regarding the use of empty homes (OQ.72/2022)**

Following the information revealed by the 2021 census that there are 4,000 empty properties in Jersey, will the Minister advise the Assembly what measures, if any, he is taking to ensure that as many of these properties as possible are quickly made available for residential use?

#### **Deputy R. Labey (The Minister for Housing and Communities):**

Work is already under way by my team to identify the best ways to get empty properties back into the housing market. As we have an acute shortage of housing it is absolutely essential. I pledged to start this work in Q1 2022 and that has begun by the new housing strategy and regeneration team. A word on the census figures: 3,123 empty homes in 2011, gone up to 4,000 in this census. We do not have the breakdown yet and that is undertaken by enumerators personally. They chase up all the empty properties as best they can. They were able to identify in 2011 the reasons why 50 per cent of them were empty and that work is being done on the 4,000 in the current census. That figure will probably be available at the end of June or beginning of July. But it is worth noting that I think 50 per cent of those empty properties in the 2011 census were for legitimate reasons in terms of being between occupancy, in terms of being between tenancies or sales. That was about 29 per cent, and 23 per cent I think was holiday homes. Of course, the census is taken in March before the holiday home business kicks off. So we just have to be careful about how we interpret the figures.

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

I thank the Minister for his answer. Even if only 25 per cent of those homes were to be available or to be made available, that would be 1,000 homes out of 4,000. That is a considerable use. Would the Minister please advise perhaps a bit more specifically: is the property register that the States voted for a couple of years ago, a register of all properties in Jersey, something that would make this task easier to understand and, if so, could he provide the Assembly with an update as to where we are with that property register?

#### **Deputy R. Labey:**

Yes, I think it can only help, the property register. Of course, what we want to capture are those properties that have been laying empty for years. We have all seen them. Some have been laying empty for decades - it is unbelievable - others a shorter time span, but we need to capture those properties. So we are now in discussion with the Parishes, with the Constables, with Her Majesty's Receiver General, because there are powers for the Receiver General to do that. Obviously, I think the law is going to need an update to be more fit for purpose in terms of reclaiming these properties, some of which they cannot trace the owners of, that is the problem. After the death of the owner that we knew, they cannot find anybody that is in the family. But we must find a way to bring those properties back into use and if somebody down the line does turn up and say: "I am the relative" that there is an agreed figure that is payable. But we have to bring them back into use and there are ways to do it.

#### **3.5.2 Senator S.Y. Mézec:**

Can the Minister inform the Assembly how many of these 4,000 empty properties in Jersey are owned by the Government or its arm's length organisations?

#### **Deputy R. Labey:**

Very few, but I do not have those figures in my head. Obviously, we have seen some of the Government properties that are empty. It is not a good example. Some of those are part of schemes which have not yet come to fruition, part of a much bigger picture. I think of La Folie Inn and the little apartments behind that. But Government is behind the curve on this. Other jurisdictions - in the U.K. (United Kingdom), for example - district and borough councils, county councils use a

scheme called “no use empty” which has considerable powers. After exhaustive consultation with a landowner or a property owner, if that comes to nothing that agency is entitled to enter the property, to redecorate it, refurbish it, let it out, take the rent until such time as that has been paid off. Now, I am not suggesting anything as draconian quite yet for Jersey, I do not think it is ready for it, but there must be a Jersey version of “no use empty” and that is what I am exploring, a way to do that. I would like it not to be a government agency but a trust because I think a trust might get more goodwill, cheaper rates, mates rates. There are ways. We could use some of the £250,000 that is allocated this year to the start-up of that and we have another £250,000 next year, to see if we can help people who might be asset rich in terms of property but cash strapped in terms of doing them up. Perhaps we can help that process happen and for the scheme to replenish itself.

### **3.5.3 Senator S.Y. Mézec:**

In my head I visualised the monument to the Government of Jersey’s empty properties, which is Westaway Court, which has been lying empty for a very substantial period of time and is due to be empty for much more time. Would the Minister agree that the Government’s management of its portfolio in recent years has been particularly poor and that in the future we should not be letting buildings like this, where there is a substantial amount of space for apartments for people to live in, to lie empty for such a long time, even if that means coming up with temporary uses for them in the meantime?

### **Deputy R. Labey:**

Well, yes, I have said before I believe there is a structural issue here, a structural failure, and this is not - I repeat not - the fault of government agencies. It is not the fault of the officers of Property Holdings, who are working very hard with me and I am grateful for their expertise and their efforts and their energy. But politically we cannot be the monkey sitting there looking at 2 piles of nuts and trying to decide which pile to eat first and dying of hunger before he has made that decision. That is the game we are in. We have to make decisions on some of these sites and that is a good thing to do. While they then do not become available for a school or a hospital or whatever, that clears the picture of the other sites that might be available. So that is what I believe we should be working towards, a complete change of culture in that direction.

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

Sir, I did have my light on earlier but it is probably hidden by ...

### **The Bailiff:**

It could have been hidden by an earlier ... I will add you to the list as you have had the light on previously, but then no other time for questions on this particular one.

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

My previous question was asked by Senator Mézec, so some clear thinking around some groups. May I ask the Minister how has he prioritised the importance of empty properties against new builds? Does he think there will be a quicker response with empty properties that have planning permission, that are already set up to do that and really need refurbishment, above whole new areas of build? How will he go about doing that as Minister for Housing and Communities?

### **Deputy R. Labey:**

Well, I suppose I slightly prioritised new builds but the work on empty properties could not begin until this year because we were at capacity with the team I have available to me. But with the new housing strategy and regeneration team we are able to start that work on the empty properties this year and that will continue ... probably continue a lot better in the next few months because there will be less political interference and the officers can get on with the job. Then when the new Minister

for Housing and Communities takes office I hope there will be an advance and something for him or her to action.

**Deputy R.J. Ward:**

I am resisting the temptation to ask the Minister how he prioritises his nuts, [Laughter] but I am afraid what I have to ask him ...

**The Bailiff:**

Thank you for resisting the temptation.

**3.5.5 Deputy R.J. Ward:**

I have to ask the Minister whether he believes that particularly with States-owned and arm's length companies it is easier to make that prioritisation and just say: "Get on with it." Let us use these, rather than building on green sites or building temporary accommodation camps. Would he ask the arm's length organisations to make that priority right now?

**Deputy R. Labey:**

I think I have made my position clear on that in the nuts answer.

**3.5.6 Deputy S.M. Ahier of St. Helier:**

Is the Minister aware of whether a number of these properties were awaiting planning permission to be developed?

**Deputy R. Labey:**

Does the Deputy mean a number of empty properties that are ... yes, that will be a category, that will figure.

**3.5.7 Deputy S.M. Ahier:**

Is there a backlog at Planning which may be causing a delay to some of these developments moving forward?

**Deputy R. Labey:**

That is one for the Minister for the Environment. Just to be clear, properties that are built to a certain degree do count in the figures. They might not yet have been occupied but if they are at a certain level of build they count as a property. Anything with a kitchen is counted as a property. It might be one of those kitchens in a cupboard with a stove and a little sink, but that is counted, too. The work going on now is painstaking to establish exactly why, what is the reason for each property being empty.

**3.5.8 Deputy M. Tadier:**

I hope I am talking to the organ grinder rather than the monkey with this question. The Minister will know that one of probably the most famous empty properties in Jersey is in his constituency and it is called La Folie Inn. Although it is traditionally known as being a former commercial property, it does have a cottage attached to it and probably an apartment as well, which is effectively States-owned and has been languishing. It is a historic building and a residential property which has been languishing for years now. Does the Minister agree that the first thing we can do to get these kind of properties back into the market is to support the proposition later this week that seeks to ask the Minister to carry on that piece of work to address and discourage empty properties?

**Deputy R. Labey:**

As I have said, I am happy to accept Deputy Tadier's proposition. With Westaway Court, that has at last been designated for housing. It is probably best suited to key worker housing for health, but I

hope that we have some movement on Westaway Court. La Folie, of course, falls with Ports of Jersey. They do have plans for the quays, the historic quays, La Folie and what is behind La Folie towards the water, moving what is there elsewhere so we can use the full potential of that fantastic site with La Folie Inn. I have always said La Folie Inn must stay in some way as a facility to be used by the public. There is a tremendous affection for that building and I think it should stay as a building that can be accessed and used by the public because they love it. But I have seen early plans that involve the redevelopment of that area and the refurbishment of La Folie Inn, so let us hope that that comes online very soon in the next session.

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

Just very quickly, it is pleasing to hear that work has begun within the department. Is the Minister able to give any greater clarity around the timeline of that, assuming a new Minister would want to continue that work? Is there a rough end date for when that work is to be completed?

### **Deputy R. Labey:**

Deputy Tadier asked me to bring options by the end of September. His wording is generous enough to allow me, I think, to bring options on options if they are not all absolutely worked up by the end of December. But yes, by the end of this year we must have something in place because I want to use that £250,000.

### **3.6 Deputy M. Tadier of the Minister for Infrastructure regarding the women's toilets at Red Houses (OQ.64/2022)**

Further to a site visit on 17th November 2021 regarding the installation of a handrail on the approach to the women's toilets at Red Houses, will the Minister provide an update on whether this work will be undertaken and, if so, when?

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

I can confirm that minor works to install a handrail adjacent to the sloped path leading from the pavement to the ladies' public convenience at Red Houses will be undertaken by a maintenance officer at the earliest convenience.

[10:30]

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

I do not know if the "earliest convenience" is a pun of some kind but it certainly is not the most helpful answer. It may sound like a small issue but this was raised with me by a relatively elderly lady who is somewhat infirm on her feet and she noticed there is a handrail for the men's toilets but there is not one for the women's toilets there. I was encouraged when I saw a site visit and a photograph sent to me by the officer on 17th November but I have not heard anything since. So can the Minister say whether this will occur in the next weeks, in the next months, or will it just be a case of carrying on at our convenience?

### **Deputy K.C. Lewis:**

I will avoid the pun. Yes, there are disabled toilets on site with a handrail. There is a ramp leading up to the gents, which has a handrail. There is a gentle slope leading to the ladies, which at the moment does not have a handrail. There is, I believe, a flower bed and privet hedges to one side. It is a gentle slope but it has been recognised by the department that a handrail would be beneficial. The work has been authorised and should be happening hopefully within the next few weeks.

### **3.7 Deputy K.G. Pamplin of St. Saviour of the Minister for Infrastructure regarding the work at Clinique Pinel (OQ.62/2022)**



Sir, may I first start by thanking you for your words about our late Connétable this morning? It was pitch perfect, as always. Thank you, Sir. Question: will the Minister advise whether all the issues raised in respect of the works being undertaken to develop Clinique Pinel have been resolved and when will the Island have a completed, fit-for-purpose inpatient mental health facility in place?

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

Officers are continuing to work closely with the contractor to resolve the challenges associated with the refurbishment of Clinique Pinel. I thank Deputy Pamplin and Deputy Le Hegarat for accompanying me on the site visit held on 4th April. I trust this allowed them the opportunity to see how committed both contractor and my officers are to completing this project as soon as possible. I remain hopeful that the revised target date for completion of September 2022 can be achieved.

**3.7.1 Deputy K.G. Pamplin:**

I thank the Minister for his answer and, of course, we have released today our mental health review, which features all the findings which members of the public and Members here can read. But as the Minister knows, and as he explained to us and the contractors, this delay date continues to be pushed back. Does the Minister really believe that this will be completed by September or the January date that was discussed on site when we visited?

**Deputy K.C. Lewis:**

Indeed, the contractors have been hampered by various things. A very large J.E.C. (Jersey Electricity Company) main had to be moved and we have had a really awful winter. It has been very difficult to work outside. I know the contractors have had problems. One of the contractors was hospitalised. He was taken ill from working through the inclement weather. But we are committed to opening by September. There will be a phased opening of various parts of the establishment but to be completed by September.

**3.8 Deputy G.J. Truscott of the Minister for Infrastructure regarding the resurfacing of the Railway Walk (OQ.74/2022)**

Will the Minister advise how often the Railway Walk should be resurfaced in accordance with the current maintenance regime and state when it was last resurfaced?

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

Major resurfacing work falls out of the landscape maintenance contract. The last major resurfacing work was carried out to the western end approximately 8 years ago. With the laying of the new gas main along the Railway Walk now mostly complete, officers are preparing for resurfacing work to take place this coming winter.

**3.8.1 Deputy G.J. Truscott:**

I thank the Minister for his reply, but the reality is that the Railway Walk surface has been poorly maintained over the years and consequently continues to deteriorate. This is another example of a poorly maintained public asset. Is there anything the Minister can do in the last month or so of his tenure to remedy this unsatisfactory situation?

**Deputy K.C. Lewis:**

The Railway Walk is patched as required but the actual resurfacing of the whole Railway Walk, that will take place in the winter because, unlike other surfaces, hoggin has to be done and rolled in damp conditions to make sure it compacts properly. It cannot be done in the summer because it is far too powdery. But it will be done this winter and contracts will be going out for that work.

**The Bailiff:**

**[Interruption]** Does somebody need to answer that? Thank you for the contribution to the Greffier's fighting fund.

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

With regard to the resurfacing of the Railway Walk, would the Minister confirm that when it is resurfaced proper falls and cambers will be incorporated to obviate the flooding which has arisen in recent times because of the poor cambers into the roads and paths of Les Quennevais Park, where residents suffered from water inundation. There was some remedying undertaken in conjunction with the Parish but I would like to ensure that that remains in place. In addition, there are areas of tarmac where the Railway Walk crosses roads which are suffering from root heave. The Minister's department have failed to react to deal with that over the past 2 years. Can I ask him to give some urgency to remedying that fault as well?

**Deputy K.C. Lewis:**

Indeed, as I just pointed out, the Gas Works have been doing substantial works on Railway Walk. There was no point doing any serious maintenance until they finished. It is coming to an end now, which I am delighted to say that all repair works will be undertaken. As I say, we have had substantial amounts of damage due to severe storms in the winter, which have also damaged the hoggin surface, and that will be remedied in the winter along with any tarmac as required.

**3.8.3 Deputy R.J. Ward:**

Does the Minister consider the Railway Walk to be a shared space for active travel?

**Deputy K.C. Lewis:**

Yes, indeed.

**Deputy R.J. Ward:**

A supplemental?

**The Bailiff:**

A little bit outside the parameters of the question, but yes, supplemental question.

**Deputy R.J. Ward:**

I think you will find, Sir, the next part is directly ...

**The Bailiff:**

That will be good.

**3.8.4 Deputy R.J. Ward:**

Given that it is a shared space for active travel, on the resurfacing will the Minister undertake to try and emphasise that shared travel space in some way? Because education on what shared travel, shared spaces are is really important for the development of active travel.

**Deputy K.C. Lewis:**

Yes, I share the Deputy's concerns here. We do need people to look out for each other. Obviously, it is not possible on a hoggin surface to put in a demarcation line, nor would it be desirable. We do ask cyclists to be aware of pedestrians and vice versa and it is still a legal requirement, by the way, to have a bell on a bicycle in Jersey, so a gentle ring on the bell if you are approaching pedestrians and if they would step to one side, and give them a wave and be polite and courteous. It is a shared area and we hope that everybody would get along. As I say, because it is hoggin we cannot put any

lines down. I am resisting putting extra signs on the Railway Walk as I am frequently accused of urbanising the countryside, so I would like to keep signs to a minimum.

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

Just because it is hoggin, of course, does not mean that hogging the road is okay. It is the last question time. We have to get them in as much as we can.

#### **The Bailiff:**

Well, I think you will find ...

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

But there is a question, Sir.

#### **The Bailiff:**

I think you will find that Standing Orders do not necessarily require you to get puns in **[Laughter]** at the last question time or otherwise, but if you would like to ask your question that would be ...

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

I have been reading the wrong copy of Standing Orders. I found an old copy of Deputy Duhamel's in the drawer and it has clearly been amended, saying that you have to make a pun at every possible opportunity, but I will refrain. Insofar as that excess speed along the Railway Walk, indeed along any hoggin surface, may affect the quality and the wear and tear of the track itself, can the Minister tell us whether there is a speed limit on the Railway Walk, particularly in relation to bicycles or even electric scooters, electric bikes, et cetera?

#### **Deputy K.C. Lewis:**

It is a very interesting question. At the moment I would say no, but the electric bikes are limited in speed. I believe it is 25 kilometres per hour or thereabouts. But as I say, we do ask people to look out for each other and take appropriate speed. It is not very comfortable for a cyclist doing any particular speed on a hoggin surface, but a lot of off-road cyclists do use it. The serious road cyclists tend to stick to tarmac when they want to get up any reasonable speed. Obviously, when I was a young boy, if you got up to 15 miles an hour with the wind behind you, you were doing well, but the modern carbon fibre bikes can do very excessive speeds and we ask people to respect pedestrians and other users of the path.

### **3.8.6 Deputy G.J. Truscott:**

I thank the Minister and my colleagues for asking the Minister questions on this subject. I am pleased to hear that progress is being made this year. The Minister did indicate in a previous question that alternative materials were being considered. Is that still the case? Perhaps he could elaborate.

#### **Deputy K.C. Lewis:**

We are always looking at new materials but, as I say, it is a hoggin surface, which has to be compacted when damp. It is quite an intense process and we do have expert contractors that can do the work. We are always looking at new surfaces that we can use and special treatments to make sure the hoggin stays in place, but at the moment it is the original hoggin, I believe, that we are using.

### **3.9 Deputy K.G. Pamplin of the Minister for Health and Social Services regarding improvements to support and remuneration package for HCS staff (OQ.62/2022)**

Will the Minister advise what consideration, if any, has been given to improving the support and remuneration packages for Health and Community Services staff in light of the immense pressures under which they have worked and served the Island in recent years and the public recognition they have received during the COVID pandemic?

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

As the Deputy will know, the question of remuneration packages for staff is a matter for the States Employment Board and I cannot speak for that board, but I do have information that all H.C.S. pay groups have settled for 2022. The nurses are in the second year of a 2-year deal; other groups are in a one-year deal. For 2022, all groups have accepted a 2.9 per cent rise in salary. Nurses have had an additional day's leave before March 2022 and another day's leave after. All other groups have received one day's leave in the year and a £500 non-consolidated payment has also been made to staff. The question also asks me about support for staff, and that I can talk about. I am very pleased that during the first wave of the COVID-19 pandemic approximately 74 per cent of H.C.S. employees received a physical and psychological well-being check and follow-up well-being checks and other support has continued. We also have a bespoke digital well-being pack for all H.C.S. employees and spiritual support has often been delivered through our chaplaincy team. There are regular mindfulness sessions and the COVID-19 Bailiff's Fund awarded in 2020 enabled a new H.C.S. well-being team to continue delivering one-to-one psychological therapy for H.C.S. employees. That was particularly to reflect on their experience of responding to COVID-19 and there is a rolling programme of mindfulness, resilience, anxiety management and sleep strategies for all H.C.S. employees. In January of this year, a director of culture, engagement and well-being was appointed within H.C.S. A programme of culture and engagement work is being rolled out that specifically focuses on recognising and rewarding employee achievements.

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

I thank the Minister for his detailed answer and some pleasing news in there. In spite of the things he mentioned, of course, some of them were put in place because of the COVID-19 pandemic. What is his impression and his final message to staff to make sure these things are not reactionary but they become part of a way of life so people can have the support they need under challenging future demands?

[10:45]

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

As shown by our appointment in January of a director of culture, engagement and well-being as a permanent post, that shows that H.C.S. is taking seriously the well-being and support of its staff and this is not just a single COVID issue.

#### **3.9.2 Senator S.Y. Mézec:**

Does the Minister ever have an opportunity to hear directly from workers for Health and Community Services about the reasons that many of them may feel under pressure and what remuneration package they are given and how that affects that? Would the Minister further accept that it is all well and good talking about well-being and support for anxiety and all the rest of it, but often the cause of that anxiety is the troubles people face in their lives trying to pay their bills? Would looking at that not be a more appropriate thing to do?

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

Yes, I do sometimes receive emails or have spoken to some members of staff about pressures, rarely I should say about their remuneration packages. I imagine for that they would pass their concerns through their unions and professional bodies to negotiators and that will be dealt with at the States Employment Board level. Of course, our staff and, indeed, all staff in the public and private sector will be feeling the stresses and strains of the present time, the inflationary pressures, and we need as a community to support those who are vulnerable in our society. I would want H.C.S. to play its part in that, but it is a wider Government role and something that across the Island we must not just forget about the vulnerable people, and even if not financially vulnerable, which the Senator might be meaning, those who might be emotionally vulnerable through the stresses of work. Because I do

recognise many H.C.S. staff have over the last 2 years especially been put under tremendous strain and stresses, and I commend them for their response. They have maintained health services. We have rarely had to seriously limit what is available. We are in a good position in the light of COVID and that is down to our hardworking and diligent staff, and I thank them tremendously.

### **3.9.3 Senator S.Y. Mézec:**

Does the Minister ever hear the feedback that I know I and certainly others hear from healthcare workers that the cost of living in Jersey when measured against their remuneration package they believe does not compare favourably to other jurisdictions? Does he believe that that perception may have something to do with levels of retention in his department?

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

The Senator referred to healthcare workers so I thought by using that phrase he was extending it into the private sector, but he did refer at the end of his question to my department. No, my understanding is that the remuneration levels of employees in H.C.S. are on the whole generally better than the N.H.S. (National Health Service) but, of course, the costs these staff face in terms very often of accommodation or living costs are the greater. That often makes it difficult to retain people who come to Jersey, attracted by a financial package, a greater financial package than they might otherwise earn in the U.K., but costs are greater. That is recognised as a concern. Insofar as concerns the wider sector, healthcare, yes, it is an area where pay is often low, but I do know that those organisations that pay well and provide pensions and good sickness packages and the like, they tend to do better in the recruitment and retention of their staff. I think that shows that where employees are valued and their worth is recognised, because clearly caring for people in the community or in any setting ...

#### **The Bailiff:**

I have to ask you to bring your answer to a close.

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

... is a difficult job and needs to be properly rewarded.

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

May I check we are quorate first, Sir?

#### **The Bailiff:**

Yes, I think we are quorate.

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

Thank you, Sir, I just thought I would ask. I am pleased to hear of the proactive stance that the Minister has taken on this matter, but is he concerned that the appointment of a director for culture, engagement and well-being may be seen by many Islanders as just another layer of management being brought in as an answer to a problem? Will that director of culture, engagement and well-being be assessed for the success of their role? Will it be assessed on a reduction in staff turnover?

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

I feel I cannot win sometimes because I am either accused of having too many managers or if there is a problem why have I not appointed a manager to deal with it. So this is a person charged with a specific responsibility but who works with the executive team, but with all teams in H.C.S., to deliver and ensure that there is proper engagement and well-being is cared for. I do not know, because that would have been a matter for that person's terms of employment, as to how results are monitored, but certainly this is an active programme within the executive team and we will certainly be looking to that director to improve the situation. One measure may well be the levels of retention of staff.

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

With many human resource professionals on-Island, can the Minister confirm whether he was able to fill that role, whether the department was able to fill that role, with an on-Island candidate?

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

I will need to come back to the Deputy on that if I may. I cannot be certain.

### **3.9.6 Deputy L.M.C. Doublet of St. Saviour:**

The Minister mentioned hospital chaplains as part of the support offered to staff. Are these chaplains in demand from staff and are they able to meet the demand along with their duties to patients of the hospital, and are these chaplains remunerated, please?

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

They are remunerated and they do an excellent job looking after both patients' needs but also staff needs. As to the balance between patients and staff I do not know, but I am not aware of any particular pressures that they have voiced. They are a valued member of the team. I am sure they would work well and pass on their experiences and any concerns about service to everyone within H.C.S. working on well-being.

### **3.9.7 Deputy L.M.C. Doublet:**

The chaplains, it sounds like a wonderful service for those who have religious beliefs. Is the Minister aware of humanist chaplains and, if he is not aware, would he agree to look into some information that I might be able to send him with a view to having a service for those who have non-religious beliefs who would not feel comfortable accessing a religious chaplain?

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

I should stress that the chaplaincy team would seek to work with anyone who might need their services, not simply those who might express any sort of spiritual belief. Their services are available to all. I do not know anything about humanist chaplaincy services and I would be pleased to pass on any information to our team that the Deputy may wish to forward to me.

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

Does the Minister agree that the stark reality for many healthcare workers who might be thinking of coming to Jersey is that they look at the package being provided and they think 40 per cent of my gross income is going to go to my landlord, perhaps more, 20 per cent of my income is going to go to income tax perhaps, roughly, about 6.5 per cent of my income is going to go to social security, but that is okay, I will have 33 per cent of what I earn left to pay for the increasingly high utility bills, the food costs in Jersey and perhaps some travel back and forth to the U.K. or elsewhere if I need to? Does he agree that setting up a director of well-being is probably a good thing to have as an ancillary service but it does not deal with the core issues? When we have something like Locate Jersey, which we pump lots of governmental money into to help the wealthy, the super wealthy, relocate to Jersey ...

#### **The Bailiff:**

Deputy, it is supposed to be a question to the Minister for Health and Social Services from within the Minister's portfolio, and it is turning into something of a political statement. So perhaps you could focus it into a question, please.

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

By way of analogy, we have something called Locate Jersey, which we pump lots of money into from the taxpayer to help those who probably do not need the help to locate here so that they do not have to pay much tax, whereas in reality we need key workers in the Health Department. Could we

set up something similar to Locate Jersey but just for essential health workers, et cetera, so that they can be given help to find appropriate, cheap, affordable accommodation to allow them to stay in Jersey and lead fulfilled lives working for us?

**The Deputy of St. Ouen:**

We do provide a relocation package and assistance is both financial and practical in helping staff move to the Island. Accommodation, as the Deputy has said and I absolutely accept, is a huge issue for many, not so much taxation. Most employees find themselves paying less in tax when they come here than they did in the U.K. Yes, this is an important part of the government workforce strategy that we need to house our essential key workers and we need to make sure that we can retain them here on Island. That is about having accommodation available that is affordable to them. It is an ongoing issue which Governments will have to tackle for some time in the future.

**3.9.9 Deputy K.G. Pamplin:**

I thank Members for joining on this question. The recent results of the N.H.S. staff survey sadly was not unexpected and there are echoes that we have seen here in Jersey, so my final question on this matter to the Minister for Health and Social Services is: will he say today how grateful we are for all their services but they must be supported going forward in more ways than we are doing right now?

**The Deputy of St. Ouen:**

Yes, I will absolutely echo the words of gratitude by the Deputy. We are grateful for how not just H.C.S. staff but all public sector workers have brought the Island through the last 2 years. The Government has put measures in place to support staff and I think one of the things we as a community, and that will include us as States Members, must bear in mind is that when we are critical of other politicians and the policies that we have not been able to deliver, perhaps in the view of some, and about service delivery, that can upset staff. That can demoralise staff who are doing their very best to deliver a service. When they hear at a high-level services are being trounced as rubbish when they are not rubbish, that will demoralise them. So I think we have a part to play in making sure we use appropriate language and targeting any criticism, acknowledging always the hardworking nature of our public service.

**3.10 Deputy K.F. Morel of the Minister for Treasury and Resources regarding plans to disincentivise Islanders from buying multiple properties (OQ.75/2022)**

Will the Minister advise whether she has any plans to disincentivise - apologies for the use of that word - Islanders from buying multiple properties in order to ensure that the housing market is primarily focused on providing residential homes for Islanders rather than being used as a source of investment returns?

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

Housing is an issue that affects all Islanders. That is why promoting a sustainable housing market is an important priority for this Government. However, as is so often the case, there is no one-size-fits-all solution. As the final report of the Housing Policy Development Board noted, moving to a more sustainable housing market will rely on promoting both owner occupation and renting.

