

STATES OF JERSEY

OFFICIAL REPORT

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

COMMUNICATIONS BY THE PRESIDING OFFICER

The Bailiff:

1.1 Welcome to His Excellency the Lieutenant Governor

On behalf of Members, I would like to welcome His Excellency the Lieutenant Governor to the Chamber this morning.

1.2 Visit to Jersey by Her Royal Highness The Princess Royal

There are a number of communications from the Chair. Firstly, I am pleased to announce that Her Royal Highness The Princess Royal will be visiting the Island Thursday, 24th June. During her visit Her Royal Highness will carry out a number of engagements across the Island and those will include officially opening Les Quennevais Secondary School, officially opening the new Strive facility in St. Peter, attending a church service at St. Saviour's Parish Church to commemorate the lives of veterans from the Peninsular War and Battle of Waterloo buried in St. Saviour's churchyard, presenting Volunteer Reserve Service Medals to the Jersey Field Squadron personnel and having the opportunity to meet families of squadron members at Government House. As patron, Her Royal Highness will also visit the bio-secure unit within the reptile house and officially open the butterfly and tortoise house at the Durrell Wildlife Conservation Trust.

1.3 Service of celebration for the life of His Late Royal Highness The Prince Philip, Duke of Edinburgh

I would also like to inform Members that a service of celebration for the life of His Late Royal Highness The Prince Philip, Duke of Edinburgh will be held on Thursday, 10th June at the town church. We have agreed to break at 12.15 p.m., if we are still sitting, in order to attend the service which will be at 1.00 p.m. This will enable, I hope, Members who are sitting virtually to attend in person where it is practical for them to do so. The service is likely to conclude by 1.45 p.m. and that will allow for a 2.30 p.m. return to States business if, as I have said, we are still sitting. The service will be livestreamed for anyone who wishes to watch the service and limited seating will be available to the public who may wish to attend.

1.4 Tribute to the late Frederick "Freddie" Cohen - former States Member

Members will have noted that since we met last we have sadly lost one former Member and one current Member of the Assembly. Frederick Cohen, known to all as Freddie, passed away on 12th May. Mr. Cohen was a Senator in this Assembly from 2005 until 2011, having previously served at St. John as a Constable's officer, Centenier and rates assessor. He was also a former president of the Jersey Jewish Congregation, a trustee of the Jersey Community Relations Trust and a member of the Jersey Holocaust Memorial Day Committee. Among his published books he wrote *The Ultimate Sacrifice* which is a study of Islanders who perished following deportation from the Island during the Occupation. He was elected as Senator on 5th December 2005, coming third in that election with 13,704 votes. He was appointed Minister for Planning and Environment from 8th December that year. During his tenure as Minister for Planning and Environment, he was responsible for the introduction of the Percentage for Art Policy whereby developers had to include some form of artwork which would benefit the community within their development. He was also responsible for the introduction of the Eco-Active Environmental Awareness campaign and the Renewable Energy Commission. Famed for his support of world-renowned architects and his ambition for the Island to have iconic buildings, he will be remembered for encouraging local architects to design more in the Jersey vernacular. Mr. Cohen successfully brought forward a North of Town Masterplan which provided a framework for the redevelopment and regeneration of St. Helier. He successfully steered

through the new Island Plan in June 2011 which was a mammoth task which saw the longest-ever debate in this Chamber on a single proposition, taking some 6½ days and lasting for 39 hours and 55 minutes. Fifty-eight separate amendments to the plan were lodged for debate and 15 further amendments to those amendments. In July 2011 he resigned from his planning role in order to concentrate on his position as Assistant Chief Minister responsible for foreign affairs, a newly-created post at that time to which he had been appointed on 14th January 2011. That was a forerunner of the office of Minister for External Relations and Financial Services which we have today.

[9:45]

During this time in that role, he visited India and China and signed Tax Information Exchange Agreements with those countries and others and helped to forge a stronger identity for the Island in London. In 2011 Mr. Cohen stood again for election but with just 4 Senatorial seats available, he was unsuccessful and his later years were sadly seriously impacted by ill health. Our thoughts and our very best wishes go out to this family.

1.5 Tribute to the late Leonard Norman - Connétable of St. Clement and Minister for Home Affairs

Len Norman was first elected as Deputy of St. Clement on 21st June 1983 and was re-elected a further 3 times to that role until he stood for Senator in December of 1996. He was re-elected for a further 6-year term in 2002 and in 2008 he took up his seat as Connétable of St. Clement, a post he held unopposed until his untimely death last week at the age of 73. Connétable Norman was a proud Jerseyman. He was educated locally at Beaulieu at primary level and then at De La Salle College. He then worked in a variety of jobs, including jobs in the United Kingdom and locally at the *J.E.P. (Jersey Evening Post)*, the Country Gentlemen's Association and then running his own insurance company before joining the States in 1983. He served on a number of committees, most notably Harbours and Airport, at various points from 1983 holding the position of committee president from 2002 until 2005 when the committee system ended. He also served as president of the Housing and Education Committees, overseeing the new builds at Hautlieu and Le Rocquier Schools. After the move to ministerial government he served on the Public Accounts Committee before being made Assistant Minister for Economic Development in 2008. He was chair of the Privileges and Procedures Committee from 2014 to 2018 and after the last election was made Minister for Home Affairs. In whatever position he held, Connétable Norman always forged strong working relationships with the officers involved in supporting him. He was popular because he was loyal, respectful and placed the Island's best interests at the forefront of all he did. During his time as a States Member, Connétable Norman was a member, staunch supporter and latterly chair of the Commonwealth Parliamentary Association and was an enthusiastic ambassador for the Island, attending a number of C.P.A. (Commonwealth Parliamentary Association) conferences, including plenary events in Australia, Tanzania and Kuala Lumpur and was a genial host to delegates attending events in Jersey. As C.P.A. chair he presided over a number of Youth Assemblies blending the necessary formalities of the event with his trademark wit to ensure the nerves of the young people participating were quickly dispelled and often failing to conceal his obvious enjoyment in watching States Member colleagues face extremely tricky questions. He also chaired the Commonwealth Youth Parliament which Jersey hosted in 2018 and we have received a letter of condolence from the C.P.A.'s secretary general. Connétable Norman was a charismatic speaker and had a calm manner which put others at ease. He had a renowned sense of humour and his speeches in this Assembly were often amusing but also direct and effective. His contributions to the various G.S.T. (goods and services tax) on food debates, affectionately referred to as the "rum baba" speeches, are remembered as a masterclass in delivery and he used humour to great effect to emphasise anomalies in proposals. His dedication to his Parish was unquestioned. He was honoured to be Connétable of "God's own Parish" as he called it and was heavily involved in all aspects of Parish life and considered the Parish staff to be members of his extended family. He served his Island tirelessly for almost 38 years and

was one of the few Members to have occupied each of the 3 States Members' Benches, although he was perhaps most proud of being Connétable, as his father had been Constable of St. Saviour before him. He has been described by a number of those expressing tributes as a "true statesman". Often such terms can be misapplied but in this instant Members may agree that the description is apt. Our thoughts are accordingly with his family, his mother, brother and sister, his wife Rosemary, his son Philip and daughter Anna and their families. He will be missed by his family, friends and States Member colleagues, his beloved Parish and the Island as a whole. I ask Members now to stand for a minute's silence for Senator Freddie Cohen and Connétable Len Norman. May they rest in peace. **[Silence]** That concludes the announcements from the Chair but I would just observe to Members that we have a first in the Assembly today, Vanessa Amy, who is in the Assembly, is the first ever full-time lady usher to usher the Assembly.

QUESTIONS

2. Written Questions

2.1 Deputy M. R. Higgins of St. Helier of the Chief Minister regarding complaints made to the Office of the Information Commissioner. (WQ.217/2021):

Question

Will the Chief Minister advise members how many complaints have been made to the Office of the Information Commissioner over each of the last 10 years about Government departments, the States of Jersey Police and the Law Officers' Department relating to whether they are alleged to have breached the Data Protection (Jersey) Law 2018; how many have been investigated; how many have been upheld; and how many have resulted in sanctions against the said departments or public bodies; and if upheld, will the Chief Minister provide the detail of those penalties?

Answer

Below are the details we have been able to obtain in the time available. Please note that we have interpreted the question to include an alleged breach of any Data Protection Law in force at the time, since the Data Protection (Jersey) Law 2018 was not in force 10 years ago. We have also not included queries or Self-Reported Data Breaches that did not lead to a complaint.

The following figures are based on records kept by individual Departments, as there was no central record of JOIC complaints dating back 10 years. Most Departments do not log, as a matter of course, complaints received from the JOIC or, if they did, the periods covered vary.

	Total Number of JOIC Complaints	Total Number of Complaints Investigated	Total Number of Complaints Upheld	Total Number with Sanctions
Government Departments	62	60	7	4
States of Jersey Police	5	5	1	0
Law Officer's Department	4	4	0	0

Details of Sanctions:

Of the 4 Sanctions issued, 3 were given enforcement notices and 1 was given an improvement notice.

2.2 Senator K.L. Moore of the Minister for Health and Social Services regarding cases of major health conditions over the past 10 years. (WQ.218/2021):

Question

Will the Minister provide a table listing the number of cases of the major health conditions, namely cancer (separately listing those at stage 3 and stage 4), obesity, heart disease, mental health, drug and alcohol issues, dementia, diabetes and arthritis that were diagnosed in 2020, and in each of the previous 10 years?

Answer

Cancer

The most recent report from Public Health England's National Cancer Registration and Analysis Service (NCRAS) on Jersey-registered cancers was published on 15 December 2020 and includes data for the 4- year period from 2012 to 2016. Data for the next 4-year period (2017-2020) is not yet available through NCRAS and will be included in the next iteration of the report. Discussions with Public Health England about the timings of the next iteration of this report are ongoing.

The latest full report is available here:

<https://www.gov.je/Government/Pages/StatesReports.aspx?ReportID=5293>

This was the 12th report from this service to incorporate data for Jersey and Guernsey and is an update using local data for cancer incidence (new cases) and mortality. Page 21 shows the three-year counts and incidence rates for all cancers diagnosed in Jersey, with breakdowns for specific cancers through the rest of the report. Page 104 shows the completeness of staging data for the main five cancers in Jersey. Staging data is not available for all cancers.

The cancer registration process for the Channel Islands has been assisted by the NCRAS Intelligence Network (NCIN) within Public Health England (formerly the National Cancer Intelligence Network and before that the South West Cancer Intelligence Service) since January 1996. Jersey commissions cancer registration reporting from this body due to the many complexities involved, including correct reporting of primary vs secondary cancers, staging detail, and incorporation of accurate data for Jersey patients who receive cancer diagnosis and treatment at centres in the UK. The specialist coding, analysis and interpretation offered by the service ensure robust cancer registration reports are produced for Jersey, from which appropriate comparisons and conclusions can be drawn.