[11:00]

To do that, we must accept that purchasing residential property as a source of investment returns is a necessity for a functioning rental market. However, at the same time we should not accept property investment at any cost. That is why Treasury officers are working to implement C.S.S.P. (Corporate Services Scrutiny Panel) Amendment 22 to the Government Plan, which seeks to introduce a higher rate of stamp duty on buy-to-lets, second homes and holiday homes. When brought into force, the higher rate is intended to help to reshape the supply and demand of the housing market. Buying properties is only one side of this issue. The other side is making sure that housing stock is utilised

efficiently, and I am aware that the Minister for Housing and Communities has also started work on options to address the issue of empty properties, as he mentioned in an earlier answer. We are not considering the use of any further tax levers at this moment, but will be exploring this issue in more detail as part of the review of stamp duty announced in the Government Plan that my successor as Minister for Treasury and Resources will be taking forward.

**3.10.1 Deputy K.F. Morel:**

I thank the Minister for her response. I am very pleased with the Minister's response. It is what I would have liked to hear. I was wondering if the Minister would be able to give greater clarity on the timeline for that review of stamp duty.

**Deputy S.J. Pinel:**

The stamp duty I think is what the Deputy is referring to. We are committed to introducing a higher rate by the end of December this year and any legislative changes will be included in the Finance Law for 2023.

**3.10.2 Deputy M. Tadier:**

Has the Minister thought about what unintended consequences there might be of an increase in buy-to-let stamp duty? For example, is there a risk that the buy-to-let landlord will simply pass that on to the tenant? Is there also a concern that it might create a 2-tier playing field insofar as somebody who has lots of inherited properties that they already own which they can rent out would possibly be able to rent their properties out much cheaper than somebody who has had to buy 20 properties with this increased stamp duty rate? Are those kind of consequences, and arguably distortions that could occur, have they been taken into account?

**Deputy S.J. Pinel:**

That is entirely why we are doing the review, so that we can look at all the consequences and ways forward that the Deputy has mentioned.

**3.10.3 Deputy M. Tadier:**

What is exactly the problem that the Minister is trying to resolve here in terms of buy-to-lets? Is it simply to raise extra revenue for the Tax Department or is there some underlying issue that she has with the private rental market that she wishes to address?

**Deputy S.J. Pinel:**

No, I do not have an issue with the ... I do not really think that is a question for Treasury and Resources, but I think the Minister for Housing and Communities very eloquently outlined in an earlier question the situation with empty properties, the stamp duty is merely being introduced to make the system fairer. As I said in answer to an earlier question, that we will have the answer to a lot of the questions that the Deputy has mentioned by the end of this year.

**3.10.4 Deputy K.F. Morel:**

The Minister mentioned that she would expect that review and any consequences from it to appear, effectively, in the Government Plan for 2023. Would she be able to confirm, therefore, that if that did not appear in the Government Plan, it would be because the next Government has chosen to withdraw it because currently the view is that it will go ahead?

**Deputy S.J. Pinel:**

Yes, currently the view is that it will go ahead. I cannot speak for the next Government.



### **3.11 Deputy G.P. Southern of the Minister for Social Security regarding the value of medical benefit paid for GP consultations (OQ.69/2022)**

Will the Minister advise why the value of medical benefit paid from the Health Insurance Fund for G.P. consultations (currently set at £20.28) has not been updated since 2012, and why any changes since the benefit's inception (when the cost of consultations was split 50/50 between patient and government) have not been linked to the retail prices index or the health costs index?

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

The way in which healthcare is provided has changed considerably since the 1960s and over the last 10 years there have been significant steps to modernise the way primary care is funded with the introduction of other types of payments, alongside medical benefit. New funding had included J.Q.I.F. (Jersey Quality Improvement Framework), which is worth £1.8 million a year to general practitioners and other contracts and services like flu vaccinations, serviceable screening, which is free to the customer and telephone consultations and health access scheme where at least 11,000 people on income support pay £12 appointment. My officers meet regularly with the G.P.s and the primary care body to discuss and develop the primary care services which will support Islanders to achieve better health outcomes.

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

Will the Minister bring to the States a report detailing the new methods of funding, as compared to the 50/50 funding that existed 10 years ago, in order that we may understand what has happened to funding of our primary healthcare?

**Deputy J.A. Martin:**

I think that is a job for the new Minister. The Minister for Health and Social Services has undertaken a wide health review, looking at funding options and healthcare cost and for the potential of new health access schemes. There is lots and lots going on but this Minister will not have time to go back to 1960 and assess all the different ups and downs from there but lots has happened in the last 10 years, as explained in my first answer.

### **3.12 Deputy R.J. Ward of the Minister for Infrastructure regarding the £20 bus pass for under 19s (OQ.67/2022)**

Will the Minister state the current uptake of the under-19s bus pass scheme and outline what work, if any, is currently being undertaken to review the scheme and the success of its implementation?

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

There has been a good uptake of the Avanchi18 card launched on 21st March, which has now been operating successfully for 5 weeks. The total number of Avanchi18 cards issued as of 8.30 a.m. this morning stands at 2,280 with a further 19 to be processed. **[Approbation]** In accordance with the Deputy's amendment to the Government Plan, a review of this scheme will be presented to the Assembly by the end of September.

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

Can I ask the Minister, given that we are dealing with young people here, what work has been undertaken to find the most appropriate method of communication with young people to genuinely get their voice in the success or not of this scheme? Because it is a very distinct thing that we have to do there and I think engagement with the Assembly, for example, has shown that we have to think of other methods of engagement.

**Deputy K.C. Lewis:**

Indeed, LibertyBus has been extensively promoting the Avanchi18 cards and, as I say, the take-up speaks for itself. It has been very successful, as it has only been going 5 weeks, the roll-out continues.

**Deputy R.J. Ward:**

Sorry, the question was about what methods for the review not to take up the review. I think I made the question very clear in terms of what unique methods for young people will be taken for reviewing the success or not. Sorry to be pedantic but that is my job.

**Deputy K.C. Lewis:**

But the review will be obviously in the uptake and obviously the students will be interviewed whether they are happy with the way things are running. As I say, this will be reviewed by September. I do not have an actual list of what will be requested of people but I know that LibertyBus are promoting it, Infrastructure are promoting it, and I think schools are doing likewise.

**3.12.2 Deputy K.F. Morel:**

I am heartened to hear of the successful take-up so far. But I was wondering if the Minister could advise the Assembly as to why the decision was taken, rather than rolling over existing bus passes, which many students who were already using the buses had, the decision was taken to require students to go to the bus station in person with identification to pay the money and often, therefore, having to take their parents, essentially making it more difficult to get the new bus pass. I was wondering if he could advise as to why that decision was taken.

**Deputy K.C. Lewis:**

It is a relatively simple process, it just needs the person processed in person because they need a new photograph taken. It is a new card and they need to be identified - either a passport or a National Insurance number - just so we can establish it is them. Because obviously it applies to people of 18 years of age and under and as the situation stands that will expire when they are 19. The age is quite crucial to be checked but it is a relatively simple process.

**3.12.3 Senator S.Y. Mézec:**

Does not the massive uptake of this scheme already demonstrate what a success it has been? On that basis, does the Minister regret his opposition to it when it was first proposed and accept that a future for our bus service is to expand schemes like this in the future?

**Deputy K.C. Lewis:**

I was opposed to it because I did not have the money and I have introduced many things myself besides the senior citizens' pass. We have had the disability pass and the disability carers' pass, which I introduced last year. We are all on the same track, I believe.

**3.12.4 Senator S.Y. Mézec:**

I guess my question is: what is next? He has just listed 3 previous bus passes that were introduced. This scheme has quite clearly been a success, who would he like to see it expanded out to next?

**Deputy K.C. Lewis:**

There is not much further to go. I would like to see an expansion of the student bus service generally. I would like to see more young people on the buses and indeed more people generally on the buses to cut down our carbon footprint on the Island. I would like to see the bus service expand. As I say, the amount of people that are paying at the moment is reducing, so we will need greater subsidies if we go down this road; no pun intended.

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

The Minister will be aware, he has listed some already, that there is a disability bus pass, there is also something called a throughfare, which I know that many people have been taking benefit of, which means that you can get from one part of the Island to any other part of the Island for just £1.75 with your AvanchiCard. There is also now this great scheme which we found out has already raised £46,000 for LibertyBus but, more importantly, it has given young people the ability to have unlimited bus travel service throughout the whole year. Does the Minister agree that these 3 Reform Jersey policy initiatives could be built on in the next Government if we have the right Minister in charge to make sure that all sections of our society have affordable and very accessible bus passes of this nature to get them out of their cars where possible and to get them using sustainable and active transport and travel?

### **Deputy K.C. Lewis:**

I do believe that the correct Minister is in charge at the moment; that is why he brought in the carers' pass. There is more work to be done, absolutely, and, as I say, I would like to see an expansion of the bus service further north, south, east and west to really cover the whole Island and get as many cars off the road as we possibly can and more people on to public transport. We have all seen the recent statistics regards the population, so I cannot build more roads wearing my other hat as Infrastructure. We need to get as many people as we can on to the buses and whatever that takes.

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

I will let the Minister off this time, Sir, no supplementary.

### **The Bailiff:**

Final supplementary, Deputy Ward. Sorry, I beg your pardon, I have the Connétable of St. John indicating a desire to ask a question; that will be the last before the final supplementary.

[11:15]

### **3.12.6 The Connétable of St. John:**

The Minister said that both Liberty and I.H.E. (Infrastructure, Housing and Environment) are promoting the scheme. Can the Minister explain to us why the scheme is not promoted on the buses themselves? I would have thought that would have been a good place to start.

### **Deputy K.C. Lewis:**

I believe it is promoted at the bus station where people get on the bus and because of all the electronic screens at the bus station, and I believe it is promoted in schools as well.

### **3.12.7 The Connétable of St. John:**

Would the Minister agree with me that people like me do not use the bus station on all of our journeys, we sometimes get off in the Parade and go down Broad Street? Using the buses to promote the scheme would be a good thing to do in my opinion, would he agree?

### **Deputy K.C. Lewis:**

Indeed, I will point that out to LibertyBus who control on-bus advertising.

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

I will return to the point about consultation with young people and listening to their voices as to the success or not of this scheme. Can I urge the Minister, can I ask him to really take that seriously and find a way of engaging directly with young people to find out whether this was a success or not? I will make the point to the Minister that it is an absolute bargain, probably the cost of about one or 2 consultants.

**Deputy K.C. Lewis:**

I would agree with the Deputy. It had to happen one day, it is an absolute bargain, absolutely; £20 for a year. Anybody listening now I will promote it even now, that if you are under the age of 18, 18 and under, go along to the bus service with I.D. (identification), passport or National Insurance card, and secure your student bus pass. It is not just for school buses, it applies to any bus.

**3.13 Deputy M. Tadier of the Minister for Economic Development, Tourism, Sport and Culture regarding repair work on the Opera House (OQ.65/2022)**

Will the Minister update the Assembly on the repair work needed by the Jersey Opera House, including the level of funding required, whether such funding will be made available and, if so, when; and when the anticipated work will be able to start and finish?

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

Deputy Morel will take this question.

**Deputy K.F. Morel (Assistant Minister for Economic Development, Tourism, Sport and Culture - rapporteur):**

I thank Deputy Tadier for his question. The Government is working already and has been for the past year with the Opera House Board to review the full scope of work that is needed to reopen the Opera House, which is, I think, in every Islander's mind, an important historic building. That scope of work has been agreed upon and it is necessary to bring the Opera House back into safe and sustainable use. The scope of work is expected to cost in the region of £5 million; £2.2 million has already been secured for the project and that was the original £2.2 million that initially came from fiscal stimulus but then due to the ongoing length of the project has now been sourced from other funds from Treasury. We are in discussions with Treasury about the balance, which is approximately £2.6 million. There is considerable support across Government for the Opera House and we fully anticipate the funding will be forthcoming. I am utterly committed to delivering an improved Opera House to be open next summer. The first phase of work will start next month with a target date for completion, as I just mentioned, in the summer of 2023.

**3.13.1 Deputy M. Tadier:**

First of all, I thank the Assistant Minister for that helpful answer. Does the Assistant Minister agree with me that there seems to be a perennial problem with the Opera House? We see headlines every few years saying that there is an issue with maintenance, with funding, that it might have to close down and that no doubt lessons have been learned. I would hope that he can confirm in future that on the one hand a sustainable funding mechanism can be put in place so that when maintenance issues like this arise, which I believe is an issue for Property Holdings - they are the landlord - that we should not have to scramble around for money to repair such a beautiful and cultural building. But can he also confirm whether or not there is new thinking going on about how the Opera House might be managed in the future so that it can be fully utilised and perhaps in conjunction with the other arts offerings in the island?

**Deputy K.F. Morel:**

There is a simple and a quick way to answer this. There is no question in my mind that funding for maintenance of the Opera House over the past 20 years has been insufficient. It is quite clear that previous Governments have not invested in the Opera House and indeed you can see that, not just the Opera House but in many buildings around the Island that the States own. The work I have been doing with officers has been focused precisely on the matters that Deputy Tadier raised. How do you find a sustainable solution for funding the maintenance of the Opera House so that we are not left in this cycle where nothing is invested for 20 years, then suddenly you need millions of pounds to bring it up to basic standards? These are health and safety standards we are attempting to meet here with

this £5 million; it is not much further than that. Yes, we are trying to find a sustainable funding solution and, with regard to the use of the Opera House, I have been reviewing exactly how it could be used as we move forward. There are 2 plus sides to this break in the use of the Opera House in the sense that it has been closed from 2020 due to COVID initially, it has been closed longer because we need to bring it up to standards - health and safety standards - and that work is ongoing; so it is one plus side, it is being brought up to standard. But the other plus side is that this gives us a break and an opportunity to understand how best to use the Opera House going forward. It is a balance between attracting international standard artists to the Island, as well as making it available for community use, and those are the 2 items that I have asked officers to look at and those are the things that we are examining, as to how best to match those 2 things, community use and high-class, world-class acts coming to the Island.

### **3.14 Senator S.Y. Mézec of the Minister for Health and Social Services regarding maintenance of a suitable number of GPs (OQ.71/2022)**

What plans, if any, does the Minister have to ensure that a suitable number of G.P.s is maintained in the Island over the coming years so that all Islanders can have timely access to their G.P. when they need to see them?

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

Primary care is certainly an essential part of healthcare and, as Minister, I recognise the importance of maintaining a skilled healthcare workforce in the Island. This includes all healthcare workers within and external to H.C.S. As such, the department has undertaken 2 concurrent pieces of work to support this. Firstly, the health and care workforce strategy, which will include the G.P. and primary care workforce. Secondly, research and the preparation of a report with options on sustainable healthcare funding for Jersey, and this piece of work will come before this Assembly for debate; that is the intention and feed into the 2024 Government Plan. As the Senator is aware, G.P.s in Jersey are private businesses and, as such, like all commercial organisations, carry out their own recruitment to ensure the sustainability of their practices. The private nature of the practices has enabled Jersey to maintain good access to G.P.s thus far but if it is found that G.P. practices are unable to recruit, this will need to be considered in the pieces of work I have outlined.

#### **3.14.1 Senator S.Y. Mézec:**

Does the Minister monitor the numbers of G.P.s that there are in those practices in Jersey and does he have any ability to anticipate future numbers of G.P.s, bearing in mind that as the years go by some G.P.s will retire and we may wish to see new G.P.s enter the system to maintain the access to primary care in Jersey? What is his understanding of those numbers and the directions they are going and what challenges he may need to help them with overcoming to make sure that we do have enough G.P.s here?

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

The numbers are monitored and, of course, on a national scale there are numbers available as to how many people are entering training. But as to how many people are available to come to Jersey in the future that is more difficult. I understand that there are still a good number of G.P.s but the ways of working within private practice are changing and as indeed they have in many other professions. Many G.P.s now wish to work either on a part-time basis or fewer hours and not all of them are interested in the model of partnership that traditional G.P. practices have issued and would prefer to be salaried and more flexible in that way. Like other professions have - I know this has been the case in the legal profession - the traditional ways of working have changed and this is happening within the medical profession and we need to assist G.P. practices to make that change.

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

I was very disappointed to hear the first answer aimed at 2024. Does the Minister not accept that we have shortages of G.P.s now? They have closed their lists in many cases and we have got a list of some dozen or so potential retirees in the next year or so. Will the Minister accelerate his process to assess how we can deliver primary care in the short order, rather than before 2024; that is too late?

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

I do feel the Deputy is being unnecessarily alarmist. We are working, have worked and will continue to work closely with primary care providers over the recruitment of preventative services, multi-disciplinary working within primary care. For example, so many healthcare needs could be met by a visit to the pharmacy rather than a G.P. attendance but G.P.s are also able to engage practice nurses or physiotherapists. We are also developing intermediate care services to support general practice by keeping people living independently at home. We are in regular discussions with the G.P. workforce about the changing demographics of the Island and their profession also.

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

Surely one of the factors that should be involved in the short term is to plug the gap because we are about to see our numbers of G.P.s absolutely sink through the floor and that we have a matter of urgency if we are to preserve our primary healthcare system in some form or other.

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

I do not agree with the statement that our numbers are about to sink through the floor. What I do understand is that there are changes in this profession and that G.P.s who are new to practice are not necessarily wanting to work in the same way as those who are about to retire. That means that, like all of us and all workforces, they have to adapt and those discussions are continuing as to exactly how primary care can be delivered in the Island. There is much work being done and has been done.

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

Just for the purposes of clarity, would the Minister advise the Assembly as to whether the number of G.P.s has increased, decreased or stayed the same over the past 5 years?

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

I am not sure about the last 5 years but my information from discussions last week was that the current numbers, essentially, are the same. What is happening is that G.P.s are wanting to work in different ways from those they had previously.

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

If the number of G.P.s is, essentially, the same but we know the Island's population is rising, does the Minister accept that means each person, each patient in the G.P.'s surgery is receiving, effectively, less of a G.P. than they did 5 years ago?

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

That assumes that only a G.P. can provide healthcare. As I have said, primary care is about much more than visiting a G.P. It is possible to receive primary care services through practice nurses, through occupational therapists, other therapies and indeed pharmacists are highly-trained professionals who are able to assist to a far greater extent than I believe we give them credit for in dealing with primary healthcare issues.

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

Given that on a recent routine visit to my G.P., I was told that they were given only a day's notice to respond to consultation on the Care Model, would the Minister agree that it is important to maintain

a good relationship with G.P.s if the numbers are to be continued and certainly if G.P.s are to be discouraged from taking early retirement?

[11:30]

**The Deputy of St. Ouen:**

I entirely agree it is important to maintain a good relationship. I know that in H.C.S. we have regular ... that is not myself but members of the executive have regular monthly formal meetings with the primary care body and there is contact at all other times on a very regular basis. I know that also happens in that Customer and Local Services have regular formal meetings too. As to receiving a day's notice to respond to a consultation, I would be surprised at that because the criticism that is often levelled at me is that the Jersey Care Model is proceeding too slowly, so I am surprised we are asking for consultations at a day's notice. But I can look into that if the Connétable wishes. But communication is important and that is recognised and does happen.

**The Connétable of St. Brelade:**

I thank the Minister for his answer.

**3.14.7 Deputy M. Tadier:**

I wanted to ask if the Minister would circulate the figures that he talked about in response to Deputy Morel. I do have another question but that is my first.

**The Bailiff:**

You can ask a supplementary question in response to the answer.

**Deputy M. Tadier:**

Thank you, Sir, that is an aside. It is my understanding that there is only one G.P. who is on the primary care panel. Would the Minister confirm what the total number is of that panel and whether he thinks it is sufficient representation that there is only one G.P. represented on that?

**The Deputy of St. Ouen:**

Yes, I can circulate the details of our records of the numbers of G.P.s on-Island. I am not sure what panel the Deputy is referring to though, I apologise.

**Deputy M. Tadier:**

It is the governance body.

**The Deputy of St. Ouen:**

The governance body, yes. There may be one G.P., that is the way the governance body is set up so clearly there is a representative of the G.P.s.

**3.14.8 Deputy M. Tadier:**

Would the Minister circulate more detailed information about that as well; what the make-up of that body is and whether he thinks in that case it is sufficient representation for G.P.s?

**The Deputy of St. Ouen:**

I think the issue is probably set out in legislation but I will circulate details of membership.

**The Bailiff:**

Very well. That brings questions with notice to an end. We move on now to questions without notice. The first period of questions is directed to the Minister for the Environment. Does anyone have any questions?

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

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

May I ask the Minister, the latest I.P.C.C. (Intergovernmental Panel on Climate Change) report stated that: “Current national pledges under the Paris Agreement are insufficient to limit warming to 1.5 degrees with no unlimited overshoot and would require an abrupt acceleration of mitigation efforts after 2030 to likely limit warming to 2 degrees”? Does the Minister believe that the 2050 target he is adopting is adequate?

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

Obviously in responding to the climate emergency there is no question that the evidence is fast amassing, that the situation is indeed serious and of course we do rely on scientific advice. The proposals that we are going to go on discussing are aiming at becoming net zero by 2050 is in fact the target which was adopted at Paris, which of course, subject to the Assembly this week, the Island is intending to commit to. Obviously in the future we are going to discuss a roadmap, it is a roadmap and it is capable of acceleration and change in the future, and that will be a matter for future Assemblies. But there is no question in my mind the direction of travel is absolutely right and I am confident that the proposal we are going to discuss is a really good start. But the Deputy is absolutely right, acceleration will come from the science and will come from international agreements.

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

The I.P.C.C. report also states that: “The accumulative net CO<sub>2</sub> emissions over the last decade, the last 10 years, are about the same size as the remaining carbon budget likely to limit warming to 1.5 degrees.” So 2050 is an unrealistic target. Does the Minister regret us moving from our 2030 target, as initially agreed by this Assembly, to 2050, despite the recommendation of the citizens’ panel?

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

I think that, again, we are going to be having the debate later. I think there has been, I think, some misunderstanding about this. I believe, and the advice I have had, is that the roadmap and the targets we have adopted is more ambitious than the carbon neutral by 2030. The reason is the carbon neutral by 2030 was based on the Island engaging in carbon offsets. Of course carbon offsets are not part of the 2050 net zero target. I think, frankly, the roadmap proposes that we will have a reduction of, I think, 68 per cent or 70 per cent of our emissions by 2030 but it is open to future Assemblies to go faster. But we have to recognise this has got very, very significant financial implications and the plan that we have put on the table is based on the funds that we have currently available. But the door is open for future Assemblies, and Ministers at the next election can campaign for this and, as a member of the public, I will support that. But we have got a good start here.

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

An unusually soft question from myself. In recognition of his last 4 years of work as Minister for the Environment, I was wondering if the Minister for the Environment would advise the Assembly as to what he believes are his greatest or best achievements over the past 4 years.

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

Am I allowed to answer that question, Sir? We all start elections with the greatest ambitions ...

### **The Bailiff:**

It is a question directed to the Minister within his portfolio. I think that is probably right, provided he does not spend more than one minute 30 seconds on the answer.

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

Asked by an Assistant Minister, that is the question.



**The Bailiff:**

I do not think the Assistant Minister is the Assistant Minister of this Minister. Ministers cannot ask questions of Ministers, Assistant Ministers cannot ask questions of their Minister, other Assistant Ministers can ask questions of other Ministers, I believe.

**Deputy G.P. Southern:**

Thank you for that clarification.

**Deputy J.H. Young:**

In a nutshell, getting the bridging Island Plan through in a time of COVID emergency. I think that plan provides a really decent basis for the future. Producing a decent carbon neutral roadmap against all odds, I think, which has got real praise from other jurisdictions and the Guernsey counterparts were full of praise for it. Not only that, a Wildlife Law. But there are disappointments and I am going to flag this up. A new Environment Law for the future, there is a whole host of legislation; air pollution, noise, the lot and that needs future Assemblies to commit to those resources. I believe I have done enough, I would have achieved a lot more. I will probably publish a report before I stand down advising new Members of what remains to be done.

**4.3 Deputy S.M. Ahier:**

Does the Minister believe that petrol and diesel car advertisements should carry environmental warnings advising purchasers to consider walking or taking public transport instead?

**Deputy J.H. Young:**

I am not the Minister for Infrastructure of course and he has got the job of trying to separate the love affair that Jersey has with its cars. They love them, they are addicted to them. As a society we have to break that and absolutely we have got money in the plans; the new Minister for Infrastructure needs to have more funding. We need to do much more of that. Active travel, bus services, walking and so on, it needs investment. I think the new Assembly needs to recognise it and I am looking forward to hearing the candidates in the election speak about this and, hopefully, those will get elected.

**The Bailiff:**

Can I just ask Members, there are a number of Members who wish to ask questions of this Minister - there is obviously a limited time available - so perhaps Members could focus their questions perhaps and only ask supplementals if they really feel the need to do so?

**4.4 Senator K.L. Moore:**

Today the Minister has lodged a proposition asking the Assembly to determine whether or not he should determine the planning application for the new hospital. If this Assembly decides that either it does not wish to debate the proposition or the Assembly votes against his proposition, what will be the next chain of events and when will the Minister's responsibilities fall away and who to?

**The Bailiff:**

I will ask for clarification there, when you say "the Assembly votes against" do you mean votes that he should not exercise a decision?

**Senator K.L. Moore:**

Correct, Sir.

**The Bailiff:**

Obviously the question is asking an opinion.

**Deputy J.H. Young:**

Complex but I think the answer is quite simple, the legal advice available to me is that the powers that I have remain in force until 27th June, 5 days after the election day because those powers are not lost by the incumbent Minister until the swearing in of new Members. Then those powers pass to the current Chief Minister and the Chief Minister incumbent is able to exercise those powers. I do not know the date, I think it is sometime in July.

**4.5 Deputy G.P. Southern:**

What budget does the Minister have allocated or under consideration for the retrofitting of our housing stock to the highest insulation standards?

**Deputy J.H. Young:**

I stand to be corrected but I think absolutely zero. The regulatory system provides the resource and the expertise to assist people to do that but the funding of our housing stock and the insulation of it at the moment is the responsibility of landowners, including the States that own land ownership. I think one of the choices we had to make in the Carbon Neutral Roadmap is whether to invest in reducing carbon emissions or to invest in insulation which reduces energy consumptions per se. That choice was forced upon us because we have only got a limited amount of money. I think, again, this is an area in the future, there is no question, bringing housing stock overall up to standard of insulation where we are well remiss, will have to be addressed by the next Assembly. It has been a great disappointment to me that the monies that were available to do that scheme, to assist households to do energy conservation, were in fact done away with and the budget taken away by the previous Council of Ministers. I inherited no budget.

**Deputy G.P. Southern:**

Thank you, that says it all.

**4.6 The Connétable of St. John:**

Will the Minister add his support to the forthcoming alternative transport week between 16th and 20th May and, if so, what will he be doing to support it?

**Deputy J.H. Young:**

I apologise, I was not aware of this. I have to confess that I had quite another few days leave in that period. But as the Members know, I expect to receive the planning inspector's report on the hospital on 13th May and I think it is quite likely that that is where I will have to give my attention undivided.

**4.6.1 The Connétable of St. John:**

Will the Minister's department be doing anything to promote the alternative transport week?

**Deputy J.H. Young:**

I am not sure I have a department. As you know, we are going to discuss my proposition later where the Environment Department was, effectively, broken up. I think at the moment it is the Minister for Infrastructure's officers; that somewhere sits within I.H.E. somewhere. It sounds to be a very good initiative to me.

**4.7 Senator S.C. Ferguson:**

Is the Minister aware that the estimated cost of changing the fuel heating system and the insulation of houses is estimated at about £100,000 a house?

**The Bailiff:**

Minister, are you aware of that?

**Deputy J.H. Young:**

That does surprise me that figure. I know that when the energy management scheme, which Deputy Southern's question allowed me to answer, the sums of money investing in boiler exchanges and insulation were much more modest, I think, in terms of probably £25,000. But I will offer to circulate Members with that information. I think it is possible to target the work.

[11:45]

Where I think there is maybe an issue - and this is perhaps an issue for the network infrastructure of our electricity network - is that in order to shift to electric boilers there is an issue, a technical issue, I think, about the need to have 3-phase power. Where that requires that is really an investment in the network, rather than in a household; properties that do not have 3-phase power I think there does need to be a programme in place Island-wide to deal with it.