Alcohol and drug issues

Data on those with drug and alcohol issues is not held in one central location. The HCS Drug and Alcohol Service works in partnership with other third sector and charity organisations. (Data for these organisations is not provided in answer to this question.) The HCS Drug and Alcohol Service holds data for those engaged in treatment through the service as well as capturing interactions with individuals held in the Emergency Department, Police custody and deferred decisions and needle exchange.

Data below shows caseload and interaction data; individuals may appear in more than one category.

	Drug and Alcohol Service caseload ¹	Hospital Alcohol Liaison	Arrest referral: Police Custody contact	Arrest referral: Deferred Decisions ²	Needle Exchange and harm reduction ³
2011		354			
2012		430			
2013		330			
2014		387	105		
2015		839	91		
2016		805	124		
2017		873	112		
2018	382	839	148		289
2019	406	912	117	16	240
2020	410	706	204	28	302

Notes

1) Data extracted from Care Partner relating to caseload of the HCS Drug and Alcohol Service. Data prior to 2018 is not available.

2) Prior to 2019, referrals with deferred decisions were managed by the Probation Service

3) Data not available before 2018 due to changes in definition and clarification of the pathway

In addition to the above data, public health monitors hospital admissions and deaths relating to alcohol and report this via the biennial Alcohol Profile (available from <https://www.gov.je/government/pages/statesreports.aspx?reportid=4356>). The latest available alcohol profile was published in February 2019 and related to data up to 2018. The next iteration of this report, with data for 2019-2020, is being compiled by the Public Health Intelligence Team and will be published later this year.

For all requested major health conditions

It is not possible to report by date of diagnosis in the following table. The table shows the number of people recorded with these conditions as at 31 December of each year.

	Obesity ¹	Coronary Heart Disease ¹	Mental Health ¹	Dementia ¹	Diabetes ¹	Rheumatoid Arthritis ²
2011						
2012						
2013						

2014						
2015	9,389	2,583	713	542	3,666	565
2016	9,784	2,612	722	605	3,727	630
2017	10,411	2,675	740	672	3,859	699
2018	10,922	2,732	763	685	4,033	772
2019	10,807	2,776	792	686	4,190	846
2020	8,458	2,829	832	717	4,444	919

Notes

1) Data source: Jersey Quality Improvement Framework (JQIF)

The JQIF, which incentivises GPs working in the Island to record patients with defined conditions, was introduced in 2015 when GP surgeries across Jersey moved to a General Practitioner Central Server (GPCS) and encourages accurate information about these conditions to be collected. Prior to 2015, data was held across dispersed systems and so it not available for this analysis.

Trends in numbers may reflect emphasis on reporting practices, changes to definitions within the Primary Care Governance JQIF definitions, as well as true changes to the pattern of disease amongst the population.

Face to face GP consultations in 2020 decreased by 16% which may have impacted on the recording of measurements required to qualify individuals on some disease registers (for example, the definition for the obesity register requires a qualifying BMI recording in the previous 12 months).

2) Rheumatoid Arthritis was originally included within the JQIF indicators but has since been removed to accommodate other indicators within the dataset. The incentivisation of recording has allowed GP surgeries to become familiar with the recording practices of rheumatoid arthritis, although caution should be used when interpreting figures for more recent years as there is reduced oversight by the Primary Care Governance Team of this data. Data for other forms of arthritis is not available.

2.3 Connétable of St. John of the Minister for the Environment regarding sea water testing at Bonne Nuit Bay. (WQ.219/2021):

Question

Will the Minister advise –

- (a) why sea water testing was not carried out at Bonne Nuit Bay in 2020, despite sewage treatment works being located in the bay;
- (b) whether or not the sea water at Bonne Nuit will be tested at least 20 times throughout the bathing season this year (May to September), in line with the testing regime for other bays around the Island;
- (c) whether Bonne Nuit will be added to the list of bays that will be routinely tested in future years; and
- (d) what plans (if any) there are to conduct testing of Bonne Nuit on a year-round basis in future, given the recent increase in all-year-round sea-swimming?

Answer

- a. The Bathing Water Directive 2006/7/EC lays down provisions for the monitoring and classification of bathing water quality. This Directive applies to any element of surface water where the competent authority expects a large number of people to bathe. In this case, Bonne Nuit currently does not have a large number of bathers in relation to other more popular island beaches, as such monitoring has been ceased. If this changes in the future, this will be reviewed.
- b. Please see above.
- c. No, for the reasons above.
- d. None, for reasons above.

2.4 Deputy G.P. Southern of St. Helier of the Minister for Health and Social Services regarding dental care. (WQ.220/2021):

Question

With reference to the ‘Review of Dental Health Services and Benefits’ (R.91/2015) and the list of policy options contained therein for the development of strategy and delivery of dental care, will the Minister inform members –

- (a) what progress, if any, has been made in implementing the 6 short-term and 4 longer-term policy options since the report’s publication in 2015;
- (b) how dental services will be provided for in the Jersey Care Model currently under development;
- (c) what improvements, if any, are planned or under consideration for the delivery of affordable dental care in the public sector;
- (d) how take-up of the Dental Fitness Scheme by young people has progressed since 2015; and
- (e) the number of claims for dental treatment that have been made by lower-income pensioners through the Pension Plus Scheme?

Answer

- (a) what progress, if any, has been made in implementing the 6 short-term and 4 longer-term policy options since the report’s publication in 2015;**

There has been a range of progress against the short- and long-term policy options. A working group was established and their outputs fed into the Sustainable Primary Care project which laid the foundations for the current Jersey Care Model.

Within the new Health and Community Services (HCS) structure, the Primary, Prevention and Intermediate Care Group has responsibility for developing a governance structure for HCS dentists and for addressing the general dental care needs of children and young people. Investigations into improved information systems have been undertaken and will feed into the broader HCS IT strategy.

The introduction of the Pension Plus scheme in 2017 provided enhanced support to pensioners in respect of dental check-ups and treatments.

Great efforts have been made to recruit into orthodontics, but this is a very challenging area of recruitment nationwide. Adverts are currently out for a consultant of oral and maxillofacial surgery

and for a dental nurse. The consultant post is currently being filled by a locum and the nursing post by a bank nurse on an as required basis.

(b) how dental services will be provided for in the Jersey Care Model currently under development;

A project to define an up-to-date Dental Strategy has recently been initiated as part of the JCM programme. This work will look at patient needs and pathways, and service provision across all providers to present a strategy for how the services need to be configured in the future, aligned to JCM principles. It will include exploring the extent to which current hospital-based activity could be transferred to primary care settings.

c) what improvements, if any, are planned or under consideration for the delivery of affordable dental care in the public sector;

The review of the Dental Strategy will consider improvements for the delivery of affordable dental care.

d) how take-up of the Dental Fitness Scheme by young people has progressed since 2015; and

In 2015 1,065 children were members of the Jersey Dental Scheme. In 2019, this stood at 823 members. Figures for 2020 and 2021 are lower and may have been affected by the coronavirus pandemic (2020, 747 and 2021, 623).

e) the number of claims for dental treatment that have been made by lower-income pensioners through the Pension Plus Scheme?

As of 31/12/2020, there were 2,587 people registered on the Pension Plus scheme where low income pensioners can access £40 for a check-up each year and a further £700 every two years for treatment and dentures. Scheme activity was low during 2020 because of covid-19; the data below is from 2019 and shows 2,097 claims for treatment and dentures were made.

	Number of claims	Expenditure
All claims dentures and treatment	2097	£305,649.85
Check ups	868	£27,845.00
Total Expenditure		£333,494.85

2.5 Deputy R.J. Ward of St. Helier of the Minister for the Environment regarding the development of the Limes on Green Street. (WQ.221/2021):

Question

In relation to the development on the site of the Limes in Green Street, will the Minister advise –

- (a) what Environment Impact Assessment was undertaken when awarding planning permission for the development;
- (b) what data were used to identify any impact of the new building height on air flow around and through the Tunnel; and

(c) whether such data demonstrated an impact on levels of air pollution in the area?

Answer

(a) An Environment Impact Statement was submitted alongside the outline planning application. This is available on the Planning Register at the following link.

<https://www.gov.je/citizen/Planning/Pages/PlanningApplicationDocuments.aspx?s=1&r=PP/2020/1453>

(b) Appendix 10 of the Statement deals with air quality and contains a report by Stantec UK Ltd.

(c) The report concludes;

“Overall, the effects of the proposed developments, alone, in combination and cumulatively, with appropriate mitigation implemented as required, are judged to be ‘not significant’ and the proposed developments are considered to be in accordance with the requirements of planning policy and guidance regarding air quality.”

2.6 The Connétable of St. Lawrence of the Minister for Children and Education regarding Residence Orders from 2010 to 2020. (WQ.222/2021):

Question

Will the Minister advise how many Residence Orders were in effect for each of the years from 2010 to 2020?

Answer

Most residence orders are made in the context of private law proceedings in which the Minister has no role and does not hold the information.

A small number of Residence Orders are made in the context of Public Law children’s proceedings. Data is not available prior to 2018. For each year since, fewer than 5 Residence Orders have been made.

2.7 Senator S.Y. Mézec of the Minister for Treasury and Resources regarding the redevelopment of South Hill. (WQ.223/2021):

Question

Will the Minister advise how many of the homes being planned for construction by the States of Jersey Development Company (SoJDC) on the South Hill site will be for sale or rent through the Affordable Housing Gateway, and how many will be sold on the open market; and what efforts is she, as shareholder representative, taking to ensure that these homes will not be sold to investors?

Answer

The Minister notes that the Senator asked a very similar question during Questions Without Notice at the sitting of the 11th of May 2021.

The proposed redevelopment of the former Government offices at South Hill is still in the initial design stages and SoJDC is currently carrying out a public consultation and pre-application processes. The current proposals are for approximately 150 residential units.

SoJDC will be structuring the site as Flying Freehold (as opposed to Share Transfer). This will ensure that the residential units can only be purchased by Entitled or Licensed individuals in perpetuity.