**4.7.1 Senator S.C. Ferguson:**

Is the Minister aware that the estimate, as I have said in the report to my proposition, for the cost to the economy of the net zero is something in the order of between 11 per cent and 17 per cent of G.D.P. (gross domestic product), which is another ...

**The Bailiff:**

I am sorry, Senator, have you finished your question because ...

**Senator S.C. Ferguson:**

Yes, I was just going to say that it is something between £500 million and £800 million.

**Deputy J.H. Young:**

I think the Senator is right, there is an order of magnitude cost in order to achieve net zero. There is no question that it runs into the order of hundreds of millions. I think I would have to defer to my Assistant Minister who is the expert on these statistical numbers but it is significant. Whether or not it is 17 per cent of G.D.P. I am sorry I am not able to say; I would have to get those figures circulated. But there is a very substantial cost, which is why I say the £23 million that is proposed to spend for the next 4 years I am afraid is not adequate to do the job. It is a start, it is a good start, and I will recommend it to this Assembly.

**The Bailiff:**

That brings the time allocated for questions to this Minister to an end. The next set of questions are for the Minister for External Relations and Financial Services

**5. Questions to Minister without notice - The Minister for External Relations and Financial Services**

**5.1 Senator S.Y. Mézec:**

Could the Minister give as up-to-date a figure as he possibly can for the total value of Russian-held assets which have been frozen in Jersey?

**Senator I.J. Gorst (The Minister for External Relations and Financial Services):**

I have no further update to that, which I published probably about 10 days ago now where the figure stood at over £700 million.

**5.2 Deputy S.M. Ahier:**

On slightly the same subject, will the Minister advise whether there is a mechanism whereby the frozen Russian funds held in Jersey can be sent to Ukraine to compensate it for losses caused by the Russian war?

**Senator I.J. Gorst:**

There is no such mechanism in Jersey law. I am not aware that there are mechanisms in any parliamentary democracy where that can happen. There is of course a live conversation among allies and they are supporting Ukraine about whether that should be possible in the future to help with the rebuilding but there is no such mechanism currently.

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

In light of the results of the French elections yesterday, would the Minister confirm whether he considers there will be any changes to the approach given to the fishing debates we have had in our waters with the French fishermen?

**Senator I.J. Gorst:**

Firstly, may I offer the warmest congratulations to President Macron on his re-election, not only on behalf of myself but on behalf of the whole Government of Jersey? We do know of course that in running up to an election tensions can run high. We are now in that post-election period in France and it is right that we in the Ministry for External Relations continue to build and seek to enhance the relationship which was put under intense pressure post the Brexit agreement. Work is ongoing there, we know that there is the starting again of the Manche Iles Express later this week; that is news to be welcomed. I hope that there will be more reasonableness and perhaps the desire to move beyond the difficulties that we have experienced to allow those 2 fishing communities in France and in Jersey to get back to working in a more collaborative way which they historically enjoy.

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

I would ask the Minister, will he please prioritise the plight of our fishing fleet particularly in his negotiations in the future?

**Senator I.J. Gorst:**

Contrary to some public comment, that is exactly what I and the Minister for the Environment have done throughout this period and we will continue, and as I expect would any successors do the same.

**5.4 Deputy R.J. Ward:**

In his capacity as Minister for Financial Services, could I ask the Minister what action he has taken in the last 4 years to promote green investment in Jersey?

**Senator I.J. Gorst:**

Hopefully, the Deputy is aware of all of the work that we have been engaged with in the financial services section of the department for the economy, with the Minister for the Environment and the net carbon strategy. Not only have we done that but we have worked with the commission and with the promotional body J.F.L. (Jersey Finance Limited) and they both have now strategies. They are members of the relevant green finance bodies and there is a great body of work which the next Minister will be in a position to move forward. It is in my view and the view of my officials, and I think the commission and the promotional body, green finance, E.S.G. (environmental, social and governance) matters, sustainable finance are absolutely at the heart of our continued success as a finance centre.

**5.4.1 Deputy R.J. Ward:**

Could I ask the Minister, how did the investment agreements with the U.A.E. (United Arab Emirates), a large oil-producing nation, support Jersey's commitment to carbon neutrality?

**Senator I.J. Gorst:**

They are not hugely exclusive. Middle Eastern investors and families, like many families that we are finding and investors across the globe, see the change that is happening in the use of fossil fuels,

wish to invest in the future. We take the Emirates, the entire premise of the creation of the change in Dubai and the changes in Abu Dhabi is based upon the fact that they recognise that fossil fuels are a fuel and an energy source of the past and they are seeking to prepare themselves for the future when we will not rely on fossil fuels.

### **5.5 Deputy M.R. Higgins of St. Helier:**

The Minister in a written question to me recently failed to give an answer to the question of Russian assets that had been placed in or through Jersey, not just sanctioned assets but other ones, and he stated: "It is not a figure that the Government holds or a figure that would be easy to monitor." But then he says: "The Jersey financial services industry has maintained a general view of exposure of the industry and continues to monitor that position." Will he tell Members what the J.F.S.C.'s (Jersey Financial Services Commission) position is on that, how much Russian money is in Jersey? We know some of it has been sanctioned to date and some has not? How much money has been going through Jersey, Minister, from J.F.S.C.?

### **Senator I.J. Gorst:**

I maintain the answer that I gave to the Deputy in this place previously and have recorded in response to his written question last week. What the Deputy is asking for is the total exposure, I suppose, to any Russian assets or assets where there might be a nexus to a Russian U.B.O. (ultimate beneficial owner). For the reasons that I explained in my written answer, I have nothing further to add to that. I am of course publishing on a monthly basis the amount of Russian assets connected with or held by designated persons under the Jersey Sanctions Law and I will continue to do so.

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

Yes, is it really that the Minister is embarrassed by the amount of Russian money that has been flowing through Jersey and he will not give an answer because it is that embarrassing?

### **Senator I.J. Gorst:**

I am a politician, there is very little that embarrasses me. I really do not accept what the Deputy is seeking to say for the reasons that I have outlined in my written answer. They are the reasons that I am not adding to that answer.

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

Does the Minister accept that as long as Jersey does not implement E.U. (European Union) sanctions against Russian individuals and Russian organisations it is quite possible that there are sanctioned individuals and organisations with assets in Jersey? Until he adopts the E.U. sanctions, which he is entitled to do so by law, it is quite possible that we will continue to be a place where those individuals can have their assets moving freely.

### **Senator I.J. Gorst:**

I do not accept the premise of the question in the way that the Deputy has just put it to me across the floor of the Assembly or as recorded in his *J.E.P. (Jersey Evening Post)* article this morning. It is quite clear to me that being in lock step with the United Kingdom in regard to sanctions is the correct constitutional approach and it also means that we are aligning ourselves - it may have been a little bit slow at the start - with a jurisdiction which is right at the forefront of the economic fight and ensuring that Putin's regime is not financed. I am not sure if we are completely independent, that all of the actions taken by our continental neighbours can have that label attributed to them. I think it is for our benefit that we are in lock step with the United Kingdom and seeking to be aligned with the E.U. would add nothing. In actual fact there could be an argument that it would detract from it.

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

I would also like to see U.S. (United States) sanctions implemented in Jersey but we do not have that under our law. I will revert to my first question: does the Minister accept that it is quite possible that individuals and organisations sanctioned by the E.U. could have their assets in Jersey flowing freely?

### **Senator I.J. Gorst:**

Having given my initial answer, the Deputy will be aware that the United Kingdom, perhaps cognisant of some of the Deputy's arguments, have amended their legislation - we did not need to do this - to allow them to implement U.S. sanctions and E.U. sanctions where they thought they were appropriate. We could say that by aligning ourselves and remaining in lock step with the United Kingdom, which is the correct constitutional approach for us, we are getting the best of all worlds. I believe that we are aligning ourselves with a country - let us put politics to one side - which is showing itself to be a very, very strong supporter of Ukraine and ensuring that we are not used to finance the Putin regime.

### **5.7 Deputy D. Johnson of St. Mary:**

Would the Minister advise whether the resignation of Lord Wolfson as Justice Minister in the U.K., and as such responsible for Channel Islands' affairs, has that resignation had any material effect on the Island's dealings with the U.K. and is he aware of any information as to Lord Wolfson's successor?

### **Senator I.J. Gorst:**

It is personally disappointing that Lord Wolfson resigned and is no longer the Ministerial representative at the Ministry of Justice with responsibility for Crown Dependency relations. We, as Members know, welcomed him to a most successful visit to Jersey; I think it was earlier in the year. He was an individual who wholeheartedly threw himself into understanding the constitutional differences that Jersey and the other Crown Dependencies rightfully enjoy in our relationship with the United Kingdom Crown and, therefore, is personally disappointing.

[12:00]

That relationship of course is picked up straightaway by the Lord Chancellor. There is not, as I stand here, any indication of who might be appointed to replace Lord Wolfson, as the question asked for.

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

What proportion of the figure first mentioned by the Minister in this section of questioning and answers may be subject to criminal or money-laundering investigations and, therefore, open to compensation?

### **Senator I.J. Gorst:**

I am not quite sure what the Deputy was asking in relation to being open to compensation.

### **The Bailiff:**

Did you mean confiscation or compensation?

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

I mean compensation, Sir. We have a fund which does allocate these sorts of funds being subject to criminal proceedings, criminal ...

### **The Bailiff:**

Criminal Offences Confiscation Fund.

**Deputy G.P. Southern:**

Confiscation Fund, yes.

**The Bailiff:**

Confiscation, not compensation, yes.

**Senator I.J. Gorst:**

There are 2 matters, one is the amount of assets subject to the sanctions regime; that happens in a straightforward manner. The agencies in this case, I think directly relating to the Deputy's question, that would make such a decision are the Attorney General's office. They obviously act independently and they carry forward processes that we would expect of that agency with regard to the saisie, which was sought before the Royal Court, so that is an ongoing criminal investigation and it would be inappropriate for me to comment in that regard.

**The Bailiff:**

That brings the time available for questions to this Minister to an end. The third question period is directed at the Chief Minister.

**6. Questions to Ministers without notice - The Chief Minister**

**6.1 Senator S.Y. Mézec:**

Could I ask the Chief Minister, what is the biggest challenge he believes that he will be leaving for his successor to inherit from him in July?

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

It is a quite interesting question. I was quietly anticipating some questions; that was not one I was thinking of. I think we leave the organisation and the Island in a good place and, as with the objectives of any Council of Ministers, including the one before us and the one before them, et cetera, one always hopes that one leaves the position that one has inherited from the previous Council of Ministers in a better place for the next Council of Ministers to continue to build on. We will no doubt have debates around things like hospital projects and capital projects. I think the challenges we have ahead, I think housing we know we have to do more on. We have done quite a lot on it, no doubt I will be asked about that at some point. I think population controls and getting them in the right place and getting that developing properly and calmly, et cetera, will also be important. We know we have to keep a very strong eye for the next Council of Ministers, particularly on things like cost of living. However, those are very quick thoughts, as it were, but we have also said, as I said in my response to the oral question earlier, that we have made a lot of change and benefited a lot of individuals in the Island including those who earn less than most people.

**6.1.1 Senator S.Y. Mézec:**

I phrased my original question in a specific way to elicit the following point out of the Chief Minister: is it his intention that it will be somebody else to inherit that rather than himself?

**Senator J.A.N. Le Fondré:**

At the present time I have no intention of standing for Chief Minister again but that is at the present time, we will see what the future Assembly looks like.

**6.2 Senator K.L. Moore:**

Given that custody time limits are in existence in other jurisdictions, for example 6 months in the United Kingdom, does the Chief Minister think it is appropriate that a person can be held on remand in custody for a period of over 500 days?

**Senator J.A.N. Le Fondré:**

On the basis that I believe this relates to an email that Senator Moore sent around to Members within the last 2 weeks, which I believe is an ongoing matter and sub judice I do not think I should be commenting on it. Thank you.

**6.2.1 Senator K.L. Moore:**

The question is an open-ended one and not in relation to a particular case. I think it would be appropriate if the Chief Minister could address the matter from a policy objective.

**Senator J.A.N. Le Fondré:**

I really do think this is a matter that is potentially sub judice and I will not be commenting.

**6.3 The Connétable of St. John:**

Can the Chief Minister confirm why almost £200,000 has been budgeted for just 2 posts for a 4-month period for the Our Hospital project?

**Senator J.A.N. Le Fondré:**

I would have to have a bit more detail on that but if, for example, one of them is the consultant that has been used - and I mean that in all terms because obviously a medical expert - to do the clinical engagement it is very much, I believe, market rate with a huge experience being brought in and, as we know, relative to the previous project where clinical engagement was an issue there has been significant, and I would suggest far improved, clinical engagement which has left the project where we are now.

**6.3.1 The Connétable of St. John:**

So in May 2021 in response to a written question we were told the cost of an interim was no different to employing someone as a project manager yet the budget figure, if you annualise it, comes to £352,500 per annum. Does the Minister still believe that it is the same cost of employing an interim as employing someone permanently?

**Senator J.A.N. Le Fondré:**

I think it also depends on the availability of the professional experience. We want to make sure that we got good people on the team, which I believe we have because it is the biggest project this Island has faced and it needs to be moved forward in an appropriate way with that requisite experience.

**6.4 Deputy L.B.E. Ash of St. Clement:**

The Chief Minister remarked that he feels the Island is being left in a reasonable place; would he agree with me that is in no small part to the efforts of the outgoing Minister for Treasury and Resources?

**Senator J.A.N. Le Fondré:**

I am glad to see a smile on the Minister for Treasury and Resources face. I am sure that Deputy Ash will pay for that question later. I am sure there are other times to make these comments but the short answer is, yes. I commend everybody not only in this Assembly but also teams I have had the privilege to lead, whether they have been from the public sector or political in terms of Ministers that, having come through what I think are probably some of the most difficult times this Island has faced for a very, very long time, we end up in a place where we have protected lives, we have protected livelihoods, there is an economy that is left in a good state and the financial position is our reserves are higher, and for 2021 we have reported a surplus. Therefore, I think as custodians we hand over to the next Assembly and to the next Council of Ministers a far better position than we might actually have anticipated when this all started in March 2020. The whole team should be



commended, and obviously that includes the Minister for Treasury and Resources and I will save her blushes at that point.

#### **6.5 Deputy S.M. Ahier:**

Will the Chief Minister as chair of S.E.B. (States Employment Board) confirm that all pay negotiations have been finalised for 2022 and that we avoid the problems that occurred after the 2018 election with industrial action?

#### **Senator J.A.N. Le Fondré:**

My understanding - and I will look to my vice-chair and hopefully he will nod - is that the only pay group that is outstanding is teaching and other than that everybody else has accepted the offers that have been made and, therefore, I am glad the Deputy referred to 2018. We had 2 years' backlog roughly of pay negotiations and during what was obviously at difficult 2018 and 2019 we got on to the front foot. For example, we also dealt with things like the equal pay for equal value difference, which whereas previously somebody in one part of the organisation doing a very similar job might be being paid differently to someone else in a different part of the organisation doing a similar job. Broadly speaking we have resolved that issue as part of the package we put together. But to clarify, the only one that is outstanding at this stage is teachers is my understanding.

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

The Chief Minister is a Member who is known for seeing the value in our interparliamentary and governmental bodies. Would he state for the record the value that he puts on our membership of the Assemblée Parlementaire de la Francophonie and the importance he sees it playing in the future Assembly?

#### **Senator J.A.N. Le Fondré:**

I am delighted to, particularly as vice-president of the A.P.F. (Assemblée Parlementaire de la Francophonie). I agree entirely with the present remarks that the A.P.F. is one of those valued bodies that we belong to. I encourage any French speaking Member to participate if they can. I would personally like to see it given the same level of support - that is with the greatest of respect to the support from the Greffe - within the Government position as well. There should be potential additional support if we can because not only ... so, for example, the British-Irish Parliamentary Assembly has a certain level of support that goes in. I always tend to think we should be doing something equivalent within the A.P.F. because it is about relationships not only at the parliamentary level, which is incredibly important and the Greffe do a fantastic job there, no question, but it also then does assist in improving the Island's and the Government's relationships. That is what we do, whether it is the A.P.F., whether it is the regional side with Normandy and Brittany, obviously that then feeds up to the national side and that obviously also goes to the wider context of Europe but particularly in the context of France as our nearest neighbour. The ability to speak to the representatives from Normandy in French when we are in the pub after the meetings or something along those lines I think is incredibly important because it demonstrates that connection.

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

Will the Chief Minister ask the head of Statistics Jersey to publish any figures he has related to the income distribution survey which reflects the state of the economy in the pre-COVID period?

#### **Senator J.A.N. Le Fondré:**

I think I already have done.

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

In that case why have we not seen it yet?

**Senator J.A.N. Le Fondré:**

As we have said on a number of occasions, the timing of all releases from statistics is under the control of the chief statistician and the resources he has available to make sure that the numbers he releases he is satisfied are of sufficient quality to be able to have a meaningful interpretation. That is obviously his responsibility and I think we have had the exchanges. I absolutely understand the position, I understand the frustrations from the Deputy and sometimes share them, but that is the position of the chief statistician. As I have said, I do not interfere in that position.

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

Given that we heard earlier from the Minister for the Environment that it is conceivable that the Chief Minister will need to make the planning decision on the hospital, would he confirm, notwithstanding we have yet to receive the inspector's report, that he will make that decision without further prevarication and cost to the public purse?

**Senator J.A.N. Le Fondré:**

Apologies, can we stop the clock for a moment. Could I ask the Connétable to repeat the first part of that question because although I was listening the Connétable when he was speaking I did not hear that question.

**The Connétable of St. Brelade:**

The Minister for the Environment suggested that if by, I think it was, 6th May - and I stand to be corrected on that - the decision was not made by him for whatever reason the decision would fall to the Chief Minister to make.

**The Bailiff:**

The Minister for the Environment loses any authority when the new States is sworn in. The Chief Minister then retains authority for all Ministries until the new Chief Minister is appointed by the Assembly together with the Council of Ministers, so consequently there would be a period but it would be somewhere in June, if that assists you. Is that the question you are asking?

**The Connétable of St. Brelade:**

It is, Sir, thank you.

**Senator J.A.N. Le Fondré:**

I have to say I am not anticipating being in that position, I would hope. But at the end of the day one would always act on advice and speed, if appropriate.

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

Is the Chief Minister supportive of the proposed construction of the hospital at Overdale at this present moment?

**Senator J.A.N. Le Fondré:**

I am not going to say any more comments in public other than what I have previously said and obviously what I said to the planning inquiry, which is that I am obviously keen to see the project be completed so work is started given the significant issues that the Island would face if it did not proceed.

**6.9 Deputy I. Gardiner of St. Helier:**

My question was very similar to the Connétable's but I would like to ask it in a different way.

[12:15]

If the decision will not be made by the Minister for Planning would the Chief Minister consider making this decision when the Ministerial responsibility passed to him following the election and before the Council of Ministers will be elected? Would the Chief Minister consider making this decision?

**Senator J.A.N. Le Fondré:**

We are getting to the realms of hypothetical questions, which I am not terribly keen on entering, given what I would consider the sensitivity of the subject. The whole point is that as Chief Minister if I need to make difficult decisions I make difficult decisions, if they are part of my responsibilities I will deal with them and I will do it on the advice that exists in the circumstances at the time. I think that is all I can say at this stage because I am not anticipating being in that position.

**6.10 Deputy K.G. Pamplin:**

Can the Chief Minister outline the next steps, not giving too much away ahead of his statement on Wednesday, for the Competent Authority Ministers and the handling of the pandemic as we go forward into the pre-election period?

**Senator J.A.N. Le Fondré:**

In terms of next steps, there will be some announcements on Wednesday and then really obviously we will keep a watching brief in terms of during the election period and until the Competent Authority Ministers no longer ... or the present Competent Authority Ministers change. The expectation is that there should be not too many significant changes during the summer period and obviously we will then maintain a further watching brief based on the advice coming through to winter. My expectation, to be honest, is that subject to events obviously happening around elsewhere in the world that it will be very much focused on continuing vaccination. I imagine that the technology will change, not only in terms of medical treatment but also in terms of probably bringing it into parallel with things like the flu jab. We will then have to understand what the age ranges are. That will depend on the advice that will be developed during the summer.

**The Bailiff:**

I am afraid that brings the questions for the Chief Minister to an end. Next on the Order Paper I allowed an urgent oral question to be asked by Deputy Pamplin of the Minister for Health and Social Services. I will allow nominally 10 minutes for supplemental questions, which was the approximate time for questions lodged in the normal period.

**7. Urgent Oral Question**

**7.1 Deputy K.G. Pamplin of the Minister for Health and Social Services regarding ...**

Thank you for allowing this question. This is in light of our mental health review and the information received very late on Friday. Will the Minister state the reasons for the sudden conclusion of the contract with a U.K. university for the award of an on-Island mental health nursing degree, given the degree was only announced last year and started in September 2021; and will he explain what actions are being taken to mitigate the impact this will cause?"

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

The department was notified of the intention to bring the contract to a conclusion by the University of Chester in March 2021. It is not a sudden conclusion as suggested by the question. The reason for the notice to end the contract relates directly to a strategic review and redirection of the focus of the university activity, which meant that the university wanted to allocate its resources to health education within England. I confirm there has been no issue with the way in which the partnership has worked, which has been successfully running since 2013. It is not the case that this course started in September 2021. What happened then was that the whole course was able to be delivered on-

Island as opposed to the previous arrangements where some of the course was delivered off-Island. The regulator, the Nursing and Midwifery Council, is fully aware of the situation and in terms of the impact of the change no students have been able to enter new programmes run through the partnership with Chester University since January this year and all students who have commenced programmes with the university prior to January will be able to complete their programmes and graduate with their awards from the University of Chester. The process of finding a new university partnership is underway. The contract involves a tendering process to ensure providers can meet the requirements of the on-Island degree programmes and we intend to secure another provider in time for the September 2022 start of a new course.

**7.1.1 Deputy K.G. Pamplin:**

I thank the Minister for his response. The use of “sudden” was the fact that the press release from the Government was announced in February and the Minister has just confirmed that the contract concluded in March, that is where the reference to “sudden” is. Was the Minister aware of any agreements going on or in place given the timeframe of that decision to conclude so quickly after it was announced in February?

**The Deputy of St. Ouen:**

No, as far as I am aware we were not aware in February of the strategy being worked through by the university, which was announced the following month. So this is a decision by the university post entering into the agreement with ourselves and we have been supported by the university throughout this transition.

**7.1.2 Deputy K.F. Morel:**

Would the Minister advise the Assembly as to whether there are courses available to Islanders at a level lesser than a degree level, which are aimed at encouraging development of professional skills in mental health services or is there only this degree course available?

**The Deputy of St. Ouen:**

I do not have the knowledge of the availability of courses to answer that question. Mental health nursing is a specialism. To practice as a doctor or nurse in mental health I believe that a degree is required but there may be other qualifications within the mental health field which set out alternative routes but I am sorry I have not been prepped precisely on that issue.

**7.1.3 Deputy K.F. Morel:**

With that response in mind, would the Minister advise the Assembly as to what work is being undertaken to fully understand the range of qualification needs for providers who are interested in working within the mental health area?

**The Deputy of St. Ouen:**

We are anxious to provide a fully comprehensive service in adult mental health services so this will include more than just doctors and nurses posts, it will include therapists, it will include counselling courses and the like. Some of these courses can even be run by trained volunteers, they are low-level mental health needs which can be met by trained volunteers, and are being met by trained volunteers, and there are differing levels of need for which different qualifications will be required. In H.C.S. and through our partners in the mental health field we are seeking to deliver a comprehensive service.

**7.1.4 Deputy K.G. Pamplin:**

The Minister talked about the off-Island need but actually this was a 3-year full-time programme billed as a mental health nursing degree without needing to go off-Island to study, provided on-Island by a team of nursing tutors. Will the Minister confirm that this will still be the case and if there

cannot be a similar university found to deliver such a degree as so desperately needed on-Island, what would be the outcome as he has been briefed?

**The Deputy of St. Ouen:**

There are many universities within the United Kingdom that offer pre-registration nursing programmes that lead to award and graduate status and professional eligibility for registration within the Nursing and Midwifery Council. As I stated, we are in a tender process to agree a new contract with those universities, universities that are expressing an interest, and I am confident that we will find a replacement by September.

**The Bailiff:**

Very well, that deals with this urgent oral question. There is nothing under J. We come on to K and the Minister for Health and Social Services will make a statement regarding radiotherapy options for Jersey. As Members will be aware after the statement concludes Members can ask questions for up to 15 minutes. Hopefully the statement has been circulated to Members. Has it been sent through the link also to those participating remotely? It has been emailed. We will just wait until everyone has a copy.

**STATEMENTS ON A MATTER OF OFFICIAL RESPONSIBILITY**

**8. The Minister for Health and Social Services will make a statement regarding radiotherapy options for Jersey**

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

In February this year in support of P.113/2021, as amended in this Assembly, I said I would commission a report to look at the range of options for establishing radiotherapy on-Island alongside off-Island options. The possibility of offering radiotherapy on-Island is something which I had been keen to investigate. Work has been ongoing for some time to examine the feasibility of providing radiotherapy services here and today I am pleased to present the Radiotherapy Options Appraisal Report undertaken by independent consultants, Informed Solutions. In a balanced way and taking into account the views of stakeholders, the report looks at the risks and benefits of a range of options both on and off-Island. It does not make any formal recommendations but presents a number of options for further consideration. A copy of the report will be published on the States Assembly website shortly. Radiotherapy is generally delivered by a machine called a linear accelerator or LINAC, which is housed in a 2-metre-thick concrete bunker. As one would expect, the provision of radiotherapy is highly-regulated because of its potential to cause serious harm. Treatment involves the calculation of an overall dose of radiation which is then divided into smaller doses called fractions. These are usually delivered on a daily basis throughout a working week and radiotherapy is normally provided on an outpatient basis. Currently our Jersey consultants have access to 5 cancer centres in the U.K. that provide excellent care and treatment with good outcomes. Some 70 per cent of our activity is referred to Southampton University City Hospital with the Royal Marsden, a dedicated cancer centre, accounting for 22 per cent. All have extensive facilities, including multiple LINACs. Jersey patients have the same waiting time as U.K. patients although U.K.-based consultants would be expected to use their nearest cancer centre and they may therefore have less choice than their Jersey counterparts. Radiotherapy is a specialist service which would not normally be available locally to a population of just over 100,000. However, we know that on-Island radiotherapy facilities are something that many Islanders would wish to have. It would allow patients to be in a familiar environment, close to family and friends at what can be a lonely and anxious time, which can also impact mental health and emotional well-being. Treatment in the U.K. usually involves between 20 and 30 overnight stays but sometimes it can be as long as 45 nights. We know that some patients choose not to undergo treatment because of the difficulties of travel and the strain of separation from their families. In considering on-Island or off-Island approaches it is important to

have access to demand and capacity information. The authors of the report are complimentary about the quality and provenance of H.C.S. and Statistics Jersey data. This has meant that they have confidence in baselining the current demand and cost data and projecting these forward over a 20-year period from 2022 to 2043. Taking 2019 as the base year to avoid any effects of COVID on numbers, 221 Jersey patients were treated and 3,121 fractions of radiotherapy delivered in that year. Projecting forward, the report suggests that radiotherapy demand is increasing due to an ageing and growing population (not a greater incidence of cancers per capita) and suggests that demand will increase to 4,687 fractions by 2043. That figure excludes private patients and Guernsey patients. It also assumes that 20 per cent of demand will remain to be treated at U.K. specialist centres due to the complexity of treatment and specialist equipment required.

[12:30]

On the other hand, it is acknowledged that on-Island provision may result in a higher uptake of radiotherapy as a treatment option for palliative care and for some breast cancers. When this is taken into account the number of total fractions required by 2043 would increase to 4,888 of which 3,882 could be provided in Jersey. The report finds it unlikely that emerging technologies will significantly reduce the demand for radiotherapy over the next 20 years. At full capacity, after planned downtime, a single LINAC machine can deliver 7,500 fractions per year. This means that potential on-Island demand by 2043 would only reach about 45 per cent of full capacity. Even if all Guernsey and private patient demand were added to Jersey's demand it would still not exceed total capacity within the next 20 years but would result in approximately 85 per cent utilisation. A positive factor arising from underutilisation is that waiting times should be minimal and less than current waits in the U.K. with the prospect of improved health outcomes. In relation to staffing, the report suggests a partnership approach would be appropriate given the challenges in recruiting to specialist roles, governance and regulation. There could be potential risk to any service if the Government of Jersey alone sought to recruit, retain and provide appropriate training and development opportunities within a small, local facility. Therefore a combination of Government of Jersey provision alongside a U.K. partner organisation from within the N.H.S. or private providers is suggested as being more resilient. It is also important to consider one particular risk inherent in an on-Island facility with a single LINAC machine there would be a high impact of interruption to service due to equipment breakdown. Patients could suffer harm if treatments were postponed. Sufficient assurances would be needed from a U.K. partner organisation for prompt referrals off-Island, with the alternative being a 4 to 6 week wait to join N.H.S. service provision. It will be for the next Minister for Health and Social Services, Council of Ministers or this Assembly to decide whether to take forward any of the options to full business case preparation. Any consideration must ensure that clinical safety and the clinical outcomes that would flow from on-Island care must be as good as, if not better, than our existing arrangements. As now, we must continue to provide Islanders with safe, reliable and high-quality radiotherapy services. I realise this can be a personal and emotive issue but I hope the objective analysis in this report will assist and inform any future debate on this issue. Given the report points out that any on-Island option would realistically not be available until 2027 at the earliest, I am asking the H.C.S. teams to review our provision with the aim of improving the experiences and outcomes for Islanders using the current off-Island provision. This should include consideration of additional travel support, varied accommodation arrangements and provider options, as well as approaches to improved palliative care.

**The Bailiff:**

Thank you very much, Minister. As I say, there is now a period of 15 minutes available for questions.

**8.1.1 Deputy M. Tadier:**

First of all, can I thank the Minister, those who carried out the feasibility study and those who engaged the stakeholders for the work they have done. Does the Minister think it is a reasonable statement -

and I thank him for the presentation that he gave to me and to Members as well - that this report very much leaves the door open for on-Island provision if there is a political will? Notwithstanding that, there are options to look at as to what works best and that it needs to be clinically safe as well. Looking at it initially, the cost does not seem to be as high as we may have thought and the benefits to on-Island provision are still worth exploring.

**The Deputy of St. Ouen:**

I believe they are options that well-worth exploring. I do not think cost is an overriding factor here. I was surprised really that an on-Island provision would cost more than the present arrangements but, of course, there are those benefits and those benefits might include shorter waiting times, which would improve health outcomes, which would have an impact on ongoing costs and there is just the convenience and the ease of accessibility for Islanders. Yes, I would agree with the Deputy and I would urge that further consideration be given to options by the next Minister.

**8.1.2 Deputy K.G. Pamplin:**

I would also like to thank the Minister for his team's work on this and Deputy Tadier for initiating it. My question is in relation to what came out of our Scrutiny meeting and the outpatient outcomes that we do not do a good job of promoting. What will be his message to the future team on how we can improve the outcomes, the services and the experiences that the patients receive from these services in the U.K.?

**The Deputy of St. Ouen:**

I take it the Deputy may be referring to the experiences of travel and having to spend time in hotels or apartments. We would certainly want to look at that. At the moment escorts are paid for by H.C.S. in certain circumstances but not all. I know that does cause difficulty because, of course, everyone who travels has a story to tell and is not in the best of health. It would be lovely if we could provide companionship during those times. But, of course, that comes with a cost which would impact on H.C.S.'s budget so we must relook at the priorities and how we want to deliver that service and what accommodation we will provide and services within the accommodation. Because sometimes it is all very well asking people to stay in an apartment for a week but if they do not feel like cooking for themselves and they are just left to survive on takeaways, is that what we really want? What options might there be to provide good healthy meals for them. These are the sort of things that we would wish to consider.

**8.1.3 Deputy K.G. Pamplin:**

Will the Minister also acknowledge in public and reiterate that the amazing charities on this Island who do support the families with these travel arrangements are brought around the table to help Government and can be supported by Government because they produce the much-needed support and comfort that is needed.

**The Deputy of St. Ouen:**

They do, indeed. I wholeheartedly agree with the Deputy and I thank the charities for working so closely with H.C.S. and with patients in providing that valuable support. They will continue to have a huge role to play and they are aware and have been briefed on the outcome of this report. They were stakeholders and consulted by those who put the report together.

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

I thank the Minister for what is a very balanced statement. I would just like to focus in on the difficulties and challenges of having only a single machine on the Island, should that happen. While some fractions are given on weekly or biweekly or even longer basis, many fractions are often given on a daily basis and that is where the difficulties around having a single machine and the reliability

of it is important. Does the Minister have any information or data on the downtime of the LINAC machines when it comes to breakdowns and routine maintenance?

**The Deputy of St. Ouen:**

I do not have precise data but the Deputy outlines a risk and it would be possible for the Island to fund 2 LINACs in the Island so that one might be available in the case of breakdown, but that is an expensive option and would just increase the underutilisation. But that is an option, a dual LINAC, and that is one of the options within the report. There are many options for consideration, so that could be taken forward if it was thought desirable. I think there is built into that figure of an average 7,500 fractions a year some time for maintaining and servicing the machine, so that is built into that figure. But inevitably if we are planning for 20 years there will be breakdowns in the machine because that is inevitable, one would think. The difficulty is servicing need when that happens. A dual LINAC could be the answer or having an arrangement to take our patients temporarily but very swiftly to the U.K. As to how often it happens, well these machines are usually very reliable and I am sure there will be U.K. data that I am not at this moment aware of.

**8.1.5 The Connétable of St. John:**

The statement refers to numbers of patients in Guernsey. Could I ask the Minister to confirm what level of consultation was had with our neighbours in Guernsey and if that included whether both Islands could potentially back each other up with their own machines.

**The Deputy of St. Ouen:**

I had one conversation with Guernsey but at the moment they are not in a position to respond really in any way because we do not have anything yet to offer. You must remember for Guernsey that sending their patients to Jersey, how different would that be to sending their patients to Southampton? For them it is still an off-Island option. I think when we have something to put to them, that is when a future Minister or Council of Ministers has decided to take something forward, then we can enter into meaningful discussions with Guernsey.

**8.1.6 The Connétable of St. John:**

The point I was trying to make was if we could work with Guernsey and use each other as the backup rather than patients travelling on a daily basis.

**The Deputy of St. Ouen:**

Yes, that may be a possibility but I do not think this options appraisals has looked at it because, of course, that would need a political will in Guernsey to carry out the same sort of exercise that we have just carried out and decide to commission their own LINAC machine. If in future discussions there was that political will then that is a further option, it is true.

**8.1.7 Deputy K.G. Pamplin:**

Pre-pandemic we lost Flybe, which was an essential route for patients and families travelling at low cost to Southampton to support their families. Can the Minister outline as part of this work what was looked at in those links and the pressure that needs to be applied to find more supportive links to any of these areas in the U.K. for families at as low as cost as possible?

**The Deputy of St. Ouen:**

I thank the Deputy for reminding me of that. That is one of the issues that I will ask my teams to look at immediately. The ease of transport to our U.K. centres to make sure that patients are not affected, the health outcomes are affected as little as possible by the difficulties of travel arrangements.



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

Will part of that process be the funding of the partners or the loved one of the patient that that cost will become part of the process as opposed to applying and appealing if that patient needs that support travelling for whatever reason?

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

Well, we will certainly look at funding escorts; they are currently funded for persons over a certain age and children. Thus far the policy has been that if somebody is a working adult and is well enough to travel by themselves then we would not pay for their escort. But I know that that has caused anxiety in the past and this is something we will be looking at.

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

Was the study able to identify groups of patients in Jersey who currently do not receive any radiotherapy treatment but who might benefit from that? Could the Minister remind us who those groups are and perhaps what kind of numbers they represent?

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

There was one group in particular which concerned me and are able to access the service generally in the U.K. but it is much more difficult from Jersey.

[12:45]

That is a group of people who are receiving palliative care and there is a role for radiotherapy in palliative care but, of course, very often those people are too ill to contemplate travel off-Island or knowing that their days are limited they might not choose to spend weeks in a U.K. hospital or a U.K. centre visiting a hospital every day. They might prefer to be here with their family. If we had an on-Island provision we would be able to support that group. There are also others with cancer who choose not to travel because they wished for their own family reasons to stay on-Island with their family. So obviously if we had that facility here that fear or that reluctance to travel away would not be on their mind to the same degree.

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

Was consideration also given to the current support that charities in Jersey give, in particular financial support which often goes towards helping patients travel to the U.K. with their families and the costs associated with it, about the relationship with these charities and how those monies could be used in the event that there was an on-Island provision?

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

I do not believe the authors of the report looked at how charities spent their funds or the support they gave patients but that is something that I will work with the charities and look at, because I have said that we will want to look at the support we give. So we know that the charities have supported patients. We have tried to find that balance between public funding, charitable funding and ensure that, as far as possible, we give patients the best support we can off-Island.

#### **The Bailiff:**

Very well, that brings questions to an end for the Minister. Before the adjournment is proposed could I just mention to Members that as Members will be aware from the ruling that I made, circulated I believe early this morning, I have allowed a proposition from Deputy Young seeking the expression of opinion by the Assembly relating to taking the decision for planning permission with regard to the potential new hospital. The Deputy requires the permission of the Assembly to deal with the matter at this sitting and to shorten the lodging periods. So I am hoping that the proposition, which I do not think has yet been circulated, will be made available over the lunch hour so that that request can be

dealt with before we move on to public business in the afternoon. So Members will then know if a debate is going to take place and therefore prepare for it or not as the case may be. Hopefully we will get that circularised to Members over the lunch hour. It is already going around, I am told, which is marvellous. In the usual way before we move on to public business we will deal with all matters where the indulgence of the Assembly is required to deal with it at this sitting. Is the adjournment proposed?

## **LUNCHEON ADJOURNMENT PROPOSED**

### **The Bailiff:**

Very well, the Assembly stands adjourned until 2.15 p.m.

[12:49]

## **LUNCHEON ADJOURNMENT**

[14:15]

## **PUBLIC BUSINESS**

### **9. Reduction of lodging periods**

#### **The Bailiff:**

Before moving on to Public Business proper there are, as I mentioned before we adjourned, one or 2 matters to deal with in terms of whether they can be taken at this sitting or not. A decision needs firstly to be made about whether or not the minimum lodging period can be reduced to deal with the amendment for the Minister for the Environment's first amendment to the Carbon Neutral Roadmap, P.74. So, Minister, do you wish to make the proposition that the lodging period be reduced to enable that matter to be debated at this sitting?

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

I do not think I need labour this one at all. It is a straightforward amendment and I ask for it to be allowed to waive the lodging period and debate it.

#### **The Bailiff:**

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

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

I just wanted to ask the Minister why it is necessary to bring this late and ask for this reduced period. What is the driver behind it because it was a bit of a surprise to me to see this particular amendment? There are I think some questions for the Attorney General in terms of what happens, although we have had a ruling from yourself in terms of taking this proposition to be okay. I just want to understand the drivers behind it given that I thought we knew what the situation was regards decision-making, so really just for my own interest and for a greater understanding of what is going on here.

#### **The Bailiff:**

This is not the new proposition, Deputy, that was lodged over the weekend; this is the amendment to the Carbon Neutral Roadmap. Is that what you were ...

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

My apologies, I have got the wrong one. I came back from lunch and missed that one. Sorry, if I just refer that speech on to later. **[Laughter]**

#### **The Bailiff:**

The marvellous thing is you get the chance to make it again; that is fantastic.

**Deputy R.J. Ward:**

Four years later and I am still getting it wrong. Thank you.

**The Bailiff:**

Does any Member wish to speak on the proposition? If no Member wishes to speak on the proposition, then I will take this as a standing vote. Those in favour kindly show. Those against? We will deal with that where it falls on the Order Paper. Now the next matter is the new proposition brought by the same Minister, that is the proposition that is seeking the opinion of the Assembly as to whether or not the Minister should take a decision relating to planning in connection with the hospital project. I gave leave for that proposition to be lodged and it is for the Assembly now to determine whether or not the lodging period can be truncated and it can be debated at this sitting. So do you make that application, Minister?

**9.2 Deputy J.H. Young:**

Yes, I do. I feel I need to just say a few words but not too many because I do not want to have the debate in advance of having the debate. This is about process and as the Minister I am charged with decisions under the Planning Law until my time finishes. That is a responsibility that I carry alone, a responsibility that I am prepared to face up to but I feel that opinions are divided in the Island. It has recently become apparent that, first of all, the decision will need to be made in the period where this Assembly has made decisions which will restrict strongly the decisions made under the rules of purdah. Also, I have in fact been required to answer questions, perfectly reasonable questions, from the hospital group. Up until now I have avoided taking part in any single States process for the hospital but on this occasion in that situation I feel it was not enough just to respond to the panel. I feel I need to be confident that I have the States behind me in doing what I intend to do, and that is why I have no alternative. Today is the only day it can be done. If it is not done today I will have to deal with it without this but I ask the Assembly to consider this.

**The Bailiff:**

So you would like to deal with it today and ask the Assembly to permit it to be dealt with at this sitting?

**Deputy J.H. Young:**

Yes, please, thank you.

**The Bailiff:**

Is that proposition seconded? **[Seconded]**

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

The Minister says he asks the Assembly to consider this matter. In the proposition circulated by the Greffier earlier, under the note at the bottom of the page it starts: "Because of the requirement for a 6-week lodging period", I say to Members, not only have we not had 6 weeks or 6 days or 6 hours or 6 minutes, we sat down in this Assembly this morning and we did not have the proposition in front of us. I am really disappointed. We have had a number of late lodgings over the course of the last 4 years but this takes us to some new levels altogether. I do not think the proposition changes anything. The Minister has the ability, he is just asking for the States Members to agree with him having the ability. So I am disappointed with the very, very late lodging and I do not really see the need for the proposition in any case, so I will be voting against, I am sorry.

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

I do not disagree with the proposition itself per se but I wonder if you could give a ruling on what it says. To me, from what the wording of the proposition says, it is for the planning inspector to make

the decision. I do not feel the wording is quite as specific, it is open to interpretation. I wonder if you can give a ...

**The Bailiff:**

This is in the same form as it was when I considered it for lodging. To me it means that the Assembly is being asked to express an opinion that the current Minister should determine the planning application for the new hospital during the election period if, when he receives the inspector's report, he is satisfied that he can determine. I think that "they" can determine is probably a mistranscription. I have certainly taken it to read that the Minister himself can determine. I see the Minister is nodding, so I think that was simply a mistranscription in some way, that he can determine.

**9.2.3 Senator K.L. Moore:**

As Members might have noticed, we have been in correspondence as the Future Hospital Review Panel with the Minister on this very point and he need have only responded to our letter rather than bringing a proposition but so be it. If the Minister does intend to or if the Assembly agrees to take this proposition, I would just like to let the Assembly be aware that the Future Hospital Review Panel is very likely to bring an amendment; therefore, we will then have to ask the Assembly to do the same for that.

**9.2.4 Deputy R.J. Ward:**

Because it is very, very late, I am a bit somewhat troubled that if it is accepted and there is going to be another amendment we are basically going to be sat here until an outcome is got that is wanted and we are not entirely sure what that outcome is wanted for. Many of us have really serious reservations about the way the hospital is going and what we are doing but they have become so mixed and so complex now that this proposition reflects that. It says: "The incumbent Minister for the Environment should determine the planning application for the new hospital during the election period on receipt of the inspector's report. It is satisfied that they can determine the application." The Minister is satisfied they can determine the application. But what it does not say is otherwise he will not determine that, so we just seem to be making - I do not know if it is, and this is why I speak - but is this not just gesture politics at the moment? Is this not just gesture politics as the election comes, which is around the corner, to say to people: "Yes, we will not make a decision on the hospital after all the money has been spent on it" and so on? But it is going to make no difference whatsoever because even if we do vote for this, and perhaps I should ask the Attorney General, the Minister can still go ahead and make his decision. This is not saying "if you do not", it is just a reflection of something in this Assembly. That is why I do not understand as a proposition - and this is a proposition to the Assembly and perhaps the Minister can answer that - what is it doing other than something that could have been done by meeting with Members of the Assembly but it is just doing it publicly. I think this is playing at politics at the moment and it is doing so in a way that is not just confusing and blurring but does not provide a service for the public because this is not a sensible way to debate this. So I ask the Minister, if this is voted for, does it mean that he will not make that decision or does it mean that he knows that a majority perhaps of this Assembly says: "Really, you should not be making that decision now"? I think that is a very clear question to the Minister.

**The Bailiff:**

Would it assist if I said what I understand the proposition to mean in this respect?

**Deputy R.J. Ward:**

Absolutely, I think it would.

**The Bailiff:**

The States are being asked to decide if they are of the opinion that this Minister should determine the planning application. We can, in a sense, stop the sentence there, the rest is qualification and

characterisation. So if the States vote in favour of this, they are saying: “Minister, you should determine the application.” Whether it is for or against is an entirely different matter but you should make the determination. If the States votes against this, on the assumption the States considers it at all, but if it votes against it then it will be saying the Minister should not make any determination, in other words, even though the report may come through, the Minister should effectively step back and let the next Assembly and next Minister deal with it. That is in effect I believe what the proposition means. I see you are nodding and that is what you think it means as well, Minister, which is always a comfort of course.

**Deputy R.J. Ward:**

Thank you for that clarity.

**9.2.5 Deputy K.F. Morel:**

I wanted to pick up on I think Senator Moore mentioned amendments. I would like some clarity on timelines for amendments to this proposition because obviously the one problem with last-minute propositions like this is any amendments that may wish to be brought need to be brought within a particular time period. The other aspect is, well I guess it is talking about the proposition itself, so perhaps is not so necessary. But I do think it is probably right that the Minister does bring this proposition because there is a lot of discussion as to whether or not he has the power or it would be right for him as Minister to determine this during the election period. I know Deputy Luce said: “Why is the Minister bringing this, we know he can determine it” but he may legally be able to determine it, it does not necessarily mean it is the correct thing to do. So in that sense I think when there is a lack of clarity, a proposition to bring clarity does help but amendments are my main concern.

**The Bailiff:**

Well I think I can offer some guidance on timeline for amendments. There are absolutely no timelines applicable to amendments of a matter of this nature simply because this is something that, for reasons contained within Standing Orders, slips outside the ordinary course of lodging and the timelines that apply to lodging of amendments to propositions duly lodged. So it seems to me that if any Member wishes to put an amendment to this, it is for them to do so as quickly as they possibly can and prior to the debate, and I will have to give it the same consideration under Standing Order 19A that I had to give to the original proposition as to whether it is something that is sufficiently important. I suppose if it is a material amendment and it is in order, it is likely that I will approve it but that is the process I think that has to happen. It cannot be a foregone conclusion because we are outside the ordinary parameters. I hope that assists at least in explaining the position from that point of view. Does any other Member wish to speak?

**9.2.6 Deputy R.E. Huelin of St. Peter:**

We read your ruling overnight or this morning and we followed up with Deputy Luce and Deputy Morel confirming that there is absolutely no need for the Minister for the Environment to bring this; he has the ability to do that. Can you please confirm, mainly for people that are listening and have not read your ruling, that the Minister for the Environment has within our law the wherewithal, the ability to bring a decision on the planning application during the election period?

**The Bailiff:**

I am running slightly into the problem that I should not give legal advice to the Assembly. Even though I did mention it in the ruling because it seemed to me to be a necessary step in the argument, I probably should not give any legal advice within the Assembly. So if you wish to ask that of the Attorney General then that is a question I am sure the Attorney or Solicitor will be possibly on hand to answer.

**The Deputy of St. Peter:**

Apologies, the Attorney General was not sitting there. May I ask the Attorney General?

[14:30]

**The Bailiff:**

Yes, well I am not sure we have one online at the moment or a Solicitor General. Well, we have a choice, I can see if anyone else wishes to speak and then we can adjourn to get one of the law officers here to assist the Assembly or I can, if Members will agree, state my understanding but that will not be technically legal advice that I can give to the Assembly.

**The Deputy of St. Peter:**

I will be very happy to receive your understanding.

**The Bailiff:**

Very well, I think that no one appears to be against that. My understanding of the position is that the Minister has full powers of his Ministerial office right up until the time the new Assembly is sworn in at which time he loses any Ministerial authority in favour of the Chief Minister for a short period after that. So there is a period that he has full Ministerial powers and anything he could do now, he can do during the election period. That is subject to obviously the caveats that there is a Ministerial code of conduct which binds Ministers during the electoral period, as it does at all other times, and there are specific statements made within that that may or may not be relevant. There is also further guidance issued fairly recently by the Chief Minister which also set out restrictions on what Ministers should be expected to do during the election period. I expressed the view in my ruling, and I express it again, that a combination of those provide good guidance to a Minister. That is a matter for this Minister but he has the power under the law, that is my understanding. Again, I apologise for not being able to say that with the authority of legal adviser to the Assembly but that is my understanding of the position.

**Deputy R.J. Ward:**

May I ask a clarification about this? When would this go on to the Order Paper because I think that is very important?

**The Bailiff:**

There has already been a Consolidated Order Paper published. At the moment it will be listed at the end to be the last item for debate unless the Assembly agree to take it at a different time.

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

The more I am hearing, the more concerned I am becoming. Because first of all this appears to be an unnecessary proposition and it is introducing so much uncertainty. We have heard about one amendment but it would then be possible for all sorts of amendments to be thrown in and we do not know what those might be at this stage. As the Deputy of St. Martin said, gosh, have we not had so little time to understand what we are being asked to debate, but my greater concern is perhaps that the proposition that has been lodged now, if we proceed with it, politicises a process. So, this Assembly is being asked to take a decision within a planning process to decide whether the Minister who has a statutory duty to determine a planning application should go ahead with that or is it up to us to halt it, to halt his statutory duties because we, as politicians, for whatever our motives or reasons, might think that an appropriate thing to do. But the Minister has a legal duty and legal powers by virtue of his office to engage in this process and to reach that determination. So I am really puzzled as to why he is seeking a political comfort from this Assembly when that comfort could potentially contradict the legal powers and act against the legal powers that he is required to exercise. It is dangerous, I think, for the process to become politicised. It is a controversial project, let us face. It

has attracted a great deal of comments but it is still a process undertaken under law, under statute. It is wrong, I believe, for us as a political Assembly to introduce a step, a measure which would take the process outside of law which might well halt what any applicant going through a process, a planning process, would expect because that is what the law says should happen to their application. But we are being put in a position where we are being asked possibly to go outside the law and stop an application being determined. It is not necessary. The Minister should feel confident in exercising the power he has, the duties he has been given, and he should not feel at all constrained about that. He should not feel the need to ask us as politicians to intervene in a statutory process and give him comfort. I do not think he needs that comfort. Therefore, I do not feel I can support this and I hope for the good order of the process and the good governance around this that we would not as a political Assembly seek to intervene and allow this debate.

**The Bailiff:**

I will just mention, and I presume to do so - and this is not a comment at all on the previous speakers' contributions to this debate - but we are inevitably going to stray into, to an extent, some of the speakers' views on the merits of the application. The only matter before the Assembly and the only decision to be taken by the Assembly is whether it deals with this matter at all at this sitting. Just if I could remind Members of that. You no longer wish to speak, Deputy Wickenden? Does any other Member wish to speak on the proposition? The proposition is to deal with this proposition, P.77, at this sitting, at the moment listed at the end of the Order Paper.

**9.2.8 Connétable D.W. Mezbourian of St. Lawrence:**

It seems to me if you accept the responsibility of being a member of the Council of Ministers you must accept every responsibility that falls upon your shoulders as part of being a Minister. All the Ministers were elected by this Assembly. Nobody twisted their arms as far as I am aware to stand up in public and say: "I want to be Minister for this, that or the other." You either want to do the job or you do not. With that job comes the responsibility and we have heard this morning from the Deputy about the positives that he thinks he has achieved during his term of office as Minister. They are positives, there have been positives, and I hope that he has had days during his term as Minister when he has absolutely enjoyed, thoroughly enjoyed the public service that he has given as Minister. But for all of us there are days when we wonder why we ever signed up in the first place to do anything, to give that public service, because that is what it is all about. But we have to make decisions for ourselves; we are accountable, we are responsible. I think it is absolutely outrageous that the Minister has brought this to us as an Assembly expecting us to say yae or nay: "Yes, Minister, go ahead and make the decision." As you have said, Sir, invariably, if we debate this, I am sure you would rule us with a rod of iron, but it is difficult to not stray into matters that do not relate directly to what is in front of us and of course we have only just had this. I am just absolutely astounded, and I am sure Members will get that impression from me, that a Minister has seen fit to bring this to the Assembly. My view is that if we do decide to go ahead and debate it, we should at the end of that debate all abstain. So if we make the mistake, I believe, of approving this and we do debate it, I think the fewer people who speak to it the better and I would urge Members to abstain, as I say, at the end of it, but my preference would be that we reject it out of hand immediately.

**9.2.9 Senator L.J. Farnham:**

Where do I start? I do understand that the Minister is looking for a little bit of air cover, I think; it has been heavily politicised, the whole hospital process. But I would like to follow the words of the Constable of St. Lawrence who summed it up very well. Just excuse me to catch my breath.

**The Bailiff:**

Well I am afraid you cannot make a second speech [**Laughter**] so does any other Member ...

**Senator L.J. Farnham:**

I have got my breath back. **[Laughter]** About Ministerial responsibility, I think it is absolutely clear the legal advice. The Attorney General and law officers have made it clear that the Minister is well within the powers granted to him under the law to make the decision. I am not sure there is much I can add to that but I would hope that the Assembly would not allow this debate and that would give the Minister confidence that he can get on and do his job.

**The Bailiff:**

Does any other Member wish to speak on the proposition? If no other Member wishes to speak ... I beg your pardon, Deputy Perchard, I did not note you in the chat; there is always a danger.

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

I just wanted to very briefly say that I think the Minister has had a little bit of an unfair hammering. Some of the implications of some of the things that have been said are that he is perhaps shying away from his responsibility or does not want to make the decision. But just to come to his defence on that point, the Minister has demonstrated very clearly that he is not afraid to make these difficult decisions and has in fact already in the past, in the recent past, made decisions on a planning application at the hospital. I think what Deputy Morel said was really helpful for me in my thinking about this which was the Minister has brought this seemingly because it relates to the pre-election period. The Minister has been very public about the fact that he is not standing again. I think it is reasonable in that context and with the impending pre-election period to ask the Assembly: "Are you happy for me to make this decision bearing in mind that I have made it very clear that I am not going to be in this role in a few weeks' time and it is a pre-election period?" So, while Members are absolutely correct in stating what they have said about the Minister's current remit and his powers that be, I do think that the context does make this situation slightly different. Of course, we could say: "Well, maybe he could have done it a different way" or maybe could have done it in speaking to each individual Member but I do think this is an understandable move from the Minister so I just felt the need to rebut some of those implications.

**The Bailiff:**

Does any other Member wish to speak on the proposition? If no other Member wishes to speak then I close the debate and call upon the Minister to respond.

**9.2.11 Deputy J.H. Young:**

I am grateful for your clarification of what I intended the proposition to be about.

**The Bailiff:**

Well I hope I got it right from your perspective, Minister.

**Deputy J.H. Young:**

Absolutely correct, bang on. I appreciate the comments of Deputy Morel and Deputy Perchard who absolutely judged correctly part of my rationale for this. But I want to make one thing clear from the outset, I am absolutely determined, I believe this decision should be made and my purpose in bringing this is not to avoid that decision. My intention is to give the Assembly a democratic choice whether that decision is made. I want to make it. Now, had there not been the adoption of the purdah rules which are new and the code of conduct rules, which I will read the key bits in a minute, if those had not been there and the decision did not fall in the purdah period, I would have no problem whatsoever in making those judgments and exercising the powers that are available to me as Minister. But in my view the decision will have to be not only issues of planning technicalities but will raise the issue of, I believe, ethics.