In accordance with P.73/2010, SoJDC must follow the development guidance set by the Minister for the Environment. The Minister for the Environment prepared and published a Development Brief for South Hill as the adopted Supplementary Planning Guidance. This Development Brief was itself the subject of public consultation. A key extract from the Brief is as follows:-

“The redevelopment of the site for residential use would provide an outstanding opportunity to create a very special living environment and would introduce a use with vitality and vibrancy which would help to enliven this area and contribute to the residential regeneration of St Helier. The potential use of the site for residential development is supported by the South West St Helier Planning Framework, which identifies the location as a key opportunity site. In considering the development of South Hill the Revised 2011 Island Plan sets out the need for housing, especially affordable homes. The use of States-owned land to help meet the need for affordable homes is a clear policy objective of the current Island Plan. The Plan explicitly states that where public land is to be released during the plan period its potential to help contribute to the provision of affordable homes should be a primary consideration. The Plan does, however, qualify this by stating that the extent to which all or some States-owned sites contribute to meeting this need will be determined through agreement between respective Ministers and have regard to the public benefit to be derived from other forms of development on these sites. The Minister for the Environment, therefore, considers that this is a premium, high value site where – if it is to be redeveloped for a residential use - the potential to secure maximum return in the release of this public asset should be secured. There are other public sites planned to be released for redevelopment which will better contribute to the provision of affordable homes.”

Accordingly, no homes being planned for construction by SoJDC on the South Hill site will be for sale or rent through the Affordable Housing Gateway.

The Senator is aware that the States established Andium Homes as its key delivery vehicle of affordable homes for rent and sale, and that Andium have recently announced the delivery of over 400 properties on other sites in St Helier.

The Minister believes that looking at Island sites and Islanders’ housing needs on a holistic basis rather than considering a site in isolation is the preferred approach and more forward-thinking.

The Minister’s understanding is that foreign buy-to-let investors will be precluded from acquiring units on the South Hill development.

2.8 The Connétable of St. Martin of the Minister for Economic Development, Tourism, Sport and Culture regarding Jersey Sport (WQ.224/2021):

Question

Will the Minister advise members –

- (a) how many local sports clubs are known to Jersey Sport;
- (b) how many local sports clubs are recognised by Jersey Sport;
- (c) how many local sports clubs did Jersey Sport recognise with their "Clubmark" standard in 2019?
- (d) what was the total salary bill of Jersey Sport in 2020 (including all employment related costs);

- (e) what benchmarks and performance indicators are used to monitor the performance of Jersey Sport; and
- (f) to whom Jersey Sport are accountable?

Answer

- (a) Jersey Sport is aware that there are more than 250 sports clubs in the Island. This number does fluctuate according to circumstances.
- (b) Jersey Sport recognises all sports clubs and associations. There is no registration or membership requirement for sports bodies to receive support.
- (c) There are 26 sporting organisations with Clubmark, one of which joined in 2019. Clubmark is being replaced by SportsMark, a 'lighter' more achievable governance standard that focuses on the essential governance and safeguarding aspects of operating a sports club. SportsMark was due to be launched early in 2020 but was postponed due to the impact of COVID-19 on sports organisations. Any club holding ClubMark or a UK Governing Body equivalent will automatically receive SportsMark.
- (d) Staff costs in 2020 were £1,179,638.
- (e) The Partnership Agreement contains a range of key performance indicators (KPI) and governance compliance checks. The KPI principally relate to the performance of the programmes Jersey Sport operates. Benchmarks are set each year with Jersey Sport which relates to the previous year's performance or predicted performance if it is a new area or delivery.
- (f) The Assistant Minister for Economic Development, Tourism, Culture and Sport has responsibility for Jersey Sport. The relationship with Jersey Sport is managed by the Local Economy team within the Arts, Heritage and Sport portfolio. Regular meetings are held between the Department and Jersey Sport in line with the Partnership Agreement.

2.9 The Connétable of St. Martin of the Minister for Economic Development, Tourism, Sport and Culture regarding the Covid-19 Recovery Fund for sports clubs. (WQ.225/2021):

Question

Will the Minister advise members –

- (a) how many, and which, local sport clubs or associations applied for Covid-19 Recovery Fund for Sports grants in 2020;
- (b) which local sport clubs or associations, if any, did Jersey Sport support in applications for a Covid-19 Recovery Fund for Sports grant 2020;
- (c) what is the total combined value of applications for Covid-19 Recovery Fund for Sports grants in 2020 that have been approved by Jersey Sport Grants Advisory Committee; and
- (d) who sits on the Jersey Sport Grants Advisory Committee?

Answer

Jersey Sport Response, 19 May 2021

- (a) There have been a total of 17. Jersey Outdoor Smallbore Rifle Club, Jersey Tenpin Bowling Association, St. Saviour's Bowls Club, Jersey Air Rifle Club, Aikido Mukyukon Jersey, Farmers Cricket Club, Jersey Table Tennis Association, St Brelade's Bowls Club, Jersey Squash and Racketball Club, St Brelade's Sports and Social Club, St Peter's Football and Sports Club, British Showjumping Association (Jersey), Eastern Air Rifle Club, Jersey Badminton Association, Jersey Bulls, St Johns Shooting Club, Jersey Reds Women.
- (b) Jersey Outdoor Smallbore Rifle Club, Jersey Tenpin Bowling Club, St Saviour's Bowls Club, Jersey Air Rifle Club, Aikido Mukyukon Jersey, Jersey Table Tennis Association, St Brelade's Bowls Club, Jersey Squash and Racketball Club, British Showjumping Association (Jersey), Eastern Air Rifle Club, Jersey Badminton Association.
- (c) £61,417.
- (d) Steve Law (Chair and Jersey Sport Director), Jean Cross (Vice-chair and Jersey Sport Director), Bernard Cooper (independent), Steve Le Couilliard (independent), Peter Slattery (independent), Jersey Sport CEO or nominated representative.

2.10 The Connétable of St. Martin of H.M. Attorney General regarding Jersey Sport. (WQ.226/2021):

Question

Will H.M. Attorney General explain why Jersey Sport does not fall within the remit of the Freedom of Information (Jersey) Law 2011?

Answer

Article 1 of the Freedom of Information (Jersey) Law 2011 (the "Law") defines both a 'public authority' and a 'scheduled public authority' for the purposes of that Law. The definition of a 'public authority' has been widely drawn. The obligations and duties set out in the Law only apply to 'scheduled public authorities' – those bodies listed in Schedule 1 to the Law.

In 2017 the States' approved the establishment of Jersey Sport Limited as an independent grant-funded body by means of a purpose trust named the Jersey Sport Development Trust, holding shares in Jersey Sport Limited, a company limited by shares. As such, it is not a 'scheduled public authority' for the purposes of the Law. In respect of the generic description of entities listed in Schedule 1, Jersey Sport is not a '*department established on behalf of the States*' and nor can it be described as a '*body established by resolution of the States*', because Jersey Sport has been established as an independent grant-funded body and is a company limited by shares

However, Jersey Sport could be added to Schedule 1 of the Law by Regulations if approval is granted by the States.

2.11 Deputy M.R. Le Hegarat of St. Helier of the Minister for Children and Education regarding pupil capacity in primary schools. (WQ.227/2021):

Question

Will the Minister state the current pupil capacity for each States-run primary school in the Island?

Answer

Non fee-paying

The maximum class size in Government of Jersey non-fee-paying primary schools for Reception through to Year 6 is 26, 28 or 30 depending upon the following criteria –

- Allocations up to 26 per form will be made as standard, if less than 26 pupils are within the catchment then spaces will be available for non-catchment pupils up to and including the 26th place.
- A 27th and 28th place can be granted to pupils who live within the catchment area only.
- A 29th and 30th place can be allocated upon appeal.

The following table details the capacity of each primary school based on class sizes set at either 26, 28 or 30 pupils and includes capacity for nursery children.

School	Nursery	Current number of classes Reception to Year 6	26 per class	28 per class	30 per class
d'Auvergne	45	18	468	504	540
First Tower	40	14	364	392	420
Rouge Bouillon	30	14	364	392	420
St Lawrence	30	7	182	196	210
Grands Vaux	30	7	182	196	210
Janvrin	30	14	364	392	420
Springfield	26	8	208	224	240
St Martin	30	7	182	196	210
St John	30	7	182	196	210
St Saviour	30	7	182	196	210
Trinity	26	8	208	224	240
Grouville	30	14	364	392	420
Plat Douet	40	16	416	448	480
Samares	30	9	234	252	270
St Clement	30	7	182	196	210
St Luke	20	7	182	196	210
Bel Royal	30	8	208	224	240
La Moye	30	14	364	392	420
Les Landes	N/A	7	182	196	210
Mont Nicolle	30	8	208	224	240
St Mary	26	7	182	196	210
St Peter	30	7	182	196	210

Total	643	215	5590	6020	6450
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In addition, individual classes may be capped to less than 26 due to a high level of need within that form. This means that class size, and in turn school capacity, will be determined by a number of factors including the application of the above policy and the context of the school community.

Further information can be found within [Admissions to Non-Fee-Paying Primary schools on gov.je](#).

Fee-paying

The fee-paying primary schools, Jersey College Preparatory (JCP) and Victoria College Preparatory (VCP) follow their own admission and class size policies and do not have nurseries.

JCP has up to 33 girls and 33 boys in Reception through to Year 2. These children are organised into 3 classes of 22, with 11 girls and 11 boys in each class. From Year 3 through to Year 6 there are 2 classes of 22 in each year, girls only. The school capacity is 374.

JCP Admissions Policy

VCP only operates from Year 3 through to Year 6 and has 3 classes of 25 per year group, boys only. The school's capacity is 300.

VCP Admissions Policy

2.11 Senator T.A. Vallois of the Minister for Children and Education regarding I.T. expenditure in the Department of Children, Young People, Education and Skills. (WQ.228/2021):

Question

Will the Minister state –

- the total capital and revenue expenditure on Information Technology (I.T.) projects and / or maintenance over the last 5 years by the Children, Young People, Education and Skills Department (C.Y.P.E.S.);
- whether this expenditure is equivalent to the £2.1 million transfer between Heads of Expenditure from C.Y.P.E.S. to the Chief Operating Office – Modernisation and Digital Department (M&D) made by the Minister for Treasury and Resources in May 2021; and
- how this expenditure will assist with improvements specifically to the I.T. curriculum in schools over the next 5-10 years?

Answer

- The table below shows forecast revenue expenditure on IT projects and maintenance for 2021 and actual expenditure for the 5 previous years.

CYPES Revenue spend	Forecast 2021	2020	2019	2018	2017	2016
IT BAU Revenue transferring to COO-M&D	2,083,000	2,608,498	2,567,528	2,597,237	2,771,363	2,979,928
IT BAU Revenue remaining with CYPES	895,000	636,609	458,597	377,942	230,604	157,414
IT Project Mgt remaining with CYPES	307,000	314,680	284,385	275,795	321,326	126,562
Grand Total	3,285,000	3,559,787	3,310,510	3,250,974	3,323,293	3,263,904

The table below shows capital expenditure in 2021 and the previous 4 years. The spend in 2020 was largely the infrastructure for the new Les Quennevais School and in 2021 was the infrastructure associated with Phase 5 of the Grainville School project. There is no further IT capital expenditure budgeted for 2021 or approved in the Government Plan.

CYPES Capital spend	2021	2020	2019	2018	2017
Implementation Costs	13,475	3,300			
Tng - Integral Software Dev	0	0	121,320	121,320	121,320
Computer Hardware	314,877	296,769	33,106	33,106	
Intg - Software Development		121,320			
Total Capital	328,352	421,389	154,426	154,426	121,320

- (b) This expenditure is not equivalent to the £2.1 million budget transfer from CYPES to COO-M&D approved in May 2021.

The transfer of budgets follows the agreed transfer of responsibilities between the two Departments.

63% of the revenue budget is transferring from CYPES to COO – M&D and there is no remaining capital budget. The table below shows the split of the revenue budget between the portion transferring and the portion being retained.

Total Revenue IT budget	3,285,000	%
Transferring to COO-M&D	2,083,000	63%
Remaining with CYPES	1,202,000	37%

- (c) The CYPES IT department has undergone key changes in personnel over the last 12 months.

The majority of the expenditure (£2.1m transferred to M&D) primarily relates to running the existing School IT estate, including staffing and running costs. The remaining proportion (£0.6m) will cover the renewal of some devices, delegated school IT funding and targeted IT investments. Any IT investments on top of this would be either funded by:

1. The Chief Operating Office- for any infrastructure enhancements and fixed asset replacements
2. CYPES- for strategic School IT investments

A post-Covid IT strategy is required, and this is currently within the remit of the Education Reform Programme developments. This will determine the shape of the IT Strategy and will also impact on the IT curriculum for schools for the future.

2.12 Senator T.A. Vallois of the Chief Minister regarding cyber-security projects. (WQ.229/2021):

Question

Will the Chief Minister state the current budget within Modernisation and Digital, both capital and revenue and including any heads of transfer made this year after the approval of the Government Plan, for Information Technology (I.T.) cyber-security; will he advise what further funding, if any, is anticipated as required for this area; and will he inform members of the current status of all the projects in this area that are currently being carried out?

Answer

The total approved capital budget for the Cyber Security Programme is £13.8m as set out in the 2020 Government plan. Subsequently, there was a major project budget transfer of £2.2m from 2020 to 2021 within the Cyber Security Programme budget envelope but no overall increase to the 2020 Government plan numbers.

In addition, provision for an initial Revenue budget of £0.5m per annum was included within the original business case, with scope to increase as additional services/capabilities are defined and delivered into BAU over the course of the programme and beyond.

There is currently no additional funding required within Modernisation and Digital for the Cyber Security Programme over and above that which has already been agreed. However, a key element of the first phase of the Cyber Security Programme has been discovery. In the light of discovery and the ever changing and increasing cyber threats, additional, as yet unquantified, expenditure is likely to be required in the future to maintain and build upon the outcomes of the Cyber Security Programme.

Current status of all projects in-flight as follows:

- **Managed Security Services** – project is in delivery, with the deployment of monitoring, vulnerability management and end-point detection services ongoing to advance our response to live threats on the network.
- **Governance Improvements** – good progress made with the delivery of new processes for cyber risk identification and governance, reporting of cyber metrics and the launch of a new suite of policies and standards.

- **Identity & Access Management** – delivery of a strategy overview for the future of identity and access management provisions throughout government, with the ongoing development of a new identity provisioning and governance platform nearing completion ready for early adoption on 15 key applications. Work to improve the quality of data in core directory and authentication systems ongoing.
- **Asset Management** – definition of key process for asset identification and inventory complete, with good progress being made on population of data/information and physical assets into new registers.
- **People Security** – all analysis and development complete for Training & Awareness programme, with new Computer Based Training module launched across government and campaign activities underway.
- **Network Security Services** – assessment of exiting network estate complete with detailed report submitted for review, design complete for new security features to be rolled out across GoJ network and part way through core network changes to enable segmentation.
- **Retained Incident Response** – agreement finalised for advanced technical security support in the event of a severe incident, with formal on-boarding to the service part way through completion.

2.13 Senator T.A. Vallois of the Minister for Health and Social Services regarding the provision of behavioural and mental health support units in secondary schools. (WQ.230/2021):

Question

Will the Minister advise what consideration, if any, has been given to providing behavioural and mental health support units within secondary schools (particularly Town schools) that enable the inclusion of affected students amongst their peers whilst still ensuring support and safety are provided for all?

Answer

Mental health and well-being is an increasing issue and a policy priority in Jersey, supporting two of GoJ's five priorities by '*Putting children first*' and '*Improving Islanders' wellbeing*'.

The current behavioural and mental health support offer for schools includes services provided by the Education Inclusion Service such as the Primary Mental Health Workers and La Passarelle (SEMH) based at The Bridge, where schools are able to refer young people aged 11-16 who are struggling to engage for a two term placement whilst still on their school roll.

Telephone advice and support is available to children, young people, parents/carers and schools, Monday to Friday 9am-5pm via the Children & Families Hub from a range of qualified practitioners on a range of well-being and behavioural issues.

As part of the future model of care, consideration is being given to a whole system approach to better supporting mental health and behavioural needs within secondary schools. A provider is currently being identified to audit every Jersey school, primary, special and secondary, including non-provided schools, to understand their individual mental health training and support needs and develop individual school action plans.

Work is ongoing via the Inclusion Review and the emotional well-being and mental health redesign work to identify the best approach to better supporting mental health and behavioural needs within schools; this may include a recommendation for behavioural and mental health support units within

schools, however evidence review to date suggests taking a whole system and whole school approach to these issues.

Recommendations to date include:

- Named CAMHS Practitioners to offer support to each secondary school
- Children and Families Hub to include mental health specialist professionals able to provide telephone support
- Improving the quality and impact of mental health and well-being support as part of the core PSHE curriculum
- Providing significant governance and school leadership to guide a “whole school” mental health approach
- Monitoring the delivery of mental health and well-being support through the Jersey Schools Review Framework, as this will ensure that delivery is maintained over time
- Re-specifying School Nursing via Family Nursing and Homecare (FNHC) to provide health and well-being drop-in clinics to students and parents/carers
- Providing additional capacity across the system, including behaviour support, mental health therapy and support, and parenting support

Recommendations will be finalised following the publication of the Emotional Well-being and Mental Health Strategy and outputs from the Inclusion Review and the Schools’ Mental Health Audit.

2.14 Deputy M.R. Higgins of St. Helier of the Minister for Economic Development, Tourism, Sport and Culture regarding grants for agricultural, aquacultural, farming or farming-related purposes. (WQ.231/2021):

Question

Will the Minister provide, in a table format that allows for comparisons to be made between the tables

- (a) the number of grants and / or loans given to agricultural, aquacultural, farming or farming-related purposes over the last 10 years, showing for each year the name of the recipient, the date, the total amount provided and the purpose of the grant or loan in question; and
- (b) the top 10 recipients of such grants or loans for each year over the last 10 years?

Answer

- (a) Attached to this document [**this information is pending**] is a table of the total amount of grants and loans given to agricultural, aquacultural, farming or farming-related purposes for the years 2011-2020. The purpose of the loan is stated. The name of the recipients and amounts provided to that recipient are detailed within the hyperlinks.
- (b) The top 10 recipients can be found using the hyperlinks for each year. These are provided within the embedded table.

2.15 Deputy M.R. Higgins of St. Helier of the Minister for the Environment regarding farm buildings converted to accommodation. (WQ.232/2021):

Question

Will the Minister provide a table to show –

- (a) the number of granite and / or traditional farm buildings converted into accommodation over the last 10 years;
- (b) the number of greenhouses for which permission has been given for re-development into housing and / or other non-farming uses over the last 10 years;
- (c) the number of farm buildings and sheds deemed to be ‘new build’ in respect of which a change of use has been granted over the 10 ten years (for example, to storage, industrial use, wholesale use or for retail sales), stating in each case the original purpose of the structure concerned; and
- (d) in each case specified in response to Paragraphs (a) to (c) the person, business, company, trust, foundation or charity named as the owner of the property in question?

Answer

Although all planning applications are recorded and published on the Planning Register (see link <https://www.gov.je/citizen/Planning/Pages/Planning.aspx>), the information is not stored in a manner which allows extraction in the specific categories requested.

If the Department were to begin collating the data in the format requested, they would require additional financial and manpower resources as it would be a major project to review the approximately 15,000+ applications held in the 10-year period requested. Additionally, work would be required to produce a term of reference for the review to, for example, clearly define non-farming uses, ‘new-build’, and so on.

2.16 Deputy M.R. Higgins of St. Helier of the Minister for Home Affairs regarding the Settled Status Scheme. (WQ.233/2021):

Question

Will the Minister advise members whether the application process for Settled Status in the Island requires applicants to agree to criminal record checks where such checks were not undertaken before the applicant came to the Island, and whether the process requires applicants to make a legal declaration of past criminal offences if they have come from a country from where the results of criminal record checks cannot be obtained (with their right to remain being invalidated if such a declaration were found to be false in future); and if the process does not require these actions, will the Minister explain why not?

Answer

Applicants to the Jersey Settlement Scheme are subject to local criminal record checks. As part of their application applicants are also asked to declare all previous criminal convictions in any other jurisdiction.

The majority of applicants to the Settlement Scheme will not have been subject to such checks prior to arriving in Jersey, by virtue of the rights of free movement that EEA nationals enjoyed prior to Brexit.

In the event that applicants are found to have made a false declaration, their case will be reviewed by an Immigration Officer and a decision taken regarding their status on a case by case basis.

A person needs to have received a sentence which would result in them being considered for deportation in order to fail the criminality test. This is normally a custodial sentence of 12 months or more. There has only been one refusal, so far, due to failing the criminality test.

If an applicant declares convictions from another jurisdiction that are potentially serious, they are required to provide a criminal record report produced by authorities from the relevant jurisdiction.

2.17 Senator S.Y. Mézec of the Minister for Housing and Communities regarding the Affordable Housing Gateway and Andium Homes. (WQ.234/2021):

Question

Will the Minister provide updated figures for –

- (a) the current number of Affordable Housing Gateway applications, to include a breakdown of the bands each application is in and the number of bedrooms required;
- (b) the number of homes currently under construction by Andium Homes, including the number of bedrooms per home and their estimated completion date; and
- (c) the number of homes for which Andium Homes has obtained planning permission but which are not, as yet, under construction?

Answer

(a) Affordable Housing Gateway Month End Statistics 30th April 2021.