[14:45]



Because the code of conduct that this Assembly has endorsed for purdah says this: “Ministers must observe discretion in initiating any new action of a continuing or long-term character and decisions on matters on which a new council or Minister might be expected to want the opportunity to take a different view.” These should be postponed; that is what the rules approved by this Assembly say. Now I considered it democratically right that I gave this Assembly the option of saying ... I believe that I can still make the decision in accordance with that. I believe it is right that I gave the States the opportunity to make that decision. It is not something I do lightly. Now, as far as I am concerned, I know that Members do not carry the responsibility, I am the only one that has got it. I am not shirking it but I will ask them to understand that. I have to make that judgment that will be necessary, whether I can make the decision irrespective of those words that I have read to you, it is all in that paper. Very often in this Assembly, what do we do? We sign up to documents and how many people read every line of them? Well I do and those words matter and so it is my responsibility. Now, if Members do not feel that we should have this discussion, then I will have no problem whatsoever in voting this down because I will interpret that you want me to go ahead and deal with it. I will be entirely happy with that. So if Members have got reservations, big reservations, please - I will say this again - vote it down then I know where I am. We will not have to have the painful debate with all the risks of planning factors coming out but I ask you please, please do that. This is not a Minister who is a coward trying to run away from something. I am going to be bold; I believe in democracy and I believe in openness and transparency, I always have done. I do not want to leave public office after a lifetime of service having made a decision where half the community complain about it, so I want to give you the opportunity. If Members do not wish to have that debate then please vote this one down. I make the proposition; unusually I think I better abstain on this, if I may? **[Laughter]** Am I allowed to do that?

**The Bailiff:**

Yes.

**Deputy J.H. Young:**

I will, thank you.

**The Bailiff:**

You call for the *appel*, presumably?

**Deputy J.H. Young:**

Yes, I call for the *appel*.

**The Bailiff:**

The *appel* is called for. I invite Members to return their seats. The vote is on whether or not this item should be taken during the course of this sitting. I ask the Greffier to open the voting and Members in the chat to please vote in the chat. If Members have had the opportunity of casting their votes, then I ask the Greffier to close the voting. The proposition is defeated. **[Approbation]**

| <b>POUR: 10</b>           |  | <b>CONTRE: 30</b>          |  | <b>ABSTAIN: 1</b>     |
|---------------------------|--|----------------------------|--|-----------------------|
| Senator T.A. Vallois      |  | Senator L.J. Farnham       |  | Deputy J.H. Young (B) |
| Senator K.L. Moore        |  | Senator J.A.N. Le Fondré   |  |                       |
| Connétable of St. Brelade |  | Senator S.W. Pallett       |  |                       |
| Connétable of St. Mary    |  | Senator S.Y. Mézec         |  |                       |
| Connétable of St. John    |  | Connétable of St. Lawrence |  |                       |
| Deputy L.M.C. Doublet (S) |  | Connétable of Grouville    |  |                       |
| Deputy of St. Mary        |  | Connétable of Trinity      |  |                       |

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| Deputy K.F. Morel (L)    |  | Connétable of St. Peter    |  |  |
| Deputy J.H. Perchard (S) |  | Connétable of St. Ouen     |  |  |
| Deputy I. Gardiner (H)   |  | Connétable of St. Martin   |  |  |
|                          |  | Connétable of St. Clement  |  |  |
|                          |  | Deputy K.C. Lewis (S)      |  |  |
|                          |  | Deputy M. Tadier (B)       |  |  |
|                          |  | Deputy M.R. Higgins (H)    |  |  |
|                          |  | Deputy S.J. Pinel (C)      |  |  |
|                          |  | Deputy of St. Martin       |  |  |
|                          |  | Deputy of St. Ouen         |  |  |
|                          |  | Deputy R. Labey (H)        |  |  |
|                          |  | Deputy S.M. Wickenden (H)  |  |  |
|                          |  | Deputy G.J. Truscott (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 R.J. Ward (H)       |  |  |
|                          |  | Deputy C.S. Alves (H)      |  |  |
|                          |  | Deputy K.G. Pamplin (S)    |  |  |

**The Greffier of the States:**

Members who voted *pour* were: Senators Vallois and Moore, Constables of St. Brelade, St. Mary, St. John, Deputy of St. Mary, Morel, Gardiner. In the chat voting pour: Deputy Doublet and Deputy Perchard.

**10. Draft Planning and Building (Amendment No. 8) (Jersey) Law 202- (P.76/2021) - Second Reading - as amended**

**The Bailiff:**

We now move on to Public Business proper. The first item is the Draft Planning and Building (Amendment No. 8) (Jersey) Law, P.76, lodged by the Minister for the Environment. This debate is resuming following the adoption of the principles on 5th October and referenced to the Scrutiny Panel, so we are dealing with the matter in Second Reading. Now, Minister, there are 2 amendments lodged: one by you to Articles 4, 13 and 24 and one by Deputy Maçon to Article 6. Do you accept Deputy Maçon's amendment?

**Deputy J.H. Young:**

Yes, Sir.

**The Bailiff:**

You would presumably like to have the main proposition read as amended, would you?

**Deputy J.H. Young:**

If I may, please.

**The Bailiff:**

Do Members agree that the proposition may be read and taken as amended by the Minister himself, that is, amendments to Articles 4, 13 and 24, and as amended by Deputy Maçon in his proposed amendment? Very well, in which case we will take those amendments. Therefore, how do you wish to propose the Articles, Minister?

**10.1 Deputy J.H. Young:**

I am happy to take them *en bloc* but I will agree if Members want to have an Article debated separately; obviously I will deal with that separately as Members say.

**The Bailiff:**

Very well, are they seconded for debate in Second Reading? **[Seconded]** Does any Member wish to speak on any of the Articles in Second Reading? If no Member wishes to speak on any of the Articles in Second Reading then I close the debate. Do you call for the *appel*, Minister, in Second Reading or do you wish to simply take this on a standing vote?

**Deputy J.H. Young:**

I think I would like an *appel*, please.

**The Bailiff:**

The *appel* is called for. I invite Members to return to their seats. The vote is on the entirety of the law in Second Reading and I ask the Greffier to open the voting. Members participating remotely will of course vote in the chat in the normal way. If Members have had the opportunity of casting their votes then I ask the Greffier to close the voting. The Articles have been adopted in Second Reading.

| <b>POUR: 40</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         |  |                  |  |                   |
| Senator S.W. Pallett       |  |                  |  |                   |
| Senator S.Y. Mézec         |  |                  |  |                   |
| Connétable of St. Lawrence |  |                  |  |                   |
| Connétable of St. Brelade  |  |                  |  |                   |
| Connétable of Grouville    |  |                  |  |                   |
| Connétable of Trinity      |  |                  |  |                   |
| Connétable of St. Peter    |  |                  |  |                   |
| Connétable of St. Mary     |  |                  |  |                   |
| Connétable of St. Ouen     |  |                  |  |                   |
| Connétable of St. Martin   |  |                  |  |                   |
| Connétable of St. John     |  |                  |  |                   |
| Connétable of St. Clement  |  |                  |  |                   |
| Deputy K.C. Lewis (S)      |  |                  |  |                   |
| Deputy M. Tadier (B)       |  |                  |  |                   |

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| Deputy M.R. Higgins (H)    |  |  |  |  |
| 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 K.G. Pamplin (S)    |  |  |  |  |
| Deputy I. Gardiner (H)     |  |  |  |  |

Do you propose the matter in Third Reading, Minister?

**Deputy J.H. Young:**

Yes, if I may. May I say a few words?

**The Bailiff:**

Of course.

**10.2 Deputy J.H. Young:**

I cannot let this go without passing; I am grateful for the unanimous support. This law, obviously work started on it pretty well when myself and Deputy Guida got elected. Although the law change is mainly technical, Members will, I am sure, have read the Scrutiny Panel's helpful report. I am grateful for the Scrutiny Panel's summation, explaining all the technicalities and changes. I need to highlight, I think, reference that the new powers for conservation areas will require a future Assembly to put these into practice through regulations. Obviously that is really important because we have had Island Plan policies for conservation areas for 3 decades and done nothing about it. Now we have got an explicit commitment and policies, and here we have now got the law, but obviously the law just gives the power, the regulations. I have to say I am very pleased. One of the reasons for a long delay in bringing this Second Reading is work has been done in working out how the conservation area policies will be put into practice of which we provided details to the Scrutiny Panel. I am pleased that the panel have obviously accepted that work is sufficiently advanced and comprehensive but it will be for a new Minister to bring those regulations. I would very much hope that we will get early designated conservation areas under the rules. I think the initial reservations that people had have been dealt with. Secondly, the issue of trees, similarly accept that trees will

need Ministerial Orders, which will deal with those setting out the technicalities of those trees that will not be subject to planning controls. Again, all that work has been done in consultation, and the Scrutiny Panel tells us all about that, but again will need to go through that final process through a new Minister. The last thing is that never again will a Minister have to decide on a planning inquiry decision on their own. This law provides the opportunity which I have never had available, and still do not, to be able to have a panel of Members to assist. Of course, that is incidentally, I will just state one last thing, the amendment I brought, the second amendment, basically says that once the law comes back from the Privy Council, the conservation area and the planning appeal procedure, all of that stuff is embodied in law within 7 days. But of course, I have put this what I call the appointed day provision that the new Minister will need to bring an amendment for an appointed day on the introduction of the tree conservation power. I flag that up now. I am very hopeful because trees are a wonderful feature of our environment, an absolutely incredible resource, and we need to do better on them. So, I am hopeful with that that I have done my job and hopefully Members will back this in Third Reading and we can move on to other stuff. Thank you. I ask for the *appel*, please.

**The Bailiff:**

Firstly, is it seconded in Third Reading? [**Seconded**]

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

Firstly, I am pleased that we have made some movement with regard to the protection of trees as a result of some funding approvals in the Government Plan which were brought about from one of my amendments. The panel is cognisant that the nature of the proposition that we are just finalising now is that of enabling legislation. Having reviewed all the evidence presented, the panel concludes that the adoptions of draft law will enable both appropriate and necessary powers to enforce greater preservation of the Island's trees as well as areas of archaeological and/or cultural importance. It is often the case with enabling legislation the important detail on the implementation of the law is subsequently made by order or regulations. In this instance the panel considers that this detail is crucial in being able to understand any potential impact and delay, any stakeholder concerns. The panel thanks the Minister for the Environment for his decision to defer the States debate in Second Reading until further supporting evidence and documentation could be made available to us. This has undoubtedly aided the Scrutiny process, although the panel is aware that there is still much uncertainty for certain stakeholders until such time as the orders are made and any potential impact is known. Given that the orders will be made in the next political term, the panel will be recommending in its legacy report that its successor panel keeps a watching brief on the implementation of the draft law and that scrutiny of the orders be undertaken where any valid shareholder concerns may arise.

**The Bailiff:**

Does any other Member wish to speak on the law in Third Reading? If no other Member wishes to speak then I close the debate and call upon the Minister to respond.

**10.2.2 Deputy J.H. Young:**

I do not think I need to say very much. Myself and my officer team have worked really hard to respond constructively to the Scrutiny Panel. There are still concerns that are there from interested groups. I believe that those concerns can be dealt with because I have never, ever proposed that we would have blanket tree protection and we would never allow any work to any trees. But of all the complaints that I received, the wholesale destruction of vegetation and trees and so on is a great concern, a real great concern to the members of our community. It obviously damages wildlife but I believe the work that has been done with stakeholders is well, well advanced. Just adding, yes, it is a legacy piece of work, but I really hope the new Minister is able to pick this up and bring the appointed day to the States because, yes, the resources are in place now and all the mechanics and

details have been worked out but obviously time prevented bringing them through this time. But nonetheless I am grateful for the support of the panel and today, so I ask for the *appel* on the Third Reading, please.

[15:00]

**The Bailiff:**

The *appel* is called for. I invite Members to return to their seats. I ask the Greffier to open the voting and invite Members remotely to vote in the chat. If Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. The law has been adopted in Third Reading.

| <b>POUR: 40</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         |  |                  |  |                   |
| Senator S.W. Pallett       |  |                  |  |                   |
| Senator S.Y. Mézec         |  |                  |  |                   |
| Connétable of St. Lawrence |  |                  |  |                   |
| Connétable of St. Brelade  |  |                  |  |                   |
| Connétable of Grouville    |  |                  |  |                   |
| Connétable of St. Peter    |  |                  |  |                   |
| Connétable of St. Mary     |  |                  |  |                   |
| Connétable of St. Ouen     |  |                  |  |                   |
| Connétable of St. Martin   |  |                  |  |                   |
| Connétable of St. John     |  |                  |  |                   |
| Connétable of St. Clement  |  |                  |  |                   |
| Deputy K.C. Lewis (S)      |  |                  |  |                   |
| Deputy M. Tadier (B)       |  |                  |  |                   |
| Deputy M.R. Higgins (H)    |  |                  |  |                   |
| 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) |  |                  |  |                   |

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|--------------------------|--|--|--|--|
| 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. Draft Sea Fisheries and Aquatic Resources (Portelet Bay) (Jersey) Regulations 202-(P.29/2022) - Second Reading**

### **The Bailiff:**

The next item of Public Business is the Draft Sea Fisheries and Aquatic Resources (Portelet Bay) (Jersey) Regulations, P. 29, brought by the same Minister. This is something, again, like the one before, that the principles have been adopted. The debate resumes, therefore, following the adoption of the principles which happened on 31st March and referenced to Scrutiny. How do you wish to propose the regulations in Second Reading?

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

Can I ask that Deputy Guida be rapporteur, please?

### **The Bailiff:**

Yes, Deputy, do you propose this in Second Reading?

### **11.1 Deputy G.C. Guida of St. Lawrence (Assistant Minister for the Environment - rapporteur):**

Yes, I do and I would like to propose the Articles *en bloc*. I just have to thank Scrutiny for dealing with this promptly and giving us an excellent report with recommendations that we officially agree to support.

### **The Bailiff:**

Are the items ... sorry, had you completed your speech, I apologise?

### **Deputy G.C. Guida:**

Yes.

### **The Bailiff:**

Are the matters seconded for Second Reading? **[Seconded]** Does any Member wish to speak in Second Reading? If no Member wishes to speak in Second Reading then I close the debate. Do you wish the *appel* or would you like this taken on a standing vote?

### **Deputy G.C. Guida:**

I will take a standing vote.

### **The Bailiff:**

Very well, if Members agree we will take this on a standing vote. Those in favour kindly show. Those against? Very well, the matter is adopted on a standing vote. How do you wish to deal in Third Reading, Assistant Minister?

### **11.2 Deputy G.C. Guida:**

I would like to present it in Third Reading and take advantage of this to thank all that were involved in this. It was not terribly complicated but it did take 40 years.

**The Bailiff:**

Are the regulations seconded for Third Reading? [**Seconded**] Does any Member wish to speak in Third Reading?

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

The panel is supportive of the draft regulations and the intention behind them. However, it highlights that effective policing and enforcement of the regulations will be key to fulfilling the desired outcomes of sustainable fisheries management. Having now explored the possibility of an amendment, the panel is satisfied that one is not necessary, although given time we could have probably tried to play with the definition of the high-water position, high-water, low-water springs, as being a break point, but I think we are satisfied that what is being proposed will work. However, we do strongly advocate that government officials and the new Minister for the Environment keep our successor panel apprised of the effectiveness of enforcement measures and future resourcing allocated to this important work. We further request the current Minister for the Environment to respond in writing to the panel to outline whether he accepts or rejects the recommendations made within these comments. If Members will just indulge me quickly, they are really just briefly for crucial recommendations. We suggest in one that the Minister should declare during this debate whether it is his intention to sign a Ministerial Decision before he leaves office to request his officials to draft appropriate guidelines to support the application and enforcement of the draft regulations if adopted, the purpose and aim of which would be to provide clarity and to aid the proactive policing and processing of offences. Secondly, we would like the Government to ensure that there is consultation with the Comité des Chefs de Police regarding practical considerations for the policing of the draft regulations if adopted and what additional funding and/or resourcing may be required to ensure the law is appropriately enforced. Thirdly, the Government should continue to work closely with Blue Marine Foundation and the Société Jersiaise in seeking local public feedback on the proposed signage during the design phase to ensure that it will attract the attention of and engage with members of the public. Consideration should also be given to making the signage easy to read, colourful and engaging for young children, the desired aim of which would be to raise educational awareness which in turn is likely to lead to a higher level of compliance with the law. There was a sketch on the back of our comment paper taken from a no-take zone in Flamborough Head which may be helpful. Finally, we recommend the Government should also give further consideration to the provision of multilingual signage and interpretation boards, given the nature of the bay is a tourism hotspot. This should be incorporated as might be appropriate within the current approved plans for signage or through seeking further planning approval. I can confirm the signage is not yet in place as I went down there yesterday. I noticed, I think I counted at 5.00 p.m. yesterday, some 11 children playing on the beach, so I think those comments are quite pertinent. I thank Members for listening.

**The Bailiff:**

Does any other Member wish to speak in Third Reading? If no other Member wishes to speak in Third Reading then I close the debate and call upon the Assistant Minister to respond.

**11.2.2 Deputy G.C. Guida:**

I would like to apologise to the Scrutiny Panel because we did have an answer ready for them a few days ago and it is just technical issues that meant it could not be signed and forwarded in time. We do accept their recommendations and we will do the work that they suggested. Aside from that, I would like to propose the regulations in Third Reading and a standing vote would be acceptable.



### **The Bailiff:**

If no one calls for the *appel*, I will take this also on a standing vote. Members in favour of adoption in Third Reading, kindly show. Members against? You appear to have voted both ways, Deputy Ahier. Very well, the regulations are adopted in Third Reading.

### **12. Draft States of Jersey (Amendment - Remuneration of Elected Members) (Jersey) Law 202- (P.40/2022)**

#### **The Bailiff:**

The next item is the Draft States of Jersey (Amendment - Remuneration of Elected Members) (Jersey) Law, P.40, presented by the Privileges and Procedures Committee, and I ask the Greffier to read the citation.

#### **The Greffier of the States:**

Draft States of Jersey (Amendment - Remuneration of Elected Members) (Jersey) Law 202-. A law to make provision about the remuneration of elected Members of the States of Jersey. The States, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following law.

#### **12.1 Deputy C.S. Alves of St. Helier (Chair, Privileges and Procedures Committee):**

I am pleased to present this legislation which improves the arrangements for setting States Members' remuneration in line with international best practice. Last year I presented P.40/2021 which set out in principle how the new system would work. This draft law puts these principles into our legislation by amending the States of Jersey Law. One thing I would like to get clear from the start, last year the Assembly voted to retain the principle that States Members are all paid the same amount. The draft law respects that decision and does not affect that principle. The proposals presented here were developed by a P.P.C. (Privileges and Procedures Committee) subcommittee which reached a united view on how the system should change. The key principles of the change were as follows. The States Members' Remuneration Review Body should be discontinued. P.P.C. should be required to commission an independent review of Members' remuneration every 4 years. Members' pay should be index-linked with the independent review deciding how that should be achieved and how much Members should be paid. The recommendation of the review should take effect automatically unless they require a change to the law and that Members should not be able to lodge propositions to affect how much they are paid. This legislation delivers on these commitments. If adopted, P.P.C. would be required in the autumn to establish an independent review of Members' remuneration. This would be done by setting up an independent panel to choose the reviewer. The panel would include our Greffier but exclude any States Members or States employees. I expect there to be an open procurement for the role with the work being done by a person or organisation with expertise in the area. Once a reviewer is identified, a report is made to the States and there is then a 14-day period during which Members could ask questions or raise objections. Once the reviewer is appointed, they would have up to one year to complete their work. Crucially, there would be a legal requirement on the reviewer to consult States Members as part of their work. P.P.C. would be able to ask the reviewer to look at specific matters of concern to the committee or to Members generally. The Assembly voted last year that pay should be set according to the following principles: the level of remuneration to reflect the central importance of elected and accountable people's representatives in the democratic system and the responsibilities and workload associated with the roles they perform; the level of remuneration should be sufficient to ensure that Members of the States can enjoy a reasonable standard of living as a result of their position and, finally, that the remuneration should be set at a level to attract people from all walks of life to serve the Island effectively as a States Member, mindful of the financial constraints under which the States operates. I would expect P.P.C. to draw these principles to the attention of the reviewer and also to communicate the Assembly's view that pay should be index-linked. The reviewer could also make recommendations on issues which it thought

were important even if not drawn to their attention by P.P.C. The reviewer would make recommendations in a report to P.P.C. which P.P.C. would be required to present immediately to the States. In making recommendations, the reviewer would say when they take effect. A pay increase could be backdated but not before the date of the previous election. A pay cut could not be backdated. Changes in pay would take effect automatically and, in other words, would not require a vote in the States. I hope these new arrangements are clear. I am happy to take questions on the details during the debate on the Articles. The arrangements for setting Members' pay have to be independent of the States to command the confidence of the public. We are strengthening our system and putting our arrangements into law by seeking independent expertise with a clear mandate as to how they should conduct their work. I maintain the proposition.

**The Bailiff:**

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

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

During my time in the States I have been through 2 previous iterations of remuneration boards. I have difficulty in understanding what the difference this one will be from the original one that is different from the last one but iteration A is not dissimilar. I just wonder if the chair would just enlighten me on that one.

**12.1.2 Senator S.C. Ferguson:**

Yes, I just wonder, are we going to apply the same principles to our civil servants? From the reports I get, they do not receive an uplift if they have higher responsibilities, for example, if they are personal private secretaries to Ministers. If we are going to look at this for Ministers and increased salaries for responsibilities, we should be looking at it for the people who keep their office working. So I would like somebody to confirm that this will be looked at. Perhaps the Connétable of St. Ouen would like to just confirm that they will look at this as part of the States Employment Board.

**12.1.3 Connétable R.A. Buchanan of St. Ouen:**

I think that Senator Ferguson is just looking for a response. All I can say is that we have a set pay structure which reflects responsibilities of civil servants, both junior and senior, and all other grades of public sector employees and is not related to their roles as politicians. Those roles are regularly reviewed to see where their responsibilities lie, their hours of work, in fact the full range. I do not think any further review is necessary as a result of this particular proposition.

[15:15]

**12.1.4 Deputy M. Tadier:**

This is welcome because it takes the politicisation in these debates outside the hands of politicians, which is something the Assembly has historically struggled with. I am not sure what to make of Senator Ferguson's comments because I think the strong message at the moment from this current Assembly has been that we have rejected differential pay. There may be arguments for and against that in future but the status quo is that, going into the next election, everybody is equal however they end up getting in here and every elected Member is paid the same. There is a possibility though that with index linking, which I also welcome, because whoever ends up in here should not face the fate of having their pay eroded over a period of 10 or 15 years, is that of course the public sector does not have that luxury. They will have to negotiate with the S.E.B. and if they turn around and say: "We do not have enough money to give you a cost of living pay increase this year", which is not that uncommon, is it, let us face it, they then have to take industrial action and possibly come out on to the street, into the Royal Square, to lobby for their pay. At least States Members in the future will be one category of public sector employees who will not have to do that.

**The Bailiff:**

Does any other Member wish to speak on the principles? If no other Member wishes to speak on the principles then I close the debate and call upon the chair of P.P.C. to respond.

**12.1.5 Deputy C.S. Alves:**

Just to address the question by the Constable of St. Brelade, which I thank him for, the difference with this one is that this is not a standing body. The last one was a standing body and it was non-statutory. This one is a one-off review every term and it could be a different person or different people or a different body each time. The statutory part is really important as it regulates the process. Before, the body that was in place could do a report every year or every 4 years, however they wanted to, and they chose whether they wanted to consult with Members or the public or no one at all. We have now written in those requirements into the law. I hope that clears things up. As for Senator Ferguson’s contribution, I would just like to thank the Constable of St. Ouen for addressing that because that is not my responsibility, it is up to the S.E.B. With that, I would like to maintain the proposition and ask for the *appel*.

**The Bailiff:**

You call for the *appel*. I invite Members to return to their seats. I ask the Greffier to open the voting. Members will please vote if they are appearing remotely in the usual way. Members have had the opportunity of casting their votes, then I ask the Greffier to close the voting. The principles have been adopted.

| <b>POUR: 41</b>            |  | <b>CONTRE: 0</b> |  | <b>ABSTAIN: 0</b> |
|----------------------------|--|------------------|--|-------------------|
| Senator L.J. Farnham       |  |                  |  |                   |
| Senator S.C. Ferguson      |  |                  |  |                   |
| Senator J.A.N. Le Fondré   |  |                  |  |                   |
| Senator T.A. Vallois       |  |                  |  |                   |
| Senator K.L. Moore         |  |                  |  |                   |
| Senator S.W. Pallett       |  |                  |  |                   |
| Senator S.Y. Mézec         |  |                  |  |                   |
| Connétable of St. Lawrence |  |                  |  |                   |
| Connétable of St. Brelade  |  |                  |  |                   |
| Connétable of Grouville    |  |                  |  |                   |
| Connétable of St. Mary     |  |                  |  |                   |
| Connétable of St. Ouen     |  |                  |  |                   |
| Connétable of St. Martin   |  |                  |  |                   |
| Connétable of St. John     |  |                  |  |                   |
| Connétable of St. Clement  |  |                  |  |                   |
| Deputy J.A. Martin (H)     |  |                  |  |                   |
| Deputy G.P. Southern (H)   |  |                  |  |                   |
| Deputy K.C. Lewis (S)      |  |                  |  |                   |
| Deputy M. Tadier (B)       |  |                  |  |                   |
| Deputy M.R. Higgins (H)    |  |                  |  |                   |
| Deputy S.J. Pinel (C)      |  |                  |  |                   |
| Deputy of St. Martin       |  |                  |  |                   |
| Deputy of St. Ouen         |  |                  |  |                   |
| Deputy L.M.C. Doublet (S)  |  |                  |  |                   |

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| Deputy R. Labey (H)        |  |  |  |  |
| Deputy S.M. Wickenden (H)  |  |  |  |  |
| Deputy of St. Mary         |  |  |  |  |
| 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)     |  |  |  |  |

Senator Moore, does your panel wish to call the matter in?

**Senator K.L. Moore (Chair, Corporate Services Scrutiny Panel):**

No, thank you.

**The Bailiff:**

We come now to Second Reading. How do you wish to propose the Articles in Second Reading, Deputy Alves? There are 2 Articles, are there not?

**12.2 Deputy C.S. Alves:**

I would like to propose the Articles *en bloc*.

**The Bailiff:**

Are the Articles seconded? **[Seconded]** Does any Member wish to speak in Second Reading? If no Member wishes to speak in Second Reading then I close the debate. In the light of the last vote, I am prepared to take this on a standing vote. Those in favour of adopting in Second Reading kindly show. Those against? The Articles are adopted in Second Reading. Do you propose in Third Reading, Deputy Alves?

**12.3 Deputy C.S. Alves:**

Yes, please. I would just like to take this opportunity to thank Deputy Labey for starting this off and the subcommittee for working out the details. I would also like to thank Dr. Hannah White O.B.E. from the Institute of Government for her report on international best practice, which helped the process of devising a system, which would work for Jersey.

**The Bailiff:**

Is the matter seconded for Third Reading? **[Seconded]** Does any Member wish to speak in Third Reading? If no Member wishes to speak in Third Reading, then I close the debate and again, in the light of previous voting, I will take this on a standing vote. Those in favour kindly show. Those against? The law is adopted in Third Reading.

### **13. Draft Official Analyst (Jersey) Law 202- (P.41/2022) - as amended (P.41/2022 Amd.)**

#### **The Bailiff:**

The next item is the Draft Official Analyst (Jersey) Law, P.41, lodged by the Chief Minister and I ask the Greffier to read the citation.

#### **The Greffier of the States:**

Draft Official Analyst (Jersey) Law 202-. A law to provide for the establishment and functions of an office of Official Analyst to the States of Jersey, and for connected purposes. The States, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following law.

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

The Deputy of St. Peter is acting as rapporteur on this.