Total active applicants assessed and accepted onto the Gateway for Affordable Accommodation within each Priority Band.

Band	Number
Band 1 – Highest Priority – this Band refers to applicants who are actually homeless, under eviction notice, in tied accommodation, urgent medical issues, no rights to current accommodation such as staying with family or forced to live apart as present accommodation is not suitable. For transferring tenants in social housing this refers to those under occupying their current home and urgent medical circumstances.	430
Band 2 – This Band refers to cases of overcrowding, poor housing standards, moderate medical. For transferring tenants in social housing this refers to those suffering from grave overcrowding or moderate medical circumstances.	304
Band 3 – This Band reflects applicants whose current accommodation is unaffordable given their personal circumstances.	242
Band 4 – This Band refers to those who wish to move to better accommodation and are able to re-house themselves in the private sector without financial assistance.	3
Band 5 – This Band refers to those who wish to purchase an affordable home, homes sold below the open market value to households who need some form of assistance to get on the property ladder.	1996
Band 6 – This Band is reserved for agency referrals through the Supported Housing Group. For transferring tenants in social housing this is reserved for agency referrals for transfers through the Supported Housing Group or Independent Living Team.	51
TOTAL	3026

Band 1 Total = 427

Studio/Bedsit= 42

1 Bed = 257

2 Bed = 74
 3 Bed = 35
 4 Bed = 15
 5 Bed = 4

Band 2 Total = 304

Studio/Bedsit= 14
 1 Bed = 83
 2 Bed = 87
 3 Bed = 95
 4 Bed = 25

Band 3 Total = 249

Studio/Bedsit= 18
 1 Bed = 121
 2 Bed = 70
 3 Bed = 35
 4 Bed = 4
 5 Bed = 1

Band 4 Total = 3

1 Bed = 3

(Purchase) Band 5 Total = 2043

1 Bed = 295
 2 Bed = 788
 3 Bed = 887
 4 Bed = 72
 5 Bed = 1

(b) The number of homes currently under construction by Andium Homes is set out in the table below

Project	Estimated Completion	1 Bed	2 Bed	3 Bed
La Collette Low-Rise	Jul-23	73	65	9
Ann Court	Mar-23	130	35	-
Le Clos Couriard	Jan-22	53	22	7
Le Clos Mourant	Nov-21	10	27	53
Plaisant Place	Jul-21	18	3	-
Clos de Pierre	Jun-21	-	-	25
33 Belmont Road	Jul-21	2	1	-
75 Colomberie	Jun-21	4	-	-
Pine Ridge	Oct-21	-	-	1
Total		290	153	95

(c) Andium Homes has planning permission for 251 homes which are not yet under construction.

Breakdown of the 251 by bed size is below:-

One Bed	82
Two Bed	140
Three Bed	29

2.18 Senator S.Y. Mézec of the Chief Minister regarding the Review of Children’s Homes in Jersey. (WQ.235/2021):

Question

Will the Chief Minister advise –

- (a) what consideration, if any, has been given by the full Council of Ministers to the recent Independent Children’s Home Association (I.C.H.A.) Review of Children’s Homes in Jersey; and
- (b) whether, following the recommendation that Greenfields should no longer serve as a secure unit for children and young people, the Council of Ministers has revisited its previous decision to disregard a similar recommendation made in the 2019 report from the Independent Jersey Care Inquiry?

Answer

- (a) No consideration has been given by the full Council of Ministers to the recent Independent Children’s Homes Association (I.C.H.A.) Review of Children’s Homes in Jersey. The recommendations have been considered by the Minister for Children and Education and CYPES officers are progressing their delivery.
- (b) The Council of Ministers has not revisited its previous decision to disregard a similar recommendation that Greenfields should no longer service as a secure children’s home.

2.19 Senator S.Y. Mézec of the Minister for External Relations and Financial Services regarding the relationship of the Government of Jersey with the Government of Israel. (WQ.236/2021):

Question

Will the Minister –

- (a) provide details of all engagements that he, or officers on his behalf, have had directly with representatives of the Government of Israel, including the municipality of Jerusalem;
- (b) state whether or not the Government of Jersey recognises the jurisdiction of the Israeli state in East Jerusalem to be that of illegal occupation;

- (c) state whether any engagements have taken place with either Government representatives or business representatives based in Israeli settlements in the West Bank and, if so, how many; and
- (d) advise what position the Government of Jersey is taking in relation to Jersey businesses engaging with businesses operating from settlements established in occupied land in Palestine?

Answer

- (a) Since taking office in June 2018, there have been no formal bilateral meetings between the Minister for External Relations and Financial Services and representatives of the Government of Israel. The Minister has attended multilateral events where representatives of the Government of Israel may have been present among the official delegates.

Officers from the External Relations Department last engaged with counterparts at the Israeli Embassy in London in September 2019 as part of their usual meetings with stakeholders from across the London diplomatic community. Officers have attended multilateral events where representatives of the Government of Israel may have been present among the official delegates.

- (b) The Government of Jersey is aligned with the United Kingdom, which is ultimately responsible for Jersey's international affairs under international law, in recognising United Nations Security Council Resolution 242 (1967) and subsequent Council resolutions which recognise the de facto jurisdiction of Israel over West Jerusalem and regard East Jerusalem as being under Israeli occupation.

It is not for the Government of Jersey to unilaterally opine on whether delicate and sensitive matters are or are not illegal. Jersey supports the UK's longstanding and clear position on the Middle East Peace Process that aims for both a safe and secure Israel and a viable and sovereign Palestinian state with Jerusalem as their shared capital.

- (c) Since taking office in June 2018, neither the Minister for External Relations and Financial Services nor officers on his behalf have engaged with governmental or business representatives based in the West Bank.
- (d) The Government of Jersey does not have an exhaustive list of where Jersey businesses should or should not choose to privately operate based on their own commercial considerations. Any Jersey companies choosing to conduct business outside of the Island should always abide by all laws and regulations both in that market and in Jersey.

Jersey implements all UN and UK sanctions and believes in targeted sanctions and asset freezes against individuals and organisations rather than entire jurisdictions. Ultimate responsibility for monitoring and ensuring compliance with legal obligations under the Sanctions and Asset-Freezing (Jersey) Law 2019 rests with individual businesses.

2.20 Deputy G.P. Southern of St. Helier of the Minister for Health and Social Services regarding the development of a model for dental services. (WQ.237/2021):

Question

Given the response to Written Question 464/2019 referenced the commitment in the Government Plan for 2020 to the “development of a model of dental services for children with a preventative focus”, will the Minister –

- (a) advise what progress, if any, has been made on this model;

Answer

Work is progressing on the development of a dental strategy, part of which will be a model to improve services for children. The model will seek to secure good standards of oral health and the prevention of dental disease through health promotion and the creation of care pathways.

Elements of prevention are already in place via the UNICEF Baby Friendly Initiative (BFI) which is providing targeted support to professionals and to families, encouraging breastfeeding during the first year of life and providing protection against dental caries.

The completion of this model was disrupted by the impact of Covid-19, however, the Council of Ministers remains committed to making improvements in dental provision and a task force, formed across departments, is working at pace to produce the Island-wide Dental Strategy this year and map the deliverables that achieve better outcomes for children.

- (b) state whether he intends to implement the ten short and long-term options outlined in the Review of Dental Health Services and Benefits (R.91/2015); and, if not, why not; and

Answer

R.91/2015 offered an independent assessment of dental services and benefits at that time and demonstrated the need to develop and clearly define a dental strategy. The report is informing this work, which will incorporate a preventative model of care.

As set out in the answer to WQ220/2021, a range of activity has taken place informed by the observations of the 2015 review. This includes engagement with the dental profession (short-term option 2), the exploration of ways to improve current information systems (short-term option 3) with a review of different dental software options by the dental department, and in regard to longer-term option 7, HCS has conducted a review of demand and capacity that will allow the development of a workforce model that will support sustainable services.

- (c) request confirmation from the Minister for Social Security as to how many families have been participating in the Jersey Dental Fitness Scheme over the five years since the publication of that review?

Answer

Information is not held on the number of families who access the scheme, however, the individual number of children (including siblings from the same family) is shown below, as of the end of January in each year:

2015 - 1065 members
2016 - 979 members
2017 - 933 members
2018 - 903 members
2019 - 823 members

2.21 Deputy R.J. Ward of St. Helier of the Minister for Infrastructure regarding the ‘Hoppa’ Bus. (WQ.238/2021):

Question

Following the adoption of ‘Bus Service Contract: Hoppa’ (P.156/2011) by the States Assembly, and the subsequent May 2021 debate on the pedestrianisation of Broad Street, will the Minister state –

- (a) the projected timescale for the introduction of the St. Helier ‘Hoppa Bus’, including the anticipated start date of the service;
- (b) the planned route this service will take;
- (c) the planned frequency of its operation;
- (d) the proposed times of the day for the first and last ‘Hoppa Bus’;
- (e) the proposed fare for travelling on the service?

Answer

- (a) Following the Government decision that a town area bus service will be implemented, officers are currently working to finalise the details of the funding solution for the duration of the trial with arrangements expected to be concluded shortly. From the point that the funding solution has been confirmed, a period of approximately five months’ commissioning and mobilisation will be required until the service is running, including the lead time for the manufacture and delivery of the additional buses which will operate the service.
- (b) A provisional route has been drafted which enables buses to serve a range of destinations including the General Hospital, Library, the Markets, Arts Centre, Springfield Stadium and Millennium Park. Full details will be confirmed following liaison with key stakeholders, including the Parish of St Helier.
- (c) Assuming that this route is implemented without significant modification, the initial frequency of the new town service is envisaged to be four buses per hour, or one departure from Liberation Station every 15 minutes.
- (d) The hours of operation of the new town service provides for a first departure at 09:00 in the morning and the last departure at 18:00 in the evening.
- (e) The price for the service assumes that passenger fares for the new town service remain consistent existing LibertyBus fare structure, with transfer tickets and concessionary travel passes being valid for use.

2.22 Deputy R.J. Ward of St. Helier of the Minister for Housing and Communities regarding ‘gazumping’ in the housing market. (WQ.239/2021):

Question

Will the Minister advise –

- (a) what regulations or legal protections, if any, currently exist to prevent ‘gazumping’ (making a higher offer for a house than someone whose offer has already been accepted by the seller and thereby succeeding in acquiring the property) occurring within the housing market;
- (b) whether any communication has been undertaken with estate agents to establish the frequency with which ‘gazumping’ occurs in the Jersey housing market; and

(c) what actions are being planned to address this issue?

Answer

- a) Gazumping occurs when the vendor accepts a higher offer on their property, despite having already **verbally** agreed to another offer. This is made possible because verbal agreements are not legally binding. A contract **must be in writing** before it can be enforced.