#### **13.1 The Deputy of St. Peter (Assistant Chief Minister - rapporteur):**

I would just like to say in advance I wish to accept all the Scrutiny Panel's amendments. A bit remiss in the process. I was wondering if the proposition could be read amended.

#### **The Bailiff:**

The answer is we are not in Second Reading yet. You have to deal with the principles first. Then, when the principles are adopted, the Scrutiny Panel gets a chance.

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

Sorry, I had a Deputy Ward moment.

#### **The Bailiff:**

Yes, and then we come to Second Reading and you can accept them all at that point.

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

Apologies. I am grateful to the Corporate Services Scrutiny Panel for their work on the draft law and, as I have already said, I will be accepting the panel's amendments. But there will be a caveat to amendment 2. Jersey has had an official analyst since 1884. The official analyst is a highly-skilled scientist providing chemical analysis across a wide range of sectors, from fertilisers and feeds to gas, water and medicines. The official analyst performs equivalent functions to public analysts in the U.K. of whom there are very few. According to the Association of Public Analysts, which represents appointed public analysts, there are currently 24 public analyst laboratories in the U.K., a further 7 from outside the U.K. are members of the association, including the laboratory of the official analyst in Jersey. We are fortunate to have this resource on the Island. A key part of their role is to provide evidence in criminal cases on behalf of both the prosecution and the defence by, for example, analysing the level of alcohol in a blood sample taken from a driver following a road traffic accident. They provide chemical analysis in these cases without fear or favour based solely on the scientific evidence in front of them. We must ensure that they can continue to provide this important service for Islanders and to uphold the public trust and confidence in the independence of the official analyst. This is what this law would achieve. It would provide the official analyst and those officers working under their direction with the ability to work with complete professional independence, including from the Government and the States. The law provides this independence in 3 ways. It provides safeguards so that only a suitable qualified chemical analyst could be appointed as official analyst, so they cannot be easily dismissed. It establishes the functions of the official analyst and ensures that they cannot be directed on how to perform them by anyone else. It ensures that the official analyst will be funded properly for the performance of their functions and that there is appropriate governance of their office. The official analyst is currently provided for under Article 2 of the Food Safety (Jersey) Law 1966. Because the Food Safety Law requires updating, which is work that has

been ongoing under the Minister for the Environment's remit, attention has been given to the adequacy of the provisions establishing the official analyst. The Food Safety Law does not provide the official analyst or their office with professional independence. It does not provide that only suitably qualified candidates can be appointed. It does not provide for the functions of the official analyst and it does not provide for the proper governance and associated accountability of the Office of the Official Analyst. The Office of the Official Analyst is currently listed as a non-Ministerial department. Of itself, however, non-Ministerial status does not provide the official analyst with the independence necessary to carry out their analytical work free from interference. In practice, the official analyst has been able to perform their work of conducting chemical and microbiological analysis independently and there has not, to my knowledge, been any suggestion to the contrary. Therefore it is not imagined, nor is it intended for this law to have any practical effect on the day-to-day operations of the Office of the Official Analyst. But it will protect the officeholder against the possibility of any such interference ever taking place. It will ensure accountability for the good governance of the officers maintained in the future. For these reasons I commend the draft law to the Assembly and propose it in First Reading.

**The Bailiff:**

Is it seconded for First Reading? **[Seconded]** Does any Member wish to speak to the principles? If no Member wishes to speak on the principles then I close the debate and do you call for the *appel*? The *appel* is called for. I invite Members to return to their seats and I ask the Greffier to open the voting. The vote is on the principles of the Draft Official Analyst (Jersey) Law. If Members have had the opportunity of casting their votes, then I ask the Greffier to close the voting. The principles have been adopted.

| <b>POUR: 31</b>            |  | <b>CONTRE: 0</b> |  | <b>ABSTAIN: 0</b> |
|----------------------------|--|------------------|--|-------------------|
| Senator J.A.N. Le Fondré   |  |                  |  |                   |
| Senator T.A. Vallois       |  |                  |  |                   |
| Senator K.L. Moore         |  |                  |  |                   |
| Senator S.W. Pallett       |  |                  |  |                   |
| Senator S.Y. Mézec         |  |                  |  |                   |
| Connétable of St. Lawrence |  |                  |  |                   |
| Connétable of St. Brelade  |  |                  |  |                   |
| Connétable of St. Mary     |  |                  |  |                   |
| Connétable of St. Martin   |  |                  |  |                   |
| Connétable of St. John     |  |                  |  |                   |
| Connétable of St. Clement  |  |                  |  |                   |
| Deputy J.A. Martin (H)     |  |                  |  |                   |
| Deputy M.R. Higgins (H)    |  |                  |  |                   |
| 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 J.H. Young (B)      |  |                  |  |                   |
| Deputy K.F. Morel (L)      |  |                  |  |                   |
| Deputy G.C.U. Guida (L)    |  |                  |  |                   |

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| 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)    |  |  |  |  |

Again, Senator Moore, does your panel seek to call this in?

**Senator K.L. Moore (Chair, Corporate Services Scrutiny Panel):**

No, thank you.

**The Bailiff:**

How do you wish to deal with the matter in Second Reading? You have indicated that you are accepting all of the amendments of the Corporate Services Scrutiny Panel. So are Members content to take these Articles as amended by the amendments of the panel? No one is indicating a contrary view; therefore we will take them as amended. How do you wish to propose the Articles then?

**13.2 The Deputy of St. Peter:**

I wish to propose them *en bloc*. If Members bear with me, I will do a page or 2 of explanation.

**The Bailiff:**

Yes, it is certainly open to you to do so.

**The Deputy of St. Peter:**

I will give reference to some of the comments in front of me earlier on. Article 1 of the draft law provides the interpretation of terms used under the draft law. Article 2 of the draft law would ensure that only appropriately qualified individuals can be appointed as the official analyst. It is uncommon to require public officeholders to have a specific qualification under the law in order to be appointed. In this case, it is necessary given the highly specialised nature of the office and of this work. I welcome the Corporate Services Scrutiny Panel's amendment, which will strengthen this even further by ensuring that the States Assembly has full oversight of the appointment process. In Article 3, I am grateful to the Corporate Services Scrutiny Panel for meeting me last week to discuss its amendment 2. I did so because I was and still am uncomfortable with including a requirement to commission an independent evaluation in an enduring primary law. I also did not, and I do not think that expending up to £12,000 of public money on this narrow evaluation is in the public interest. However, as the Chief Minister has set out in his comments on the panel's amendments, it is understood why the panel wishes to pursue this amendment, given that we are approaching an election whereby ensuring that this work is handed over to the next Council of Ministers. While I will support this amendment, I want to make it clear that I do so on the understanding that this evaluation must be part of a wider piece of work to evaluate similar statutory dismissal processes.

[15:30]

Article 3(1) of the draft law is based on provisions governing the dismissal of the Children's Commissioner, Comptroller and Auditor General, Commissioner of Standards, and the Care Commissioners, to name but a few. It simply does not make sense to evaluate the process for dismissing an official analyst without also reviewing the processes for dismissing other officeholders.

If the States votes to approve the draft law as amended, the Chief Minister has committed in his comments paper to recommend that this wider evaluation shall be taken forward by the next Council of Ministers. I reiterate this commitment to the Assembly. Article 4 enables the official analyst's appointment to be terminated by resignation, dismissal or the expiry of their term of office under their contract. The official analyst performs both statutory and non-statutory functions. Specific statutory functions will continue to be provided for under relevant legislation. Article 5(1) of the draft law sets out the overarching function of the official analyst, which is to conduct chemical and microbiological analysis across a range of areas, which is in the public interest. Article 6 of the law states that the official analyst must not be directed on how any functions of their office as defined in Article 5(1) of the draft law is to be carried out by any person, including by Ministers and government officials. This is an established conception of independence under the Jersey Law and a virtually identical provision can be found under Article 10 of the Commissioner of Standards (Jersey) Law 2017. This means that, for example, the official analyst cannot be required to perform any form of microbiological or chemical analysis and to reach any conclusion following that analysis other than they see fit. In the same way that States Members and others are prohibited from interfering with the Standards Commissioner's investigations and reports, no one will be able to interfere with the official analyst's analysis and findings. Article 7(1) and (2) of the draft law, as amended by Scrutiny, provides the Chief Minister with responsibility for assessing the resources, which will be required by the official analyst to perform their functions, having consulted with the official analyst. The States Assembly will ultimately decide whether to approve this assessment under the Government Plan. Article 7(3) ensures that any officers working under the direction of the official analyst will be treated as members of their staff. Article 7(4) allows the analyst to delegate functions to members of their staff. Article 8 allows for the Chief Minister to appoint an acting official analyst in certain circumstances, for example the official analyst resigns or is incapacitated. Article 9 will ensure that the official analyst produces a detailed annual report and that this annual report includes a statement of financial information. This must also, under the terms of the panel's amendment, contain information on any fees, which have been prescribed by order under Article 12. Article 10 confirms that the official analyst has the right to produce reports in their field. It also ensures that there is a mechanism to enable the Chief Minister to commission reports. Article 11 is a standard provision to limit the official analyst's liability. It is standard across several laws, which establish independent officeholders, bodies and other arm's-length functions. Article 12 will allow the Chief Minister to prescribe fees charged by the official analyst in an order. The official analyst currently charges fees, but they do so on a non-statutory basis. Articles 13 to 17 of the draft law provide transitional, consequential and citation provisions. This includes under Article 15 an amendment to the Public Finances Law so that, instead of being a non-Ministerial department, the official analyst will sit within the accountable officers structure under the C.E.O. (chief executive officer) where the States Assembly will hold oversight of the Office of the Official Analyst. I propose the draft law in Second Reading.

### **The Bailiff:**

Is the draft Law seconded for Second Reading? [**Seconded**] Does any Member wish to speak in Second Reading?

#### **13.2.1 Senator K.L. Moore**

The Corporate Services Panel is grateful to the Assistant Chief Minister for accepting our amendments. Although they are relatively technical in their approach, we hope that the Assembly will see that they provide a strengthening to the draft law and ensure the Assembly are provided with sufficient detail on the official analyst's qualifications and related reasoning prior to the appointment. They will also make sure that an independent evaluation of the dismissal from Office of the Official Analyst is completed. The amendments recognise that the funding for the Office of the Official Analyst is determined by the Assembly and that transparency in changes under Article 12 of the law



is provided to the Assembly within the annual report of the Official Analyst to the States. While there are financial implications in accepting amendment 2, the panel concludes that this will bring transparency to the dismissal process and it is a catalyst for wider review at a later date.

**The Bailiff:**

Does any other Member wish to speak in Second Reading? If no other Member wishes to speak in Second Reading then I close the debate and call upon the Deputy of St. Peter to respond.

**13.2.2 The Deputy of St. Peter:**

Nothing more than to thank the Scrutiny Panel for their engagement and invaluable contribution. With that I ask for the *appel*.

**The Bailiff:**

The *appel* is called for. I invite Members to return to their seats. I ask the Greffier to open the voting and Members participating remotely to do so via the chat in the usual way. Members have had the opportunity of casting their votes. Then I ask the Greffier to close the voting. The Articles have been adopted in Second Reading.

| <b>POUR: 32</b>            |  | <b>CONTRE: 0</b> |  | <b>ABSTAIN: 0</b> |
|----------------------------|--|------------------|--|-------------------|
| Senator L.J. Farnham       |  |                  |  |                   |
| Senator J.A.N. Le Fondré   |  |                  |  |                   |
| Senator T.A. Vallois       |  |                  |  |                   |
| Senator K.L. Moore         |  |                  |  |                   |
| Senator S.Y. Mézec         |  |                  |  |                   |
| Connétable of St. Lawrence |  |                  |  |                   |
| Connétable of St. Brelade  |  |                  |  |                   |
| Connétable of St. Mary     |  |                  |  |                   |
| Connétable of St. Martin   |  |                  |  |                   |
| Connétable of St. John     |  |                  |  |                   |
| Connétable of St. Clement  |  |                  |  |                   |
| Deputy J.A. Martin (H)     |  |                  |  |                   |
| Deputy M.R. Higgins (H)    |  |                  |  |                   |
| Deputy S.J. Pinel (C)      |  |                  |  |                   |
| 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) |  |                  |  |                   |

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|--------------------------|--|--|--|--|
| 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)  |  |  |  |  |

Do you propose them in Third Reading?

**The Deputy of St. Peter:**

Yes, please.

**The Bailiff:**

Are they seconded for Third Reading? **[Seconded]** Does any Member wish to speak in Third Reading? If no Member wishes to speak in Third Reading, then I close the debate and do you call for the *appel*?

**The Deputy of St. Peter:**

Just to reiterate my thanks to Scrutiny and I am happy with a standing vote if Members are.

**The Bailiff:**

In light of the previous voting on this matter, we will deal with this on a standing vote. Those in favour in Third Reading kindly show. Those against? They are adopted in Third Reading.

**14. Draft Stamp Duties and Fees (Amendment of Law - No. 5) (Jersey) Regulations 202-(P.43/2022)**

**The Bailiff:**

The next item of Public Business is the Draft Stamp Duties and Fees Amendment of Law No. 5 (Jersey) Regulations 202-, P.43, lodged by the Chief Minister. I ask the Greffier to read the citation.

**The Greffier of the States:**

Draft Stamp Duties and Fees (Amendment of Law - No. 5) (Jersey) Regulations 202-. The States make these regulations under Article 3 of the Stamp Duties and Fees (Jersey) Law 1998.

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

The Minister for Treasury and Resources is acting as rapporteur on this one.

**14.1 Deputy S.J. Pinel (The Minister for Treasury and Resources - rapporteur):**

I am pleased to be rapporteur for this proposition on behalf of the Chief Minister. It introduces a necessary legislative change. At its heart this proposition will provide greater balance, more consistency and it will protect access to justice. The draft regulations included in this proposition, if made, would amend the court fees set out in schedule 1 of the Stamp Duties and Fees (Jersey) Law 1998. These fees are charged for civil actions in the Petty Debts Court or the Royal Court. The report accompanying the proposition sets out the background to the proposed increases in court fees. In summary, it flows from a review conducted by the Judicial Greffe. The review came about after the Assembly decision to approve a new court case management system as part of our investment in information technology first signalled in the 2020 to 2023 Government Plan. The review that was conducted by the Judicial Greffe showed that court fees do not cover some steps taken by the courts, do not always reflect the value of the matter before the court, have not increased since 2013, and are not in line with similar fees charged in other Crown Dependencies, the U.K., or other comparable jurisdictions with international finance centres. The Jersey Retail Price Index increased by 21.9 per

cent between September 2012 and December 2021. If this legislation is passed, the average increase in the lettered rates would be 13.7 per cent. Fees for actions in the Petty Debts Courts would increase by an average of 10.6 per cent. In addition, 4 new lettered rates would be introduced providing for a more granular approach. Higher-value claims in the Royal Court would be charged higher fees. Claims valued between £500,000 and £2 million would be subject to new lettered rate fees of between £750 and £1,250. The maximum court fee would remain the same as it is now. At the moment, a claim with a value of over £2 million is subject to a fee of £1,500. Under this legislation, claims of over £2 million would still be subject to a fee of £1,500. The only new fee that is not covered in the report is in respect of approving orders, which the parties have agreed. Agreed orders need to be signed off by a judge and so they are a judicial decision. If this does not follow a hearing then currently the judge is undertaking a judicial task for free. These regulations will provide consistency in the charging of fees. These charges, if passed, will protect access to justice. They are not introducing flat rates. The higher the value, the more people will pay, which is consistent with access to justice. Those on lower incomes will continue to be protected. To be clear, these changes are quite separate from legal aid and there is no overlap. Parties on legal aid are exempt from court fees and there is a process for the Viscount to grant such exemptions, which will not change. Revenue raised from these new fees has been estimated to be in the region of £500,000 per year. That money will fund the ongoing cost of computer software licences. I turn briefly to the contents of the draft Law. The legislation is simple. It amends schedule 1 of the Stamp Duties and Fees (Jersey) Law 1998. It increases the court fees payable in a range of situations and introduces 4 new rates for higher-value claims or actions. In conclusion, this draft legislation is necessary and arguably overdue. It provides greater balance, more consistency, and it will protect access to justice. I commend these draft regulations to the Assembly.

#### **The Bailiff:**

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

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

It is just a couple of items that I wanted. I personally do not know the court system very well and so I am intrigued that there is at the highest level in the P band a £1,500 cost for claims that may be in excess of £2 million. I just wondered if the Minister can enlighten me, that would be wonderful. I just wondered is there no day rate as well? Because, if a court case, if someone is claiming £2 million from another person, then I would suggest it is likely that that court case may go on for some days. So I am just interested in whether there is a separate sum for the amount of time spent in court as opposed to there just being a simple set fee. Because I am sure £1,500 would not cover a 2-day court case, for instance. The other element I would be really grateful for the Minister to explain is the very final sentence of the report, it has been bugging me, because it says that the signing of the contract for the new I.T. system - court case management system - is dependent on having a clear revenue stream to fund the ongoing cost of the new systems. This sounds to be somewhat like ... threat is too strong a word. But it seems to me to be saying that if we vote against this proposition today then the court case management system will not go ahead. That to me seems to be a ridiculous situation to be in because the court case management system is clearly needed.

[15:45]

I do not think there are any Members of the States who would say it does not but they may have reasons for disagreeing with this fees scale. So I am slightly perturbed. I know I am being slightly pedantic as well but I am slightly perturbed that the report says one is dependent upon the other because they really should not be.

### 14.1.2 Deputy R.J. Ward:

I think I have been triggered by that pedantry and I think it is a good thing personally. There is something in here that troubles me that has become a little ... I wonder if it is becoming a theme but every time there is a renewal or addition of an I.T. system it seems to be accompanied with extra charges while at the same time the Government seems to be spending vast amounts of money on I.T. development; eye-watering amounts of money to be quite frank. I just wondered whether these are ever going to be linked together so that the extra £500,000 ... whether the increase can be in the region of £500,000 in a typical year? That is £500,000 by those who are using the courts or, one might say, consumers of court services. Therefore, we seem to be having a strange argument we are increasing access to justice by charging people more, which is a strange one. Just to answer that. And again the cost of computer software licences. I do worry that it is becoming an excuse to increase fees by simply mentioning I.T. and software words whereas in a modern society we all ... I personally do not think we will be able to do anything else so this is ... I would suggest the word is opportunistic and that is a concern I have with this.

#### The Bailiff:

Does any other Member wish to speak on the principles? If no other Member wishes to speak on the principles then I close the debate and call upon the Minister to respond.

### 14.1.3 Deputy S.J. Pinel:

Just a very brief response. I understand that this has not been addressed since 2013 so it is well overdue to be addressed to increase the court fee charges in some cases. I cannot answer Deputy Morel's question as to if it is broken down into a daily rate. I do not have that information but clearly not from the information I have. As Deputy Ward's question, funding computer software licences, again this has not been approached since 2013 so there is a huge amount of catching up to do. With that, thank you, and I propose the principles.

#### The Bailiff:

Is the *appel* called for? I invite Members to return to their seats. The vote is on the principles of P.43. I ask the Greffier to open the voting. If Members have had the opportunity of casting their votes then I ask the Greffier to close the voting. I can announce the principles have been adopted.

| <b>POUR: 31</b>            |  | <b>CONTRE: 2</b>          |  | <b>ABSTAIN: 0</b> |
|----------------------------|--|---------------------------|--|-------------------|
| Senator L.J. Farnham       |  | Deputy L.M.C. Doublet (S) |  |                   |
| Senator J.A.N. Le Fondré   |  | Deputy J.H. Perchard (S)  |  |                   |
| Senator T.A. Vallois       |  |                           |  |                   |
| Senator K.L. Moore         |  |                           |  |                   |
| Senator S.Y. Mézec         |  |                           |  |                   |
| Connétable of St. Lawrence |  |                           |  |                   |
| Connétable of St. Brelade  |  |                           |  |                   |
| Connétable of Grouville    |  |                           |  |                   |
| Connétable of Trinity      |  |                           |  |                   |
| Connétable of St. Mary     |  |                           |  |                   |
| Connétable of St. John     |  |                           |  |                   |
| Connétable of St. Clement  |  |                           |  |                   |
| Deputy J.A. Martin (H)     |  |                           |  |                   |
| Deputy M. Tadier (B)       |  |                           |  |                   |
| 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 L.B. Ash (C)        |  |  |  |  |
| Deputy K.F. Morel (L)      |  |  |  |  |
| Deputy G.C.U. Guida (L)    |  |  |  |  |
| Deputy of Trinity          |  |  |  |  |
| Deputy of St. John         |  |  |  |  |
| Deputy M.R. Le Hegarat (H) |  |  |  |  |
| Deputy S.M. Ahier (H)      |  |  |  |  |
| Deputy R.J. Ward (H)       |  |  |  |  |
| Deputy C.S. Alves (H)      |  |  |  |  |
| Deputy K.G. Pamplin (S)    |  |  |  |  |

Senator Moore, again, does your panel wish to call the matter in?

**Senator K.L. Moore (Chair, Corporate Services Scrutiny Panel):**

No, thank you, Sir.

**The Greffier of the States:**

The votes contre: Deputies Perchard and Doublet.

**The Bailiff:**

Do you wish to deal with the matter in Second Reading, Minister?

**14.2 Deputy S.J. Pinel:**

May I propose the regulations *en bloc*?

**The Bailiff:**

Are they seconded for Second Reading? **[Seconded]** Does any Member wish to speak in Second Reading? If no Member wishes to speak in Second Reading, and in light of the previous vote, I will take this as a standing vote. Members in favour kindly show. Those against? It is adopted in Second Reading. Do you deal with the matter in Third Reading, Minister?

**Deputy S.J. Pinel:**

Yes, please, Sir. May I also take the opportunity to thank States Members for their contributions and I make the proposition in Third Reading?

**The Bailiff:**

Is the proposition seconded for Third Reading? **[Seconded]** Does any Member wish to speak in Third Reading? If no Member wishes to speak in Third Reading then I close the debate and again we will take this on a standing vote. Those in favour kindly show. Those against? It is adopted in Third Reading. Just an indication from the Assembly: am I exercising the Assembly too much by asking the Members to stand on a regular basis?

## **15. Draft Shipping (Registration) (Amendment No. 2) (Jersey) Regulations 202- (P.44/2022)**

### **The Bailiff:**

The next item of Public Business is the Draft Shipping (Registration) (Amendment No. 2) (Jersey) Regulations 202-, P.44, lodged by the Minister for Economic Development, Tourism, Sport and Culture. I ask the Greffier to read the citation.

### **The Greffier of the States:**

Draft Shipping (Registration) (Amendment No. 2) (Jersey) Regulations 202-. The States make these regulations under Article 13 of the Shipping (Jersey) Law 2002.

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

Deputy Morel will be acting as rapporteur for this item.

#### **15.1 Deputy K.F. Morel (Assistant Minister for Economic Development, Tourism, Sport and Culture - rapporteur):**

I enjoyed the speed with which the Minister leapt from his seat to say that. I am pleased to present the Draft Shipping (Registration) (Amendment No. 2) (Jersey) Regulations. The ship's registry continues to be operated by Ports of Jersey and is highly successful and indeed continues to grow. There are currently more than 1,500 vessels registered on the registry and it receives in the region of 200 enquiries per year. The Jersey Ship's Registry, as part of the wider Red Ensign group, is a port of choice worldwide for owners wishing to register their vessel. In order to remain aligned with the U.K. ship's registry overseeing the Red Ensign group the Jersey Maritime administration proposes to widen the eligibility criteria in order to allow more nationalities and certain entities with a legal personality to be eligible to register their vessel on a Jersey Ship's Registry. In addition, and in the current climate, the changes would also allow the registrar of ships to request as necessary proof of beneficial ownership for companies. However, it is important to note that these proposed amendments today are unrelated to recent amendments or orders as a result of Russia's sanctions. Although I would also like to add that that requesting for proof of beneficial ownership with regard to Russian sanctions is taking place. These proposed regulations seek to amend the existing Shipping (Registration) (Jersey) Regulations 2004 by updating the list of persons who may be registered in the register of Jersey ships as the owner of a ship or as the owner of a share in a ship. Specifically Regulation 2 adds a definition of beneficial ownership for the purposes of the whole of the regulations. It also inserts a new interpretation of body corporate so that any reference includes any partnership or body which is a separate legal personality such as a separate limited partnership. Regulation 3 amends the list of persons who may be registered as the owner of a ship or as the owner of a share in such a ship. The effect of these amendments is to keep Jersey's registration regime aligned with that of the United Kingdom as the United Kingdom regime has been altered as a result of the U.K.'s exit from the European Union. In order to keep the Island's regime aligned in the future the cross-references to subordinate legislation of the United Kingdom include future amendments to that legislation. The amendments include the addition of U.K. economic interest groupings and citizens of and bodies corporate incorporated or registered in the countries listed in the new schedule, which is referenced A1. Regulation 4 amends the previous regulation to include the ability for the registrar of shipping to ask for proof of beneficial ownership of the ship that is owned wholly or partly by a body corporate as part of the registration process. The proposed changes will mirror that which is currently offered by the U.K. Ship's Registry and several other Red Ensign group members. It will increase the Jersey Ship's Registry competitiveness as well as enabling us to promote the Island worldwide by allowing many more nationalities to register their vessel on the Island. If adopted by the Assembly these regulations will come into force 7 days after they are made. With that, I make the proposition.

**The Bailiff:**

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

**15.1.1 The Deputy of St. Mary:**

The Economic and International Affairs Scrutiny Panel did receive a briefing on this matter and we endorse the comment made by the Assistant Minister that the provisions are essentially to bring Jersey into line with the U.K. and other Red Ensign members. The panel therefore does support the proposition.

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

I must first of all record the potential conflict of interest in that I am a director of a company which acts as a representative person for registered vessels but, having said that, there is no pecuniary involvement in this particular change. But I would, with the benefit of that knowledge, ask the Assistant Minister whether he could elaborate as to whether there are any change or implications on the local representative persons who act for non-resident ship owners? It may be that the Minister will wish to defer that for officers for the future, which I would be perfectly content with.

**Deputy K.F. Morel:**

I find it difficult to hear. Could I ask the Connétable to repeat the question part of that, because I could not hear it?

**The Connétable of St. Brelade:**

I would ask the Assistant Minister to let Members know whether there would be any implications on representative persons who act for non-resident vessel owners in the Island as a result of this change in legislation.

**The Bailiff:**

Does any other Member wish to speak on the principles? If no other Member wishes to speak on the principles then I close the debate and call upon Deputy Morel to respond.

**15.1.3 Deputy K.F. Morel:**

I would first of all like to thank the Scrutiny Panel for their work on this and the Connétable for his question, and indeed for the officers for their work on this as well. With regard to the Connétable’s question, I believe the only change for existing non-resident owners would be that I believe this does enable the registrar of ships to enquire as to provide proof of beneficial ownership. I am happy to get that double-checked by officers but, as I understand it, it can be retrospective on the beneficial ownership front. But I will get that doublechecked. If I have inadvertently said something incorrect I will make sure the Assembly is updated. I ask for the *appel* please.

**The Bailiff:**

The *appel* is called for. I invite Members to return to their seats. The vote is on the principles of P.44 and I ask the Greffier to open the voting and Members participating remotely to vote in the chat in the usual way. If Members have had the opportunity of casting their vote then I ask the Greffier to close the voting. The principles have been adopted.

| <b>POUR: 37</b>      |  | <b>CONTRE: 0</b> |  | <b>ABSTAIN: 0</b> |
|----------------------|--|------------------|--|-------------------|
| Senator L.J. Farnham |  |                  |  |                   |
| Senator T.A. Vallois |  |                  |  |                   |
| Senator K.L. Moore   |  |                  |  |                   |
| Senator S.W. Pallett |  |                  |  |                   |
| Senator S.Y. Mézec   |  |                  |  |                   |

|                            |  |  |  |  |
|----------------------------|--|--|--|--|
| Connétable of St. Brelade  |  |  |  |  |
| Connétable of Grouville    |  |  |  |  |
| Connétable of Trinity      |  |  |  |  |
| Connétable of St. Peter    |  |  |  |  |
| Connétable of St. Mary     |  |  |  |  |
| Connétable of St. John     |  |  |  |  |
| Connétable of St. Clement  |  |  |  |  |
| Deputy J.A. Martin (H)     |  |  |  |  |
| Deputy K.C. Lewis (S)      |  |  |  |  |
| Deputy M. Tadier (B)       |  |  |  |  |
| Deputy M.R. Higgins (H)    |  |  |  |  |
| Deputy S.J. Pinel (C)      |  |  |  |  |
| Deputy of St. Martin       |  |  |  |  |
| 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 of St. Mary, I take it your panel is not calling the matter in, in the light of what you said.