Purchasing or selling a home is one of the most important transactions a person will make. I appreciate that in cases where gazumping does occur, it could have significant negative consequences for the individuals affected, including significant professional fees being incurred on the wasted effort to purchase a property.

There is currently no legislation in Jersey that offers protection against Gazumping.

- b) There has not been recent communication between the Government and estate agents on the issue of gazumping. The government does not have current figures to hand of the frequency of gazumping in Jersey. The Economic and International Affairs Scrutiny Panel may include this as part of their review into the Regulation of Jersey Estate Agents.
- c) There are currently no plans to address the specific issue of gazumping. An approach that focuses on a whole set of standards across the property sector would be more effective. However, this would be a new initiative that would need to be to be considered against other portfolio priorities.

2.23 Deputy R.J. Ward of St. Helier of the Chair of the States Employment Board regarding the resourcing panel for recruitment of public sector posts. (WQ.240/2021):

Question

Will the Chair state –

- (a) the current constitution of the resourcing panel tasked with making decisions about the recruitment of public service posts;
- (b) whether this panel includes representatives from all parts of the public sector (for example, education, health and social services, the civil service, manual workers etc.);
- (c) how the resourcing panel receives information about the specific needs of the various areas of the public sector;
- (d) the Panel's criteria for decision making with regards to approving a role in a particular sector; and
- (e) how many members of the panel are currently working off-Island?

Answer

In response the five specific questions, I can confirm that:

- a) The constitution of the resourcing panel is Director General for Customer and Local Services, Chief of Staff (OCE) , Group Director of People and Corporate Services (COO), Treasury Finance Business Partner (T&E), Associate Director for People Services (HCS) and Head of Office from Children, Young People, Education and Skills (CYPES).

- b) The representatives of the panel have been appointed to cover a broad range of professions from across the government.
- c) The government has a centralised online process for the request to recruit into a role which is initially approved by the Director General and departmental finance representative. This allows the business area to fully document their needs and any other information relevant to the request. All requests are reviewed by the resourcing panel on a weekly basis. As the government introduces strategic workforce planning, departments will have the opportunity to seek approval of a full resourcing plan for a 12-month period and thereby negate the need to seek individual approvals from the panel.
- d) On the 15th April 2020, The Executive Leadership Team agreed the commencement of a Government of Jersey recruitment controls for all recruitment including external, internal, fixed term and agency. Following the Endorsement of the State's Employment Board this applies to all Government and non-ministerial departments. Non-ministerial departments are required to agree, with the Panel, a defined process for the management of recruitment in their departments.

This decision was made, in light of known financial constraints, to allow the Government of Jersey to review delivery and service priorities post Covid-19 response. On this basis the Panels' role will be to ensure only essential recruitment is undertaken until budgets are agreed, department operating models realigned to future need and staffing establishments identified. It is anticipated that the need for the panel will be superseded by workforce plans and establishment control being introduced during 2021.

The Panel uses the following criteria to inform decisions.

- a. That the Director General has approved the role to proceed and that Finance Business Partner approval has been obtained.
 - b. The specialist nature of the role including the requirement for specific qualifications or experience in a specialist field.
 - c. That there is a clear justification for recruiting into the role and also the risk/impact of not proceeding to recruitment.
 - d. Where the role is required to replace a leaver, the panel will seek assurance that the department has assessed the critical need to replace based on the nature/programme of work of the department.
 - e. If the role requires a 'Licence', that all available options have been considered
 - f. For agency worker requests, that they are either covering a (pre-approved) substantiated role during long term absence or whilst a formal recruitment process is undertaken or there is a clear business case requiring additional resource for a specific programme of work. Initial agency assignments will only be approved up to 12 weeks in durations or for the fixed period of the work if the work has a defined timeline.
 - g. Any extension to an agency worker contract will also need to meet the above criteria but also provide justification on why a formal recruitment process has not completed or why the programme of work has been extended.
 - h. In the case of extending a fixed term appointment that a clear justification is in place for the need to extend past the initial term of the contract.
- e) None of the panel are currently working off-island.

**2.24 The Connétable of St. Martin of the Chief Minister regarding the Safer Travel Policy.
(WQ.241/2021):**

Question

Will the Minister state –

- (a) how the decision for implementation of the ‘green light status’ travel scheme was reached, and which body was responsible for confirming this decision;
- (b) the Ministers that were responsible for the implementation of this scheme;
- (c) which Ministers, if any, voted against this scheme at the agreement stage;
- (d) the reasons why this scheme falls under the remit of the Minister for Economic Development, Tourism, Sport and Culture rather than the Minister for Health and Social Services;
- (e) the medical, political, legal and ethical advice that was sought when developing the scheme;
- (f) what consultation, if any, was sought from non-executive States Members in the development of the scheme;
- (g) how the scheme links to the vaccine passport scheme currently under discussion, if at all; and
- (h) what plans, if any, are in place to accommodate those who wish to travel to Jersey from a green or amber region but who are unable to be vaccinated due to pre-existing medical conditions, such as specific allergies, as advised by a healthcare professional?

Answer

(a) – (e)

As part of our pandemic response, governance structures have supported good decision-making, including consideration at STAC; thorough discussion at Competent Authority Meetings (“CAM”); and reference, in the case of material matters, to the Council of Ministers.

However, CAM is not a collective decision-making body, with actual decisions being taken by the relevant minister following endorsement by CAM. As such, throughout the pandemic, decisions have continued to be made by the individual responsible Minister, often at CAM, or by the Council of Ministers as a whole.

These processes include advice from senior medical and legal professionals, as a crucial component, and ethical matters are always taken into consideration.

Furthermore, wherever practical, briefings to the relevant Panels and to States Members have taken place.

In the case of the latest amendments to the Safe Travel policy due for implementation on the 28th May, 2021, the Chief Minister has acted as political-lead, further to the above processes, recognising that it is a cross-cutting issue (rather than the Economic Development, Tourism Sport and Culture Minister, or the Health and Social Services Minister).

(g-h suggested)

The incorporation of individual vaccination status to the Safer Travel Policy forms part of the broader Covid Status Certification (CSC) project. The CSC project is working to provide islanders vaccinated under the Government of Jersey vaccination programme with an approved record of their vaccination, which may be used to meet the entry requirements of foreign jurisdictions or other uses. In due course,

the scope of the CSC project may include the ability to also record individual history of COVID-19 test results.

The incorporation of vaccination status into the Safer Travel risk assessment process will remain under constant review; this will include the eligibility criteria and implications for those who have not been vaccinated for a number of reasons including age or medical condition.

2.25 Deputy G.P. Southern of St. Helier of the Chief Minister regarding the monitoring of use of zero-hours contracts. (WQ.242/2021):

Question

Further to the response to Written Question 6862 on 15th May 2012, when the Chief Minister of the time indicated his satisfaction that the use of zero-hours contracts by departments was regularly reviewed to ensure appropriate use, will the Chief Minister advise what action is being undertaken to stamp out poor practice and to ensure the appropriate use of such contracts currently to prevent staff from losing out on pension rights, holiday and sickness terms; and what ongoing monitoring of such contracts is taking place?

Answer

The States Employment Board instigated a review of zero-hours contracts in 2019, initially focussed on the use of such contracts in education services, and subsequently extended across the Government and Non-Ministerial departments. More than half of the work undertaken through zero-hours contracts are undertaken by employees with another contract of employment, for example, nurses who provide bank nurse cover, those supporting youth clubs or after school activities etc.

We undertake monthly reviews of the use of zero-hour contracts and will transfer such contracts onto full employment contracts as a matter of policy. Zero-hour contracts are reported monthly as part of the wider performance report.

Additionally, the Board are currently reviewing options in relation to the total remuneration of employees and those on zero-hour contracts – including the terms set out in the question – that will ensure parity across pay groups and contract types.

During the initial phases of the pandemic ‘stay at home order’ we identified a number of zero-hours contractors where there was either a commitment or reasonable prospects of them working in normal circumstances and these contracts were honoured whether they were able to be fulfilled or not by the contractor.

Zero-hours contracts do benefit both the employer and contractor, so we assure ourselves of the appropriateness of the use of these types of contracts. We are currently reviewing the use of zero-hours to cover vacancies. This will ensure that our workforce plans and recruitment activity do not substitute zero-hour contracts where there should be an employment contract in place.

The Board do not permit restrictive clauses, such as exclusivity, for zero-hours workers.

2.26 Senator S.W. Pallett of the Minister for Economic Development, Tourism, Sport and Culture regarding the prospective skateparks at Les Quennevais and South Hill. (WQ.243/2021):

Question

Will the Minister explain –

- (a) why there has been a delay in registering the planning applications for the skateparks at Les Quennevais and South Hill;

Answer

The applications for skateparks at Les Quennevais and South Hill were submitted on 26th February and 12th March respectively. Requests for further information and clarifications were received by email from Planning and Building Control on 21st April.

Since then, officers from Infrastructure, Housing and Environment – Operations and Transport have been working to prepare the additional information required.

- (b) whether further information has been requested by the planning department, if so when was that and when was it provided;

Answer

Requests for further information and clarifications were received by email from Planning & Building Control on 21st April. Work to prepare and submit the information is ongoing with a target date for submission of the end of May.

- (c) why any such information was not included within the initial applications;

Answer

The initial submission was based on the formal pre-application advice received from Planning & Building Control. This is itself was based only on the limited information available at the time the formal request for advice was made.

Planning & Building Control regularly request further information in support of applications to help determine whether an application can be approved.

- (d) whether it remains the intention to deliver skateparks at both sites, and if not, why not;

Answer

It remains the intention to deliver skateparks at both sites.

- (e) what assessment of the cost of the two skateparks has been undertaken and what are the revised costs;

Answer

A full cost plan is to be prepared as part of the business case that will be submitted to request the additional funding required to construct facilities through the Government Plan 2022 – 2025. This work is ongoing.

- (f) what requests for funds for any additional costs there have been;

Answer

There have been no requests for additional funding. Additional funding will be requested in accordance with Government Plan 2022 – 2025 timescales.

- (g) whether funding for skatepark facilities will come from existing budgets, and if so, which ones;

Answer

Funding will not come from existing budgets. Additional funding will be requested through the Government Plan 2022 – 2025.

- (h) what communication has occurred regarding the commitment to provide skatepark facilities in the East;

Answer

No communications have occurred to date. The intention is to consult with the eastern parishes and the public to determine the preferred location for an eastern facility. The delivery of an eastern facility is subject to approval of additional funding through the Government Plan 2022 – 2025.