**The Deputy of St. Mary (Chair, Economic and International Affairs):**

No, thank you, Sir.

**The Bailiff:**

Do you wish to deal with the matter in Second Reading? How do you propose it in Second Reading?

**15.2 Deputy K.F. Morel:**

Yes, I would like to propose it in Second Reading. In my initial speech I spoke through the regulations in this so, unless there are particular questions, I will save any further discussion of that for those questions.



**The Bailiff:**

Are the regulations seconded for Second Reading? Does any Member wish to speak in Second reading? If no Member wishes to speak in Second Reading then I close the debate. In light of the previous vote I will take this on a standing vote. All those in favour kindly show. Those against? Do you propose in Third Reading?

**Deputy K.F. Morel:**

Yes. I thank Members for their support and I propose in the Third Reading.

**The Bailiff:**

Is it seconded for Third Reading? **[Seconded]** Does any Member wish to speak in Third Reading?

[16:00]

If no Member wishes to speak in Third Reading, then I close the debate and, again, I will take this on a standing vote. Those in favour kindly show. Those against? The regulations are adopted in Third Reading.

**16. Draft Regulation of Care (Regulated Activities) (Amendment of Law) (Jersey) Regulations 202- (P.45/2022)**

**The Bailiff:**

The next item of Public Business is the Draft Regulation of Care (Regulated Activities) (Amendment of Law) (Jersey) Regulations, P.45, lodged by the Minister for the Environment and I ask the Greffier to read the citation.

**The Greffier of the States:**

Draft Regulation of Care (Regulated Activities) (Amendment of Law) (Jersey) Regulations 202-. The States, after consultation of the Health and Social Care Commission by the Minister for the Environment in accordance with Article 39(1)(a) of the Regulation of Care (Jersey) Law 2014, make these regulations under Articles 1(2) and 2(2) of that law and Articles 20(3) and 47 of the Sexual Offences (Jersey) Law 2018.

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

It is my job, as Minister responsible for the regulations operated by the Jersey Care Commission, to put to the Assembly 3 different sets of regulations, which are very lengthy reports and I hope I do my best to try and keep these simple but obviously answer questions that Members may have. The one now is Regulation P.45 which extends the scope of primary law so as to subject 10 new categories of social work and mental health services which are provided to children and young people to regulation and inspection by the Care Commission. The others, which they follow, just mention they deal with the standards which the services apply and the third one is the transitional arrangements. I think the 10 services which are the extension of the law are: adoption services, children's home services, fostering services, social work services for children and young people, independent monitoring and review services in looked after children's cases, child contact centres, residential family centres, children and young people's mental health services, care services in special schools and children and family community nursing services. At the moment of those 10 services only children's homes are regulated. These are currently regulated under the care home category under the existing law. What these regulations do is they simply separate children's homes out into this new category. Of course, by way of a little bit of background, since 2019 care homes, home care and adult day care services have been regulated and inspected by the Care Commission. I think Members have had a number of these debates about that and seen reports on the website and so on. Of course until 2019 there was only minimal independent oversight of these services. Again, by way of a little bit of background, when the Care Law was adopted in 2014, it sounds a long time ago - it is 8 years

ago - it was recognised that this is a very, very big project bringing all these services into regulation and so, therefore, it was decided that this would be phased. The regulations here today, Regulation 45 and the other bits of it, are what we call phase 2. The report set out in the paperwork sets out the future and just to flag up phase 3, which will come in the new Assembly and 4 and 5. Phase 3 will be to regulate hospital services because of the recent calls to bring hospital service into regulation, all adult mental health and inpatient mental health services provided to children, ambulance services and independent clinic services. Phase 4 would be adult social care and community care services and phase 5 will be to regulate community medical and dental services; a huge amount of work no doubt but anyway step by step. This one implements a key recommendation of the Independent Jersey Care Inquiry to regulate Government Children's Services. What that report said: "Legislation must require inspections to be undertaken on a regular basis on both announced and unannounced bases. Inspectors must have powers of access to all relevant premises, documents and staff at all time. Inspection reports must be made publicly accessible, as should the responses made to them by inspected services." That is a very high-level picture of both the context of this one, that this is part of a journey of progressive adoption and new regulations. This one is a key one, extension to Children's Services. Of course, if the States votes these regulations then the Government's Children's Services, Children and Adolescent Mental Health Service, as well as care services in special schools will be required to register with the Care Commission and private and charitable providers of social work mental health services, which there are some, would also be required to register. Of course, that means also that the scope of the law will set out a failure to register, it gives rise to offences. I think I have one or 2 other points I need to cover before I propose in the principles. The manager, of course once the service is registered the way it works ... the registration is stage 1 and then the provider and manager must comply with the requirements set out under the standards regulations, which will follow and which is the next item in the debate, which will be supplemented of course by what the Care Commission's own standards do. They will inspect services, every year is the proposal, to ensure they meet the requirements. If they find that there are deficiencies then they can issue an improvement notice and if the care provider fails to comply with a notice, then there would be an offence. Of course, the ultimate power is that the Care Commission has power to cancel the registration of the care provider, so to effectively close the service down. However, if it is not able to close the essential service provided by Government, if the Commission finds that Government-provided services are so poor that they warrant closure, they must publish a report. This is a robust regulatory regime. I think, in summary, if these regulations are adopted children, families and members of the public will have access to regular independent assessments of quality of care provided in Jersey. All the public will know how good our care services are and where improvements are needed. For the first time all social work and inpatient mental health services will be required by law to provide a high standard of care to our children and young people. There we are, I think at that point I will then propose the regulations, widening of the law to cover, as I have explained, in First Reading.

**The Bailiff:**

Thank you very much, Minister. Are the principles seconded? [**Seconded**] Does any Member wish to speak on the principles?

**16.1.1 The Connétable of St. John:**

We should be celebrating the fact that these regulations are before us today. As the Minister said, it has been some 8 years in coming. However, I am concerned we are in danger of approving something that will give the appearance of regulation without any real rigour. The risk here seems to be that this is passed and it is seen to tick another box from the Care Inquiry with no consideration to whether or not the regulation is improving or worsening children's lives. The proposition is about greatly widening the remit of the Jersey Care Commission. Scrutiny's report seems to focus largely on the proposed fees and the lack of time for meaningful scrutiny. The Scrutiny Panel has done some

excellent work during this term and it is disappointing that with a subject so important as this that they have not had sufficient time to scrutinise this fully. Anyone who has read the reports completed on the children's homes to date will know they appear at times to be copied and pasted from previous reports into different children's homes. They are across the piece, in my view, weak, largely narrative, rather than instructive and probably most worryingly they are all absent of the recommendations related to missing children. If we listen to the chief of police he often talks about the challenges his force faces of missing children from care. While that is listed as an issue, there is no recommendation on missing children. The Care Commission does recognise the issue in their annual report but still no recommendation in their reports on specific homes. There is acknowledgement in the paper that the regulations are generic and only a vague nod to this being tightened. There is a presumption that the Care Commission has capacity to take on this work but no discussion at all about the quality of their work, any international comparison or any evaluation. I would like the Minister in his summing up to confirm who has evaluated the quality of the work to date from the Care Commission in order for us to be able to support this proposition that will see a wider remit given to them? We find ourselves in a position where we are morally obliged to support these proposals; doing nothing, I do not believe, is an option. But I would voice a word of caution inasmuch as I believe the Care Commission has already got a wide remit and this is going to be extended without a lot of evidence that they are equipped to do this additional work.

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

I speak with a hat of a member of the management committee of a residential home in the Parish and I would comment, likewise the last speaker, that my experience of the Care Commission is that they are extremely professional in their approach and were grateful for the input that we have. But there is a cost and I think my underlying concern is that that cost, in effect, has to be passed on to the users of the services being provided by the various institutions. I think we should be aware of that and what that implication may be on those particular users, and there may be in fact a charge to Government to subsidise that if that in fact is the case. I would ask the Minister in his summing up how much that cost and consequence of it has been considered.

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

I speak from the chair of the panel that produced the comments paper. I do not know if people have been reading my notes today but earlier today 3 of my questions were asked before I could ask them and the Constable of St. John has mentioned a point I was going to make; it came from our comments paper but we will go through these anyway. I will start where I was going to finish because I think it is pertinent. We are concerned and we did mention in our report about the late lodging of these amendments. The Care Inquiry we have known about for a long time and we know that these things are required. But it gave the panel no time at all to do any real work on these because they were lodged during the bridging Island Plan and then the States sitting after that. We were entirely engaged, to be quite frank, in those sittings, as indeed we should be because it is our role. Therefore, we have raised a concern in the report, the comments report, and I do urge Members to read that about the level of engagement we could take on these regulations. The point about the quality of them would indeed have been something for the panel to be looking at. Having said that, we will not stand in the way of these regulations coming into force because it is important that we make a step. But it is, and we will mention it, a legacy report for further panels to certainly take on the quality of the work that is going on with the care of children. I suppose it could be said that by bringing these forward as a separate tranche, it is making perhaps more than a gesture but a gesture towards the importance of the regulation of children's homes, which is really, really important. There are some points I will mention. In terms of the fees, I remind the Constable of St. Brelade that the fees that accompany the regulations in the report are from 2014 and we are not approving those fees today. What we are doing is there is a model of those fees in the background. In terms of whether they are

paid, the Minister does have the power to set zero fees and, indeed, has set zero fees for one or 2 organisations for specific reasons, which I personally think is the right thing to do.

[16:15]

So, there is a debate and some questions to be raised into the future as to how those fees would work. The panel does recommend that there is a period of review before those fees are formally set for one simple reason ... well, more than one reason but the simplest point being that they should not be a profit-making exercise for regulation. So until you know what level of regulation is required and how much that cost is, it is nigh on impossible to set fees that match that cost. I think that is a practical issue that we would have recommended on had we been given time for a full report. So that is really very important indeed. Yearly fees, do they accompany yearly inspections? They may well do but, again, we cannot be certain until we undergo scrutiny and that is quite important. There is another issue as well which I will raise specifically, which is in regards care leavers. The current service regulation is up to the age of 22 but the care leavers' offer is up to the age of 25. There is a question in the report about the role of personal advisers and whether they are acting as social workers, which required a similar form of regulation, and, therefore, who is regulating and under what regulatory Minister, if you want, which Minister it is connected to. So there are some important things, some little points that need to really be made clear, but they are not small points for the people involved themselves because that regulation is very, very important of those services. I think that is all I was going to mention on those points. I am sure other members of the panel will pick up anything that I have missed because they are very thorough in their work. I will mention the point there are 3 separate propositions and they are linked with one, so we need all 3. With that, we do support but I think I will finish where I started to some extent and I will just mention the report, if I can just get my screen up ... it is a time when face recognition is perhaps not the best thing to have. We do mention that the ... I cannot find the bit of the report but I know it off by heart virtually. There is a 6-month engagement process for scrutiny for Ministers so that proper scrutiny can be undertaken, and that did not happen in this case and in such important regulations. We do recognise COVID; however, the Independent Jersey Care Inquiry has been around for a long time and we are disappointed that 6-month formal process was not reached so that we could go through and make more robust support of these regulations going forward. Having said that, we would not want to hold them back.

#### **16.1.4 Senator S.W. Pallett:**

Following in the vein of the Constable of St. Brelade, I am involved with a charity that is now regulated, and absolutely rightly so. It provides residential care and it is right that that residential care is of a good quality and that it is thoroughly checked. My concern, though - and it is not really covered, I do not think, in the Scrutiny report but I think they are aware of it - is that there is cost with fees, but the issue that worries me is when these services ... and there is a whole list of them in the proposition, including child contact centres and residential family centres as 2 examples. It is right that we start to regulate these type of activities and, in fact, we need to regulate all hospital and all residential care and any type of medical facility needs to be regulated at some point in the future. But it is the ongoing costs. It will not be just around the fees. I am sure most of these services, once they are monitored, once they are assessed, will be lacking in some form or another, as we were in the charity that I am involved with. To improve that, and absolutely rightly it should be improved, comes a cost. What I would not want to see is us losing any of these services because of cost. So, I think it will need to be monitored. Not all of these are government providers. Many of them will be private. Some may be charities. So it is important that we do monitor it, that we do keep a close eye on what those costs are. Not all of these services will be able to pass the costs on to customers. They will probably be dealing with families that are low-income families that will not be able to afford extra cost. So, just an air of caution around this. Absolutely we have to do it, absolutely we have to make sure that we cover all care sectors, but we do need to make sure ... and I am sure Scrutiny, if

they had had a chance, would have had a look at the cost of this throughout all of these services as we must do when we broaden it out. When we come to regulate the hospital, that is a Government cost, but some of these will not be Government costs, they will be private costs. What we do not want to see is reduced services or services that become too expensive for people to access.

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

I just wanted to rise in regards to the area around the mental health legislation because we have been here before in previous Assemblies when legislation was brought in. But as we discovered a few times when scrutinising, the resources were not also introduced to support regulations and we discovered backlogs in assessments and other areas. I would like to hear from the Minister his views on all the additional pieces of work and legislation and regulations being put on the Care Commission in the last 4 years and his view and his recommendations going forward. Because the more we do this there is going to be a pressure and if we are going to do this properly, as well as bringing in regulations we need to make sure ... in a few years' time, if a future Scrutiny Panel is reviewing that the regulations and the laws have been brought in but not the resources, then it has been a waste of time. We cannot do that to this Island's children.

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

Just briefly to follow on from Senator Pallett and Deputy Pamplin but also to follow on from the chair of the Scrutiny Panel, who I worked with, in terms of the comments that we produced for these different bits of legislation that are before us. In terms of the costs for regulation, I think the chair covered that quite neatly, but also the fact that not really knowing how much that is going to cost but also whether you have to do it annually, living in a small Island. I think it is also important to point out in our comments paper where we refer to the questions of whether areas like the autism resource centres within schools, whether La Passerelle, which is about mental health and support for anxiety and those particular areas, and whether special educational needs provisions within schools need to come under this type of regulation. The reason why I say that is because if we look across the waters, and I know some Members do not particularly like us referring to what they do in England and Wales or in the U.K., but there is potential for grey areas if we are not careful. Because this is coming in in tranches, the way that England and Wales do this is they utilise Ofsted. Ofsted does not only look at how schools are doing and mark them in terms of their ability or where they can improve, but they also look at social work, social care, and it covers a broad touch. Whereas in Jersey we have 2 different ways of dealing with this type of regulation. We have the school review framework that looks at the way our schools are performing, and that is in its infancy still. So that has to be recognised about how that moves forward, I think in conjunction with what do we mean by care and what does care look like when we are talking about private nurseries, public nurseries, care settings for complex needs and the individuals, for example, like the Jersey Childcare Trust, who have employed people who look after particular children with particularly complex needs. That is important and, like I say, it does not necessarily mean we have to or we should regulate every single year have a review. We should be learning from the mistakes we are making and improving on those. I believe having some commitment from the Minister around ... because the fees that apply to these regulations are made by order, so they do not come back to the Assembly. It is particularly down to the Minister to determine and I think it is an important point to make. We would ask the Minister to commit or put in some form of legacy report for the next Council of Ministers to recognise there needs to be a period of time whereby the service is carried out to identify the actual real costs of doing these reviews and to recognise that we already have a budget through the Government Plan process which will be paying for this regulation, but it is also recognised that any overspend that is made by the Jersey Care Commission is paid for through ... I am going to get the name of this department wrong because I always do, S.P.P.P. (Strategic Policy, Planning and Performance), which is strategic planning, performance, something along those lines. I do apologise, it is awful, is it not, but all these departments keep changing names. But the overspend of the Jersey Care Commission

will end up topping that funding up and we have identified that through our comments. So I just wanted to make those points on this particular proposition.

**The Bailiff:**

Does any other Member wish to speak on the principles? If no other Member wishes to speak on the principles, I close the debate and call upon the Minister to respond.

**16.1.7 Deputy J.H. Young:**

I thank the Members who have spoken and some very good questions there. I will do my best to answer them. Obviously, it was not something I saw, having responsibility for the Jersey Care Commission, but I agreed to take it on. I have been impressed with my dialogue with them to date. So, I certainly was clear that I wanted to be sure that the Care Commission were confident that in bringing forward these regulations they could fulfil these obligations. Because I certainly said to them - and I would not feel happy standing here with this knowing that - I know very well how reluctant the States is to put their money where their mouth is in terms of providing the funds for things. I certainly wanted no part of any lip service. So, I have been impressed with the real conviction that the people involved with the commission have. I think we are dealing with very, very serious, public-spirited people and what I am doing here is to try and give them the tools to do the job. So, there is nothing that I am aware of which would allow me to agree with the Constable of St. John that they are weak. I think they demonstrated that recently in their report on Greenfields and they have been very public about that. Obviously, the Minister for Children and Education is going to have to deal with that, but they cannot take on the responsibility for becoming like an alternative running of the service. The service is run by the service provider. Their job is to put in place a system of inspection and standards and checks and to report when it goes wrong. I think the journey that we are trying to do to build those standards is really important and we certainly should not be backwards about it, but we have to recognise that it is not entirely an easy path because one is changing people's behaviours. Of course, on the question ... a number of speakers spoke about the issue of money and what I am told is that when the law was brought in in 2014 and that law was adopted, the States at that time agreed that 55 per cent of the Care Commission's funding would be generated by fees paid by regulated services and 45 per cent of the funding would be provided by a grant from Government. As Senator Vallois told us, it is absolutely right that those budgets to fund the commission's work sit within the S.P.3 (Strategic Policy, Planning and Performance) gang. They do not fit within any of the planning or environment ... it is the S.P.3 gang and I have had to speak to them about this. Of course, that is the Chief Minister who is responsible for dishing out the money, so here is another example where, as Minister, I do not have Ministerial responsibility for the budgets that are needed to do the very job that I am responsible for doing. If we are going to talk about my proposal, we have got ourselves in, I think, a Rubik's cube of mess in terms of financial structures in the States, which desperately I am hoping can be sorted out in the future to give greater clarity. So the information I have at the moment is that the funding available for this particular project under the Government Plan is £375,000 this year and a further £450,000 in 2023. I have certainly raised the point as well about where you got fees for private entities, if you like.

[16:30]

Obviously, it is Government, the assumption I make is Government, who is running these services, is going to have to cough up. They are going to have to pay for the costs of fulfilling the regulatory requirements. But of course, what we have here as well, the information I have, is that there are fewer than 10 non-government providers in this area. We have one charitable children's home, which is already registered, one social work service provided by a charity, a child contact centre provided by a charity, one mental health service provided by a charity, 2 services provided by private practitioners and one children and family nursing service provided by a charity, which is largely registered as home care at the moment. I personally do have concerns about the impact on small

charities and I am certainly looking ... I do not have funding sources to tackle for that so I am flagging it up. Whoever has responsibility for ... I think we need to provide ... I cannot remember if one of the Members speaking asked me what are my views about supporting. We should be supporting charities running those services in the third sector to help them meet the new regulatory requirements. So, this is the start of a journey. The first stage is the regulations which expand the law and then if you approve this, we go on to do the standards. I do agree with the principle that we should give time ... I say "we", it will not be me as Minister, my successor. I do not know which Minister in the future will take care regulations. I found it to be a very, very important area. Concerns were expressed about delays. Yes, but of course the information I got is that - again, Members might not like this - COVID really did slow things up badly in all sorts of areas. What happened about consultation? I am told here that the officers had a joint briefing with the panels, that is 2 panels - I think Deputy Ward's panel and the Constable of St. Brelade's - on 21st September and it was agreed that the Children's panel - that is Deputy Ward's panel - would lead. Obviously advance copies were provided and officers met with the panel for a further briefing on 4th April and then all States Members on 14th April. There was public consultation on the draft regulations on 19th July until 17th September. None of the 5 respondents to the online services disagreed. Responses were provided by the Care Commissioner, Children's Commissioner, a registered home care provider and a child contact centre. Feedback was overall supportive with some changes. There was negative feedback provided from one of the providers and I think that was basically on the issue of fees. I think fees will be set by order by the new Minister. When I have handled fees in other services I have taken the provision of - I think the officers did not like it - exempting charities or provided 50 per cent reduction on fees for their challenges in providing services, because we need to support them. But, of course, that was my exercise of my personal discretion which Members may feel I am brave enough to do these things after this morning. I am just going to flick through my notes making sure I pick up all points. Independent evaluation of the quality of the Care Commission's work. Do we really ... who polices the police? I think let us not go that far. Give the Care Commission a chance. I have asked them about this. They are very keen to do so. I have even asked them about the future phases of work and, of course, that is not yet but as a principle they say they will do what the States ask, but they will need to be resourced on that. We need to provide them with the wherewithal. Grey areas, legacy. Yes, well I will leave a legacy report, Senator Vallois says that. Senator Pallett spoke about the impact of in-hospital regulation. Well, that is huge. Really huge. I think the Minister for Health and Social Services has already produced a report on that and answered questions. It is certainly not the next few years. It is big, big resource. I am just going to flick through the chat channel, if I may, to make sure I pick up particular questions. I think Deputy Ward asked about 20 and 25. Social work services will be regulated for young people up to 25 years. That is the answer I have been given on that one. I am not an expert on these, I have the officers' information. I think personal adviser services, that I am told is not itself regulated but personal adviser services provided as part of the social work service, i.e. those provided by Government's Children's Services, will be regulated. Deputy Pamplin does raise an important point about we must not overload the commission. Absolutely right. I think a judgment the new Minister has to take is how far we go and when we can do that. Annual inspections. We decided that there will be annual inspections because these services have not been regulated before. After an initial period it is expected that it will go down to 3 years for social work services as they are in the U.K. Hopefully that will be enough to ask for the *appel* on the principles.

### **The Bailiff:**

Thank you very much, Minister. The *appel* is called for and I invite Members to return to their seats. The vote is on the principles of P.45. I ask the Greffier to open the voting and those participating remotely to vote in the chat in the normal way. If Members have had the opportunity of casting their votes, then I ask the Greffier to close the voting. The principles have been adopted.

| <b>POUR: 42</b>            |  | <b>CONTRE: 0</b> |  | <b>ABSTAIN: 0</b> |
|----------------------------|--|------------------|--|-------------------|
| Senator L.J. Farnham       |  |                  |  |                   |
| Senator T.A. Vallois       |  |                  |  |                   |
| Senator K.L. Moore         |  |                  |  |                   |
| Senator S.W. Pallett       |  |                  |  |                   |
| Senator S.Y. Mézec         |  |                  |  |                   |
| Connétable of St. Lawrence |  |                  |  |                   |
| Connétable of St. Brelade  |  |                  |  |                   |
| Connétable of Grouville    |  |                  |  |                   |
| Connétable of Trinity      |  |                  |  |                   |
| Connétable of St. Peter    |  |                  |  |                   |
| Connétable of St. Mary     |  |                  |  |                   |
| Connétable of St. Ouen     |  |                  |  |                   |
| Connétable of St. Martin   |  |                  |  |                   |
| Connétable of St. John     |  |                  |  |                   |
| Connétable of St. Clement  |  |                  |  |                   |
| Deputy J.A. Martin (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 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 Ward, I take it that your panel does not want to call the matter in?

**Deputy R.J. Ward (Chair, Children, Education and Home Affairs Scrutiny Panel):**

No, Sir, thank you.

**The Bailiff:**

Deputy Le Hegarat, I think you owe the Greffier's fighting fund a modest fine.

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

My apologies, it is supposed to be on silent.

**The Bailiff:**

How do you wish to deal with the matter in Second Reading, Minister, the 15 regulations?

**16.2 Deputy J.H. Young:**

I would like to take them *en bloc* but I think I am going to need to point out one or 2 things on them but do them *en bloc*. But, again, if Members want to deal with any item separately I will do so. May I carry on? I just want to cover briefly Regulation 2 amends the definition of social care under Article 1(1) of the Regulation of Care Law. The definition has been amended so it now includes assessments of individual social care needs, the formulation of care plans to meet those assessed needs and the safeguarding of individuals from risk of harm by or under the supervision of a registered social worker. That is necessary because of extending it to social work services, the definition needs to be broadened out. Then Regulation 3 induces a new schedule 1 under the law and the schedule 1 sets out the services which are regulated by the commission. Obviously if you fit one of those definitions then there is a requirement to register and conform with the care standards and be regulated and inspected. At the moment schedule 1 just currently defines adult day care, care home and home care services. The draft regulations here do not substantively amend those definitions except separate children homes are now taken out from the definition of a care home. The key amendments to add in in schedule 1, as I listed, all those services that I have listed down, which I will not repeat unless anybody wants me to. So detailed information will be subject to regulation if adopted. In the report, P.45/2022, which is what we have here, all the detail is set out in there. So I will leave it and answer any questions on the regulation, in which case I will do my best.

**The Bailiff:**

Are the regulations seconded in Second Reading? **[Seconded]** Does any Member wish to speak in Second Reading? If no Member wishes to speak in Second Reading then I close the debate, in the light of the last vote I propose, if the Minister agrees, to take this on a standing vote. Very well, all those in favour kindly show. Those against? They are adopted in Second Reading on a standing vote. Do you wish to take the matter in Third Reading, Minister?

**Deputy J.H. Young:**

Yes, Sir, happy for a standing vote as well, if it is possible.

**The Bailiff:**

Is it seconded for Third Reading? **[Seconded]** Does any Member wish to speak in Third Reading? If no Member wishes to speak in Third Reading then I close the debate and, again, we will take that on a standing vote. Those in favour kindly show. Those against? Very well, the regulations are adopted in Third Reading.

## **17. Draft Regulation of Care (Standards and Requirements) (Amendment) (Jersey) Regulations 202- (P.46/2022) - as amended (P.46/2022 Amd.)**

### **The Bailiff:**

Very well, the next item is the Draft Regulation of Care (Standards and Requirements) (Amendment) (Jersey) Regulations, P.46, lodged by the same Minister. The main responder will be the chair of the Children, Education and Home Affairs Scrutiny Panel and I ask the Greffier to read the citation.

### **The Greffier of the States:**

Draft Regulation of Care (Standards and Requirements) (Amendment) (Jersey) Regulations 202-. The States, after the requirements to consult in accordance with Articles 14(9) and 39(1)(a) of the Regulation of Care (Jersey) Law 2014 having been fulfilled by the Minister for the Environment, make these regulations under Articles 11, 14 and 16 of that law.

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

Can I just take it that it was read as amended? All the amendment does is just change the date.

### **The Bailiff:**

That comes when we get to Second Reading but, yes, you can take it in Second Reading as amended if Members agreed.

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

Thank you for clearing that up. Apologies for raising that. Obviously this is the second set of regulations. This one deals, having obviously approved the first - and I am grateful for Members helping me get through that one - with the standards. This would set the standards amending the 2018 regulations this time, which set out the requirements on registered care providers and applicants. If adopted these regulations would make amendments to some of the existing generic 2018 regulations which apply to all regulated services and introduce additional requirements that will apply only to specific services, in particular fostering and adoption services. Under the regulations as they currently stand - this is the standards in 2018 - they set out conditions of registration, which includes the requirement from a provider or a manager of a service to be a fixed person. They must have the right qualifications and knowledge and be registered with the appropriate professional body, and undertake training to maintain their skills. Of course, as well, care can only be provided at a stipulated maximum number of people at any particular agreed premises, if premises are provided. Care must meet the health, the welfare, treatment and supervision needs of users and must keep them safe. Care receivers must be treated with dignity and respect, afforded privacy and supported to be as independent as practicable. They, their families and friends must be involved in the planning of their own care, as far as they have the capacity to do so. There must be good standards of hygiene and infection control. Food must be well prepared, sufficient and nutritious.