- (i) what discussion has taken place about enhancing the facilities in St. Ouen and St. John;

Answer

No discussion has taken place regarding enhancing facilities in St Ouen.

Early discussions have been held with the Connétable and the St John's Skatepark Committee regarding enhancements to the facilities at St John. Discussions were also held with the previous Connétable. A draft proposal has also been issued to the Connétable for discussion and consideration with the appropriate parochial and community centre stakeholders.

- (j) what enhanced facilities in St. John, if any, have been proposed;

Answer

An enhanced modular skatepark facility has been suggested at present. However, only early discussions with key stakeholders have taken place. Any proposals would be agreed in consultation with those stakeholders.

- (k) what business cases have been prepared for additional funding for skateparks from the 2022 Government Plan; and

Answer

The business case will be prepared and additional funding requested in accordance with Government Plan 2022 – 2025 timescales.

- (l) whether the existing skatepark in St. Helier will be dismantled before a new skatepark is built?

Answer

There is no intention to dismantle the existing skatepark in St Helier before a new skatepark is built.

2.27 Senator S.W. Pallett of the Minister for Health and Social Services regarding the Health and Community Services Board and its sub-committees. (WQ.244/2021):

Question

Will the Minister state –

- (a) the dates on which the Health and Community Services (H.C.S.) Board has met since 1st April 2020;
- (b) the dates on which the Quality, Performance and Risk Committee of the H.C.S. Board has met since 1st April 2020, who chaired each of the meetings, who the current Chair of the Committee is and the date of their appointment;
- (c) the dates on which the Finance and Modernisation Committee of the H.C.S. Board has met since 1st April 2020, who chaired each of the meetings, who the current Chair of the Committee is and the date of their appointment;
- (d) the dates on which the People and Organisational Development Committee of the H.C.S. Board has met since 1st April 2020, who chaired each of the meetings, who the current Chair of the Committee is and the date of their appointment; and
- (e) the terms of reference for the H.C.S. Board and each of the Committees referred to above?

Answer

Will the Minister state –

- (a) the dates on which the Health and Community Services (H.C.S.) Board has met since 1st April 2020;**

8 June 2020	Chair - Minister for HSS
14 September 2020	Chair - Minister for HSS
19 October 2020	Chair - Minister for HSS
7 December 2020	Chair - Minister for HSS
15 February 2021	Chair - Minister for HSS
8 March 2021	Chair - Minister for HSS
12 April 2021	Chair - Minister for HSS

All papers available at:
<https://www.gov.je/Government/Departments/HealthCommunityServices/Pages/HealthCommunityServicesDepartmentBoardMeetingPublic.aspx>
(except for 12 April 2021)

- (b) the dates on which the Quality, Performance and Risk Committee of the H.C.S. Board has met since 1st April 2020, who chaired each of the meetings, who the current Chair of the Committee is and the date of their appointment;**

Quality, Performance and Risk Assurance Committee

The terms of reference of the QPRAC provide that an Assistant Minister chairs the meetings of the Committee. Senator Pallett as Assistant Minister chaired meetings of the committee in

the period October 2019 to February 2020, but after he stepped down as Chair, officers, including the Chief Nurse as Vice-Chair, temporarily took on the position.

1 May 2020	Chair - Chief Nurse
24 June 2020	Chair - Director General / Chief Nurse
26 August 2020	Chair - Chief Nurse
30 September 2020	Chair - Chief Nurse (Senator Pallett in attendance)
28 October 2020	Chair - Group Medical Director
25 November 2020	Chair - Group Medical Director
13 January 2021	Chair- Group Medical Director /Chief Nurse (attended by Deputy Pointon)
17 February 2021	Chair - Chief Nurse (attended by Minister for HSS and Deputy Pointon)

Deputy Trevor Pointon, Assistant Minister for HSS, was appointed as Chair of the Quality, Performance & Risk Committee (now Quality and Risk Committee) in January 2021 and observed the meetings of January 2021 and February 2021.

The HCS Board approved the restructure of the assurance committees during its meeting of 15 February 2021 and the Quality, Performance and Risk Committee became the Quality and Risk Assurance Committee.

Quality and Risk Assurance Committee

24 March 2021	Chair - Chief Nurse (in absence of Assistant Minister for HSS, Deputy Pointon (in the States Assembly)
28 April 2021	Chair - Assistant Minister for HSS, Deputy Pointon

- (c) the dates on which the Finance and Modernisation Committee of the H.C.S. Board has met since 1st April 2020, who chaired each of the meetings, who the current Chair of the Committee is and the date of their appointment;**

Following HCS Board approval in February 2021, Finance and Modernisation became the Operations, Performance and Finance Assurance Committee.

Operations, Performance and Finance Assurance Committee

25 February 2021	Chair - Director Improvement and Innovation
1 April 2021	Chair - Director Improvement and Innovation
29 April 2021	Chair - Director Improvement and Innovation

Deputy Hugh Raymond, Assistant Minister for HSS, appointed as Chair April 2021 (observed this meeting). Taking the Chair at meeting on 27 May 2021.

- (d) the dates on which the People and Organisational Development Committee of the H.C.S. Board has met since 1st April 2020, who chaired each of the meetings, who the current Chair of the Committee is and the date of their appointment; and**

12 August 2020	Chair - Assistant Minister for HSS (Deputy Macon)
14 October 2020	Chair - Assistant Minister for HSS (Deputy Macon)
16 December 2020	Chair - Associate Director of People HCS
27 January 2021	Chair - Associate Director of People HCS
3 March 2021	Chair - Associate Director of People HCS
28 April 2021	Chair - Associate Director of People HCS

Awaiting appointment of Chair.

(e) the terms of reference for the H.C.S. Board and each of the Committees referred to above?

- HCS Board – under annual review (see attached)
- Quality and Risk Assurance Committee – under annual review (following the restructure) (see attached)
- Operations, Performance and Finance Assurance Committee (see attached)
- People and Organisational Development Assurance Committee (see attached)

1. Health and Community Services Board

Terms of Reference	
Purpose and Authority	Name of governance body
	Health and Community Services (HCS) Board
	Purpose <i>(the reason for which this board/committee has been created)</i>
	The Board is a forum for the Minister for Health and Community Services to be transparent in the way s/he discharges his/her responsibilities as Minister. The Board therefore: <ul style="list-style-type: none"> • Leads Jersey’s health and care system • Draws on evidence from HCS assurance committees to assure Islanders that: <ul style="list-style-type: none"> • HCS strategy and objectives are in accordance with government objectives and future health and care opportunities / threats • HCS is properly governed and well-managed across the full range of activities, and meets its regulatory and statutory responsibilities • Holds the Management Executive Committee to account for the implementation of strategy and the day-to-day delivery of HCS activities
	Constitution <i>(who approved the establishing of the board and when)</i>
	Establishment of the HCS Board was approved by States of Jersey Council of Ministers on 17 October 2018 in response to the recommendations from the C&AG report published in September 2018
	Accountability <i>(who the board/committee are accountable to)</i>
	The Board is accountable to the Minister for Health and Community Services for its performance and effectiveness in accordance with these terms of reference. The Board will also report to the Council of Ministers with its decisions.
	Authority <i>(what has been delegated to this board / committee)</i>
	The Board is not a decision-making group. Decisions remain within the authority of the Minister for Health and Community Services. The Board will provide considered advice to the Minister and any Board voting activity is considered advisory. The Minister will factor Board judgement into any decision that he/she makes.
	Duration of governance body <i>(how long establishment of this governance body is permitted)</i>
	The HCS Board is a permanent governance body.
	Responsibilities <i>(what the board/committee are responsible for delivering)</i>
The Board is responsible for: <ol style="list-style-type: none"> 1. Leadership and decision making <ol style="list-style-type: none"> 1.1. Being the ultimate point of accountability for operational issues, intervening in service delivery in the most significant exceptions 1.2. Considering matters that require ministerial decision, lodging of a proposition to the States Assembly or public consultation 	

	<ol style="list-style-type: none"> 1.3. Approving HCS strategies and objectives - what the health and care system should do and why 1.4. Approving the modernisation and digital change programme 1.5. Approving the scheme of delegation 1.6. Agreeing significant investment/disinvestment 1.7. Monitoring assurance committee recommendations and assuring that the Management Executive Committee responds appropriately 1.8. Establishing and maintaining a committee structure with delegated powers as prescribed by States of Jersey Standing Orders, 1.9. Reviewing the effectiveness of the Board structure at least annually <p>2. Assurance</p> <ol style="list-style-type: none"> 2.1. Providing Islanders with assurance concerning all aspects of HCS strategic and operational responsibilities, including but not limited to: <ul style="list-style-type: none"> • Performance and progress against corporate objectives in accordance with the States of Jersey Common Strategic Policy. • Regular reports/minutes from HCS assurance committees • Risk management and assurance frameworks across HCS 2.2. Ensuring at a corporate level that the resources of the department, both financial and non-financial are deployed to best effect and are delivering high quality and safe services within the financial resources allocated by the States of Jersey 2.3. Ensuring submission and publication, as appropriate, of all mandatory returns, the HCS Annual Report and accounts and forward plans
Membership	Membership (<i>details of voting & non-voting members specifying job title as well as name</i>)
	<p>Members with voting rights</p> <p>The following posts are entitled to permanent membership of the Board with full voting rights:</p> <ul style="list-style-type: none"> • Minister for HCS • Deputy Minister for HCS • Deputy Minister for HCS • Deputy Minister for HCS • Director General for HCS • Group Managing Director • Chief Nurse • Group Medical Director • Health Modernisation Director <p>In attendance with no voting rights</p> <p>The following posts shall be invited to attend routinely meetings of the Board in full or in part but shall not be a member or have voting rights:</p> <ul style="list-style-type: none"> • Chair of Island Partnership Forum • Senior Finance Business Partner • The Board Secretary (for the purposes described below)