[16:45]

Premises must be appropriately designed and fit for purpose. Medicines must be safely managed. Services must keep good records, notifying the Care Commission of accidents or incidents that cause harm or pose a risk to the user. Current additional requirements apply to children's homes and to children support services. These include a requirement to meet children's educational and leisure needs and to appoint an independent person to visit the children's home in order to report on quality and safeguarding arrangements. The law does not provide for the vires to regulate commissions of services, as distinct from providers to services, but the regulations do place a duty of care-on-care providers to report to the Care Commission any deficiencies in the amount or type of care they are commissioned to provide by a third party. This provides intelligence to the Care Commission, who may directly challenge a third party. The regulations place a duty on the Care Commission to inspect care providers at least once a year; at least once a year. Then there are offences and so on and

ultimately deregistration if the provider does not comply. The proposition before us amends these regulations to make minor but important changes to these existing generic regulations under standards and requirements, which will apply to all registered service providers and introduce substantive new regulations for adoption and fostering services, as well as regulations covering social work and child contact centre services. The new regulations are required so the Care Commission has effective legislation against which to measure the quality of these services. In particular, Jersey does not really have legislation in governing how adoption services should operate. These regulations will remedy this. Again, the report sets out these details. The changes in the proposition are lengthy, but they are all aimed at the same goal, to provide the tools to continuously improve our care services and ensure that there is a critical friend in the form of the Care Commission to ensure that everybody in our community receiving care and our loved ones are receiving the right type of care, in the right environment. So, saying, I will leave it there and propose the principles of these regulations.

**The Bailiff:**

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

**17.1.1 Senator S.W. Pallett:**

Again, only briefly, I am interested from a point of view of what consultation has gone on, if any, with the regulated activities that are going to be brought into scope. You only have to look at the document to realise the number of activities that are going to be regulated and what these activities will have to do to abide by the regulation of care standards. I just wondered whether there has been any review carried out to have a look at the regulated activities that are brought into scope in terms of whether the registered persons within these organisations will have the necessary qualifications and whether that might be an issue in terms of them meeting the necessary standards. Training people is difficult. Not everybody can be trained. Well, most people can be trained on-Island in terms of meetings some of the qualifications, but, again, there are quite a number of activities that will be brought into scope here. I just wondered whether the Minister has looked at or reviewed these activities and whether they are going to be able to manage the new responsibilities that will fall on them. I will leave it there. I am not trying to be negative here. I am trying to make sure that those that will be brought into scope at least have some understanding of what their responsibilities will be. Again, I am only looking back at some of the experience I have had with a charity I have been involved with. It does not come as a shock, because people realise that they do have to meet these standards, but nevertheless it is good to know upfront about what your business, what your charity, what your organisation will have to do when you come under this type of regulation.

**The Bailiff:**

Thank you very much, Senator. Does any Member wish to speak on the principles? If no other Member wishes to speak on the principles then I close the debate and call upon the Minister to respond.

**17.1.2 Deputy J.H. Young:**

Again, a very good question. On this question of how the regulated organisations can respond, one of the key things there, as was mentioned, was about what qualifications people require to run these. The information I have here is that the legislation we are approving today does not stipulate what qualifications are required. The Jersey Care Commission are currently consulting with services directly on setting those qualifications. The information I have been given is that they ...at the moment, by approving this, you are not casting that in stone. There is a separate process of working with those services, because obviously it has to be doable. Again, the answer on consultation, the consultation generally is the same timetable that I spoke of earlier, being July and September last year. The answer I gave on the previous item is exactly the same. They were all consulted on

together. I am also told that the regulations of care homes, home care and adult day care services will not be affected by these changes. The issue is the right one, but the new Minister will need to maintain dialogue with the Commission to keep that under review. Also there is the issue of, and we are going to go on to this if Members approve these standards part, the transitional arrangements. The transitional arrangements will give time for service providers to be able to register and comply. That is the process. Hopefully, I can ask for the vote on the principles.

**The Bailiff:**

Yes, indeed. The *appel* is called for. I invite Members to return to their seats. I ask the Greffier to open the voting and those participating remotely to vote in the chat in the usual way. If Members have had the opportunity of casting their votes then I ask the Greffier to close the voting. The principles have been adopted.

| <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 S.W. Pallett       |  |                  |  |                   |
| Senator S.Y. Mézec         |  |                  |  |                   |
| Connétable of St. Lawrence |  |                  |  |                   |
| Connétable of St. Brelade  |  |                  |  |                   |
| Connétable of Grouville    |  |                  |  |                   |
| Connétable of Trinity      |  |                  |  |                   |
| Connétable of St. Peter    |  |                  |  |                   |
| Connétable of St. Mary     |  |                  |  |                   |
| Connétable of St. Martin   |  |                  |  |                   |
| Connétable of St. John     |  |                  |  |                   |
| Connétable of St. Clement  |  |                  |  |                   |
| Deputy J.A. Martin (H)     |  |                  |  |                   |
| 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 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          |  |                  |  |                   |

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| 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 Ward, from what you have said, I take it your panel does not wish to call the matter in.

**Deputy R.J. Ward (Chair, Children, Education and Home Affairs Scrutiny Panel):**

No, Sir, thank you.

**The Bailiff:**

Thank you very much indeed. You wish to deal with the matter in Second Reading. Minister, you have lodged your own amendment to the regulations. Do you wish to propose the regulations as amended?

**Deputy J.H. Young:**

Yes, please, Sir.

**The Bailiff:**

Are Members content to take the regulations as amended by the Minister's own amendment? How do you wish to deal with the regulations in Second Reading?

**17.2 Deputy J.H. Young:**

Again, I would like to take them *en bloc*, unless Members want to pick any one regulation off and we will try and deal with it. I would like to briefly explain the content of the regulation, without going into too much detail, if I may.

**The Bailiff:**

Yes, of course. It is entirely up to you.

**Deputy J.H. Young:**

The report that is accompanying P.46 sets out this in great detail. Regulations 2 to 28 make minor but important changes to the current generic regulations. That applies to everything. Regulations 30 to 33, again, make small improvements regarding children's homes and it includes, among other things, a new requirement to support young people to access further and higher education and training. Regulation 34 inserts a large number of new regulations. These are adoption regulations. These are similar to the Adoption Agencies Regulations 2005 in the English Law. They are needed to enable the Care Commission to regulate the service. Regulations 35 to 42 set the requirements to apply in adoption service in relation to children the service is considering placing. Regulations 43 to 48 set out the requirements when it is considering the suitability of potential adoptive parents. Regulations 49 to 59 set out the requirements which apply to an adoption service when it has decided that an individual or a couple may be suitable to adopt a child. Regulations 60 to 62 make specific requirements in relation to the maintenance and retention of adoption records. They are the new regulations for adoption. Then fostering, Regulations 64 to 75 are similar to the Fostering Services (England) Regulations 2011 under the English Law. Regulations 64 to 69 set out the requirements which apply to a fostering service in relation to the children that the service is placing or has placed

in a fostering placement. Regulation 70 sets out requirements which apply to a fostering service in relation to foster parents. Regulation 71 makes additional requirements in relation to the handling of complaints. Regulations 72 to 74 set out the requirements which apply to the fostering panel. Regulation 75 requires fostering services to establish a procedure for receiving representations from foster parents who are no longer approved. Some of the requirements which are in place under English regulations are covered in Jersey Law under the Children (Placement) (Jersey) Regulations 2005. For example, these regulations require fostering services to follow a set process for approving foster parents, including the prohibiting of foster parents who have been convicted of certain offences. Regulation 76 links to the relevant requirements under the placement regulations, which will enable the Care Commission to properly regulate the discharging of those requirements by fostering services. Social work regulation, Regulations 2 to 7 provide generic new standards. Regulations 8 to 19 are to develop care standards. Regulation 17 enables the Care Commission to regulate the performance of statutory social work functions for children and young people by a Minister of any social work services. There is a new regulation for an independence reviewing officer service, Regulation 78, to regulate the performance of I.R.O.s (independent reviewing officers) services against statutory requirements. For example, the Care Commission will enable those I.R.O.s fulfilling the requirements. Child Contact Centre Regulations are required. Regulation 79 requires that all contact between a child and their mother or father, a relative or a friend, which is facilitated by the service is directly supervised by an employee of the Child Contact Centre at all times. Then there are Regulations 80 to 81. Regulation 82 deals with inspections, compliance and offences. There are a bit of COVID-19 technicalities in there. Sorry that is a long list, but these are quite extensive regulations and I will ask for them *en bloc* and try and answer any questions as long as I have time to look at my screen to help me out.

**The Bailiff:**

Thank you very much, Senator. Are they seconded for Second Reading? [**Seconded**]

**17.2.1 Deputy K.G. Pamplin:**

There are 2 regulations that drew my attention when reading this over the weekend. Hopefully the Minister can assist. Regulation 10, which requires a registered person only to provide care and treatment to a service user with the consent of the service user or, if applicable, the service user's representative where the service user lacks capacity to give consent, the registered person must act in accordance with the Capacity and Self-determination Law or, if applicable, the Mental Health Law 2016. I raise that, because again as we discovered during the COVID-19 pandemic, the assessments of these types of cases, there have been similar backlogs and delays.

[17:00]

When we are dealing with the safety and well-being of children, I would like to know what the Minister has been briefed on about how that will be managed. That is a crucial part of a new regulation in determining somebody's capacity. Also, who will be doing that and what checks and balances will be put in place, maybe with my voice. I raise that and also Regulation 31. This one expands the requirement in respect of behaviour management policy in a children's home service to the effect that it must be agreed with the States of Jersey Police force. The policy must also contain measures to prevent children from going missing and procedures to be followed when a child goes missing. As we know, this is an acute area of concern on this Island and one that the States of Jersey Police themselves have recently just raised. I raise my eyebrows on how that is going to work with the agreement of the States of Jersey Police force and why that has come forward. I believe it is constructive, because this is something I know everyone is concerned about. I raise it because I would like to hear more from the Minister on what that briefing is all about.

### **17.2.2 Senator S.W. Pallett:**

Again, very briefly. It is not really a question for the Minister, I am pleased there are 2 regulations in here and the importance of them. Regulations 8 and 9 might look self-explanatory to many people, but what is often forgotten when services are provided or services are implemented is the importance, and I am sure Deputy Pamplin will agree with me, of co-production and ensuring that the patient is at the centre of any discussion around what treatment they will be provided with. Really importantly the person sent to care and personal plans are included within this proposition. That is really important. It is important that when somebody's treatment or care is being put together that they are part of that process, that they understand what treatment is being put on for them and also that they have a plan of treatment. So often in the past, certainly I have seen within adult mental health, that has not been the case. People have not had person-centred care. They have not been part of the discussion about what their care is. They have not received personal plans. I am really pleased this is in here, because it sets it out in law what people should be provided with. When it comes to adult mental health, I would expect to see the same there as well, so people have a full understanding when they are in need of care and people are quite often at the depths of despair when they enter C.A.M.H.S. (Child and Adolescent Mental Health Service) or Adult Mental Health and they need to understand how they are going to be treated. I am so pleased that it sets out clearly about how that treatment will be provided. Also, that the service user, those that are suffering from mental health problems and issues, their family and personal representative can also be provided with that information, so that they can support them. Well done, Minister, I am pleased this is in here and I hope this becomes part of all care in future. It should be person-centred and I cannot believe it has taken this long to get something like this into a piece of legislation.

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

It is just very brief, if the Minister could assist with Regulation 30, which amends Regulation 28. It provides paragraph 1, 2 and then a number of sub-paragraphs. Paragraph (2)(g) refers to where a child is over compulsory school age, assisting in supporting the child with further education, training or employment. This is in regards to regulated activity of a children's home service or a child who is provided with a home care service. I would like some clarity from the Minister as to what is meant by further education, because my understanding is there are 2 different definitions. You have the further education which is post-16 and then you have higher education which is identified as the university area. That is how we have always identified it, I believe, in this Assembly, and when I was in education as Minister for Education. I do wonder whether we are missing a part there or whether clarity needs to be made about what is meant by further education to ensure that those who are over compulsory school age and are in these situations are supported to take that next step in terms of higher education.

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

One tiny, precise part, perhaps the type of thing we would have picked up if given full scrutiny. I hope in the future we will. Regulation 9, part (3)(a), it says: "Give the service user access to the service user's personal plan." Can the Minister reassure, and this may appear pedantic, that that is full access to the service user's personal plan? There is access and there is access at times. This is one of the issues that have come out before in terms of children's service. A précis of the plan does not go into the detail and give full access to notes. Young people can feel extremely powerless when that happens. It is really important to have that said by the Minister and that principle be there, that the ownership of those personal plans are given to the individuals involved and not to the institution that is some way controlling them. I am convincing myself it is not a small point, so it is quite a big point.

**The Bailiff:**

Does any other Member wish to speak in Second Reading? If no other Member wishes to speak in Second Reading then I close the debate and call upon the Minister to respond.

**17.2.5 Deputy J.H. Young:**

Very good questions again. Deputy Pamplin's question about capacity: what the legislation seeks to do is to provide in the regulations is to ensure that the Capacity and Self-determination Law, which exists already, is being followed by services. It does not impose new requirements. It locks those requirements into these particular regulation regs. It means that if services do not do that properly and they do not comply they can be held to account for it. Personally, I could not give an answer on what the Capacity and Self-determination Law ... it strikes me as being a very complex area. I would need to ask the Attorney General for more help on that. What we have here is a device to link that law in with the regulation of services where it is provided. On Senator Vallois' question, what is under Regulation 30(2)(g), what is said there is that the Commission will provide detail in that standard and they are now undergoing that consultation. This is a step-by-step process. There is always an issue when you do this, how much do you hardcode in a law, because if it is not right you have to go back and change it. This is fine detail. It says: "Where a child is over compulsory school age, assisting and supporting the child with further education, training and employment." That seems to be pretty broad. Obviously one is relying on the Commission. They are doing their consultation of how far they go. Unless I am wrong, in the answer to the earlier question, the care goes up to 25. That suggests to me that that is a very broad-ranging possibility. On the question of access to personal care plan, to me, if the law says you need access, you need access. However, the answer I have now is: yes, they should have full access to the plans as a result of these regulations. That is Deputy Ward's point. I am very grateful for Senator Pallett. He is absolutely right. I cannot take the praise myself. The work has been done by officers here. Officers get a lot of stick from us. This is a case that is not deserved. They were diverted to COVID-19, as the whole process was. At the end, when we have done all 3, I might mention his name. The officers have done this. They have worked diligently at it. These are people who know what they are doing and they have worked with the Commission. I have spoken to the Commission, as I said, because I wanted to be happy that they thought these were about right and they could fulfil them. That is the answer I have had through their board and from their chief inspector. You all know who the chief inspector is: Becky, who left the health service. She is very enthusiastic to get on with this. Thank you. Does anybody want votes or could I keep them *en bloc*?

**Deputy K.G. Pamplin:**

Sorry, can I seek a clarification from the Minister, if he will agree? He did not mention about the Regulation 31 I asked about, where the requirement in respect to behaviour management policy in a children's home service to the effect it must be agreed with the States of Jersey Police force, why that regulation came through and, yes, just wanted more detail around that.

**The Bailiff:**

Are you prepared to give way for a point of clarification?

**Deputy J.H. Young:**

Yes, I am. Sorry, I missed that. Sorry, I do apologise to the Deputy and the Assembly, I missed that one. The advice I have had is that it is important that the police are engaged when these plans are put in place to ensure that there is effective multiagency working. The legislation holds the service to account for ensuring that these States of Jersey Police are properly involved in this as it is necessary to do so. If children go missing, the service and the States of Jersey Police need to know how to work together and this should be set out in a co-produced plan. That is the intention. Again, this



does strike me as being more detail in terms of the standards and mechanics that the Commission put in place.

**The Bailiff:**

Do you call for the *appel*?

**Deputy J.H. Young:**

Yes, please, Sir.

**The Bailiff:**

Very well, that is called for. I invite Members to return to their seats. The vote is on the Regulations P.46 in Second Reading. I ask the Greffier to open the voting and Members participating remotely to vote over the chat in the normal way. If Members have had the opportunity of casting their votes then I ask the Greffier to close the voting. I can announce that the regulations have been adopted in Second Reading.

| <b>POUR: 42</b>            |  | <b>CONTRE: 0</b> |  | <b>ABSTAIN: 0</b> |
|----------------------------|--|------------------|--|-------------------|
| Senator L.J. Farnham       |  |                  |  |                   |
| Senator T.A. Vallois       |  |                  |  |                   |
| Senator K.L. Moore         |  |                  |  |                   |
| Senator S.W. Pallett       |  |                  |  |                   |
| Senator S.Y. Mézec         |  |                  |  |                   |
| Connétable of St. Lawrence |  |                  |  |                   |
| Connétable of St. Brelade  |  |                  |  |                   |
| Connétable of Grouville    |  |                  |  |                   |
| Connétable of Trinity      |  |                  |  |                   |
| Connétable of St. Peter    |  |                  |  |                   |
| Connétable of St. Mary     |  |                  |  |                   |
| Connétable of St. Ouen     |  |                  |  |                   |
| Connétable of St. Martin   |  |                  |  |                   |
| Connétable of St. John     |  |                  |  |                   |
| Connétable of St. Clement  |  |                  |  |                   |
| Deputy J.A. Martin (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 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)      |  |                  |  |                   |

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| 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)     |  |  |  |  |

Do you move them in Third Reading, Minister?

**17.3 Deputy J.H. Young:**

Yes, please, Sir. I make the proposition, perhaps a standing vote would be ...

**The Bailiff:**

Is it seconded for Third Reading? [**Seconded**] Does any Member wish to speak in Third Reading?

**17.3.1 Deputy R.J. Ward:**

Briefly, the length of these regulations and the detail and the questions that have been raised in this Assembly from Members shows the need really for proper scrutiny of these and the implications long term. I want to make the point, and I have said a number of times during Scrutiny meetings, that when we are briefed by officers that does not mean that the Scrutiny process is completed. That is a briefing for Scrutiny. It is really important that that distinction is there, as we will mention when it comes to the Domestic Abuse Law later. What we were briefed on one point is very, very different from what was lodged. This is not particularly different from what was lodged, but the time to compare those 2 is very important and to see what the implications of that are. I would also say that ... perhaps Third Reading is the place. I could have said this in any one of these pieces on these types of regulation, if we learned anything from the Care Inquiry, what we have to do is ensure that anything we put in place puts children at the very heart of it. It is not about whether it is a business, whether it can cope financially or any of those things. It is about making sure that the provision is of the very highest standard, regulated, so that we as an Island can be absolutely certain that it is working in the best way for our children, our young people and for people as they grow up and for families.

[17:15]

That is the key thing. I welcome these regulations. I welcome the detail in some of them. However, we need, if you like, to keep tracking these regulations as we go through the next Assembly, looking at their implication, the success of them working and the success or not of the way in which we structure charges. If charges, money, the finance of it, is getting in the way then let us do something about that and not let that get in the way of the quality of the provision that we have for our young people. That must come first. I am sure the Minister will agree with that.

**The Bailiff:**

Does any other Member wish to speak in Third Reading? If no other Member wishes to speak in Third Reading, then I close the debate and call upon the Minister to respond.

**17.3.2 Deputy J.H. Young:**

Yes, I do need to respond briefly. I do agree with Deputy Ward. I can tell the Assembly that it is not my subject area, but I accepted the responsibility and I have done my best to fulfil it. I recognise here that there is a big task to do going forward. Passing laws and rules is part of the story. The Care Commission needs to have been sure that it has full political support. I have given it the best I could, but of course I have had to fit it in with the Island Plan and Carbon Neutral and so on in a compressed timetable with COVID-19. Members know my view, we can have a debate on my proposition later, which I talk about more flexibility in government structure. There probably needs to have a Minister with responsibility for following up this area. We cannot be putting everything at the door of the Scrutiny Panel. There needs to be a Minister. There will be issues arising from this. Funding is huge. Certainly the message should go loud and clear, there should be no doubt that resources need to be put in the Government Plan, the one that this new Assembly will be putting together in the autumn of this year, resources need to go in to make sure what we are approving here today can be reality. That needs to happen. I absolutely agree with the Deputy. I do not need to say any more on that. I do not need the *appel* if Members agree to a standing vote.

**The Bailiff:**

In light of the vote on the last occasion, I am prepared to take it on a standing vote. Those in favour of adopting in Third Reading, kindly show. Those against? The regulations are adopted in Third Reading.

**18. Draft Regulation of Care (Transitional Provisions) (Jersey) Regulations 202- (P.47/2022)**

**The Bailiff:**

The next item of Public Business is the Draft Regulation of Care (Transitional Provisions) (Jersey) Regulations 202- (P.47/2022) lodged by the same Minister. I ask the Greffier to read the citation.

**The Greffier of the States:**

Draft Regulation of Care (Transitional Provisions) (Jersey) Regulations 202-. The States make these regulations under Article 49 of the Regulation of Care (Jersey) Law 2014.

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

I am pleased to advise Senator Farnham that we are almost there. This is the third and final regulation to do with provision of care and regulation. These ones are relatively simple; Members will be pleased to hear. They set out the transitional arrangements which will apply for all care services which were required to register with the Care Commission. The arrangements will provide service with a reasonable period of time to apply to register with the Care Commission. Those services which will become regulated activities for the first time, such as fostering and adoption services, will be required to register with the Commission within 6 months of the draft Regulated Activities Regulation coming into force. Children's homes which are currently required to register as care home services under the 2014 law will automatically be registered as children's home services when these regulations come into force. Children and family nursing services, which are currently required to register as home care services under the 2014 law, will be able to reregister with the Commission without paying a registration fee. I would like to say that they are quite straightforward and I propose those in principle.

**The Bailiff:**

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

### **18.1.1 Senator S.W. Pallett:**

Sorry, if I am becoming the bane of the Minister's life, but just a couple of things. I agree, these transitional arrangements are relatively simple. When I spoke before about transitional arrangements, I really was talking to the Minister around what happens once these activities are regulated and the process for them transitioning; for example, if they did not have a registered person, if they do not have the necessary qualifications, and the role the J.C.C. (Jersey Care Commission) will play in ensuring that they meet the necessary requirements. I have to say from experience that J.C.C. are generally pretty pragmatic in their approach, from what I have seen, in terms of residential care. However, when you look at the list of activities that will be included in this, it will be important that there is an ongoing conversation between the J.C.C. and all those that will come under these new regulated activities, so they understand their full responsibilities and can be reactive to any change that is necessary. Some of these activities the J.C.C. could be very pragmatic about, but there are others, like children's mental health, where they may well have to be very reactive if things are not the way they should be. I ask the Minister to comment around that. I know this is around specific transitional arrangements, but I have always had concerns when some of these new activities are brought onstream around how they are going to be able to cope with it, how they are going to be able to get the necessary qualified people in place, and the time that they will be given to do that. I will just finish off by saying I totally agree with the Minister. There does need to be a Minister for Social Care or something of that nature in the next Government, to have a holistic view of some of these issues. I do want to thank his officers and the Minister himself for getting this to us by the end of this term, albeit not necessarily to Scrutiny's timeframe. Nevertheless, I am pleased that we have got to the point we have got to.

#### **The Bailiff:**

Does any other Member wish to speak to the principles? If no other Member wishes to speak to the principles, I close upon the debate and call upon the Minister to respond.

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

Again, Senator Pallett and other Members have raised really good points. What I am advised here is the Care Commission, yes, they are both practical and pragmatic. There will be occasions where they need to be really firm. That is generally the case in most regulatory activities. One senses whether or not the reasons why there is a problem is because the regulated person is being difficult or not co-operating and where they simply are struggling and they need help. What I am being told here is that the Commission will support services through the process of making applications, where those new services come in. They will do that. With my knowledge of the people involved with the Commission, I would have confidence that they will. The Senator is right, if I was sitting in the Commission I would be thinking, in the case children's care, how do we ensure that we do that process, working with families or the extended communities around people receiving care; how do we do that? I would expect them to look at that. Again, if there was a dedicated Minister, which I personally strongly believe there should be because this is such an important area. Right at the beginning I outlined the journey that is still to come, hospital services and others unregulated at the moment. There is that. Of course, it does take weeks or months to register services. It is not just an instant thing; fill in the form and tick the box. There will be visits and discussions, weeks and months. That has been what we have seen with registration of care homes. We have seen that process. I have had it explained to me on repeated visits. They have the 6 months there. Senator Pallett is right to flag that up. I am certain people are listening. Thank you. I make the proposition and ask for the *appel*.

#### **The Bailiff:**

The *appel* is called for. I invite Members to return to their seats. I ask the Greffier to open the voting and those participating remotely to vote in the chat in the normal way. Thank you. If Members have

had the opportunity of casting their votes, I ask the Greffier to close the voting. The principles have been adopted.

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

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

I take it, Deputy Ward, that your panel does not wish to call the matter in.

**Deputy R.J. Ward (Chair, Children, Education and Home Affairs Scrutiny Panel):**

No, thank you, Sir.

**The Bailiff:**

Thank you very much indeed. How do you wish to deal with the matter in Second Reading, Minister?

**Deputy J.H. Young:**

*En bloc*, please, Sir.

**The Bailiff:**

Are they seconded for Second Reading? **[Seconded]** Does any Member wish to speak in Second Reading? If no Member wishes to speak in Second Reading then I close the debate.

**Deputy J.H. Young:**

A standing vote, please, Sir.

**The Bailiff:**

Yes, if Members are not too tired, those in favour kindly show. Those against? They are adopted in Second Reading. Do you propose in Third Reading, Minister?

**18.2 Deputy J.H. Young:**

Yes, if I may, Sir. I do need to say a few thanks. I would thank the Scrutiny Panel for their work. They have really worked hard to get to this point. Yes, I was asked: "Do you really want to take this to this Assembly's Minister before the end of this Assembly?" I said: "Absolutely, yes. Constantly people find ways of putting things off; no." I thank Members for their support. I want to thank the Jersey Care Commission as well. They have contributed to this. I have to mention the civil servant. I am going to mention his name and break protocol. Francis Walker of the S.P.3. team has worked tirelessly on this and without his work and support we would not have been able to do this. **[Approbation]** Thank you. I ask for a standing vote on the Third Reading.

**The Bailiff:**

I think a standing vote is fine for the end of the day, because Members can relax after that. Those in favour kindly show. Those against? Very well, the regulations are adopted in Third Reading.

**The Connétable of St. Ouen:**

Sir, before we propose the adjournment, could I just raise an issue about the order of forthcoming business, please?

**The Bailiff:**

Yes, I suppose that would be appropriate.

**The Connétable of St. Ouen:**

I am sorry to be a pain, I know it is the end of the day.

**The Bailiff:**

No, it is okay.

**The Connétable of St. Ouen:**

Unfortunately, my Minister has had to go to London on urgent Treasury business and will not be able to be in the Assembly tomorrow. Consequently, he has asked for my support to substitute for him. As you know, we have the Polish Ambassador here tomorrow and I am having to host a number of events that he ordinarily would have hosted, which means my appearance in the Chamber is likely to be somewhat spasmodic tomorrow. We have 4 propositions which are due to be debated imminently, P.51, P.53, P.54 and P.56, could I ask that they be deferred to Wednesday morning, please, Sir?

[17:30]

**The Bailiff:**

Yes, which means that we will simply drop those out of order and take them as the first item of business on Wednesday morning. This is what you are asking for?

**The Connétable of St. Ouen:**

That is correct, Sir.

**The Bailiff:**

That is the proposition. Is that seconded? **[Seconded]** Does any Member wish to speak on that proposition? No Member wishes to speak. I will take that certainly on a standing vote. All in favour, kindly show. Any against? Very well, yes, we will remove P.51, P.53, P.54, P.56 from the running order tomorrow and list them for first thing on Wednesday. Thank you very much indeed. Is the adjournment proposed? The Assembly stands adjourned until 9.30 a.m. tomorrow morning.

**ADJOURNMENT**

[17:32]