	Chairmanship (<i>details of chair and deputy chair</i>)
	The committee shall be chaired by the Minister for Health and Community Services
	The Assistant Minister shall be the deputy chair of the committee and shall chair meetings in the event that either is absent or has a conflict of interest which precludes his or her attendance for all or part of a meeting.
	Quorum (<i>the minimum number of members that must be present for it to be proceed</i>)
	For any formal meeting of the HCS Board to proceed, five voting members must be present, of which two must be Ministerial.
	Decision-making (<i>how decisions will be made i.e. voting member and how non-agreement will be resolved</i>)
	Wherever possible members of the Board will seek to make recommendations based on consensus.
	It may be necessary to conduct a vote, the result of which will be considered to be structured advice to the Minister for Health and Community Services.
	Where necessary, the Minister will determine recommendations or propose a course of action that will be put to the Council of Ministers for endorsement.
	Subgroups (<i>details of any sub-groups that will report into this board / committee</i>)
<ul style="list-style-type: none"> • Management Executive Committee • Clinical and Care Governance, Safety and Risk Assurance Committee • Quality and Performance Assurance Committee • Finance and Corporate Governance Assurance Committee • Workforce Assurance Committee 	
Responsibility of members and attendees (<i>what is expected of members and attendees</i>)	
<p>Members and attendees have a responsibility to:</p> <ul style="list-style-type: none"> • attend at least 80% of meeting • read all papers before the meeting • act as ‘champions’, disseminating information and good practice as appropriate • identify agenda items, for consideration by the Chair, to the Secretary at least 5 working days before the meeting • prepare and submit papers for a meeting, using the HCS report template, at least 5 working days before the meeting • if unable to attend, send their apologies to the Chair and Secretary at least 24 hours prior to the meeting and, if appropriate, seek the approval of the Chair to send a deputy to attend on their behalf • when matters are discussed in confidence at the meeting, to maintain such confidences; • declare any conflicts of interest / potential conflicts of interest as set out below <p>Conduct themselves in a manner consistent with ‘OUR Values OUR Actions’, challenging colleagues and partners that do not</p>	

	Conflicts of Interest (<i>expectation of members / attendees to declare conflicts</i>)
	Members should declare conflicts of interest in relation to agenda items as they arise.
Administration	Secretariat (<i>who will provide secretariat and expectations</i>)
	The responsibilities of the secretary shall include, but are not limited to: <ul style="list-style-type: none"> • Preparing draft agenda for agreement with the chair • Organising meeting arrangements, facilities and attendance • Collating and distributing of meeting papers • Taking the minutes of meetings and keeping a record of matters arising and issues to be carried forward • Maintaining a schedule of meeting dates and a rolling programme of proposed agenda items • Ensuring the ToR review is an agenda item prior to the date the ToR document is due for review.
	Frequency of meetings (<i>how often the meetings will take place and when</i>)
	Meetings will take at least monthly. Meetings will be held in public at least place quarterly.
	Papers (<i>when papers should be submitted and circulated prior to meeting</i>)
	All items for future agendas should be submitted to the secretary at least ten working days before the date of the meeting at which it is proposed that the item is considered.
	Agenda and Papers will be circulated and five working days before the meeting the meeting. Papers for meetings in public will be published on gov.je
	Tabling of papers will be allowed by exception only and with the agreement of the Chair – late arrival or tabling of important agenda items severely constrains the quality of debate and likelihood of decisions being reached.
	Minutes (<i>expectation when minutes will be circulated following meeting</i>)
	Minutes of the meeting are formally recorded. Draft minutes of the meeting shall be prepared by the chair and the secretary after every meeting and circulated to members within 5 working days.
	Reporting (<i>open or closed meeting</i>)
Meetings will be held both in private and in public. Agendas for meetings held in public will be published on gov.je in advance of scheduled meetings, along with previous minutes and documented decisions.	
Terms of Reference review (<i>ToR approval and review</i>)	
These Terms of Reference were approved by XX on DATE .	
These Terms of Reference shall be reviewed annually or more frequently by the HCS Board if necessary. The next scheduled review of the Terms of Reference will be a	

general review of all governance structures and terms of reference by the Management Executive in summer 2019.

Any changes to these terms of reference must be approved by the Minister for Health and Community Services.

HEALTH AND COMMUNITY SERVICES
QUALITY AND PERFORMANCE (Q&P) TERMS OF REFERENCE (ToR)

VERSION CONTROL

Version	Author	Date	Changes
1.0	Andrew Carter	16-04-2019	First Draft
1.1	Bernard Place	19-08-2019	Following Q&P Committee 15 July 2019

APPROVAL AND REVIEW

These ToR were approved by the Board on 30 September 2019

These ToR were adopted by the Committee at its meeting on 16 September 2019

These ToR shall be reviewed at least annually

HEALTH AND COMMUNITY SERVICES

1. Purpose and Status

The Quality and Performance Committee (the Committee) has been established by the Health and Community Services Board (The Board).

The purpose of the committee is to enable the Board to obtain assurance that high standards of care are provided by Health and Community Services (HCS) and in particular, that adequate and appropriate governance structures are in place throughout HCS to:

- Deliver Excellence in patient care (Experience, Safety and Effectiveness)
- Deliver operational performance
- Obtain assurance that risks arising from clinical care are adequately controlled or mitigated
- Provide assurance to the Board that risk management arrangements for safety, quality and patient experience are in place and operate effectively.

- Ensure compliance with legal, regulatory and other obligations

2. *Authority*

The Committee is authorised by the Board to investigate any activity within its terms of reference. It is authorised to seek any information it requires from any employee and all employees are directed to co-operate with any request by the Committee.

3. *Responsibilities*

The Committee will:

4. Provide assurance and evidence to the board that care groups are meeting quality and performance standards across the full range of HCS services and activities.
5. Provide assurance to the Board that services commissioned *on island* by HCS are meeting quality and performance standards set out in the terms of their commissioning.
6. Provide assurance to the Board that services commissioned *off island* by HCS are meeting quality and performance standards set out in the terms of their commissioning.
7. Provide assurance to the Board that the various Boards and Groups that meet to consider services for which HCS retains clinical governance oversight (Mental Health Improvement Board, HCS/Childrens Service Oversight Group [Child and Adolescent Mental Health and Child Development Centre], SPB and Abulance Governance Group) are providing services that are being delivered in a safe, efficient and timely manner.
8. Where performance is below standards, the Committee will ensure that robust recovery plans are developed and implemented.
9. Ensure that there is a process in place to monitor and promote compliance across HCS with clinical standards and guidelines.
10. Identify and monitor any gaps in the delivery of effective clinical care ensuring progress is made to improve these areas.
11. Obtain assurance that where practice is of high quality, that practice is recognised and propagated across HCS.
12. Obtain assurance that HCS is outward looking and incorporates the recommendations of external bodies into practice with mechanisms to monitor their delivery.
13. Ensure that all elements of governance are adhered to across HCS.
14. Agree the annual quality priorities, monitor progress and ensure that HCS has real time, up to date information about what it is like to experience care across HCS to identify areas for improvement (and ensuring that the improvements are effected).
15. Review and approve the HCS annual Quality Account before submission to the Board.
16. Approve the terms of reference and membership of its sub-committees, overseeing their work and receiving reports for consideration and action as necessary.
17. Consider matters referred to the Committee by the Board
18. Consider matters referred to the Committee by its sub-committees.
19. Receive internal audit reports relevant to the remit of the Committee and obtain assurance that findings and recommendations are acted upon.
20. Support HCS objectives by striving for continuous quality improvement.
21. Promote the HCS honest and open reporting culture.
22. Obtain assurance that robust arrangements are in place for the review of patient safety incidents and ensure that actions for improvement are completed.
23. Obtain assurance that risks to patients are minimised through:

- Considering areas of significant risk, setting priorities and agreeing actions.
 - Ensuring that areas of risk are regularly monitored and that effective disaster recovery plans are in place.
24. Obtain assurance that there are processes in place that safeguard children and adults.
 25. Escalate to the Board any identified unresolved risks arising (within the scope of these terms of reference) that pose significant threats to the operation, resources of reputation of HCS and/or the Government or Jersey.
 26. In liaison with the Finance and Digital Committee, obtain assurance the Quality Impact Assessments are completed for proposals for cost improvement programmes and other significant service changes and that the assessment of their impact on the HCS quality of care determines whether to proceed with implementation.
 27. Working with the Finance and Modernisation Committee to ensure that the availability of resources does not adversely impact upon the quality of services and/or quality of care.
 28. Working with the People and Organisational Development Committee to obtain assurance on safer and optimal staffing and that education, learning and development is aligned with the HCS quality priorities.

Membership

Chair

Assistant Minister

Vice Chair

Chief Nurse

Committee Secretary

Bernard Place

Members

Director General

Group Managing Director

Group Medical Director

Associate Managing Director

Health Modernisation Director

Director of Infection Prevention and Control

Designated Safeguarding Nurse for Adults and Children and/or Designated Doctor

Head of Nursing

Head of Professional Practice – Island wide NMP Lead

Head of Mental Health

Head of Social Care

Associate Medical Director (AMD) Secondary Unscheduled Care

AMD Secondary Scheduled Care
AMD Clinical Support Services and Cancer
Medical Director Prevention, Primary and Intermediate Care and Primary Care
AMD Women, Children and Family Care
Chief Clinical Information Officer
AMD Quality and Safety
Head of Quality and Safety
Chief Pharmacist
Head of Midwifery
Head of Allied Health Professionals

Any member who is unable to attend a meeting of the Committee may appoint a substitute.

Attendees

The Committee may decide that any other person must attend one or all of its meetings to contribute to discussions but no such person shall form part of the quorum nor have decision-making authority. The following post-holders have a standing invitation to attend the Committee meetings:

Group HR Business Partner
Group Finance Business Partner
Communications Manager
Head of Emergency Planning and Ambulance Partnership
Management Executive Support
The Secretary to the Committee

Accounting and Reporting

Accountability

After each of its meetings, the Committee shall report to the Board, via the Chairs report, such issues as it considers should be brought to the Boards attention or require a decision from Board.

The Committee will review its effectiveness initially after 6 months and thereafter annually.

Reporting

The following groups will report into the Committee:

1. TBC (Chief Nurse to add when work complete)
- 2.

The Committee will receive a Quality and Performance Report (QPR) at each meeting.

Conduct of business and Administrative matters

The Committee shall conduct its meeting in accordance with the Terms of Reference.

Any member who has conflict on interests in respect of any matter shall not count in the quorum for the Committee's discussions and any decisions in respect of that matter.

The quorum of this meeting is nine members.

In the absence of and Executive Lead or AMD, where possible they may be represented by a Deputy

The Committee shall determine the frequency of its meetings. It is expected that the Committee shall meet at least monthly. The Chair may request an extraordinary meeting at any time they consider one to be necessary.

The agenda and any papers for the Committee's meetings shall be issued no less than five working days before each meeting. Minutes shall be taken at each of the Committee's meetings and shall be circulated to members within the timescales agreed by the committee.

The Committee may agree that its members can participate in its meetings by telephone, video or computer link. Participation in a meeting in this manner shall be deemed to constitute presence in person at the meeting.

TERMS OF REFERENCE

1. Name of governance body

Operations, Performance and Finance Assurance Committee

2. Constitution *(who approved the establishing of the board and when)*

The Operations, Performance and Finance Assurance Committee ('the Committee') is a standing Committee of the Health and Community Services (HCS) Board, established in accordance with the organisation's standing orders.

3. Accountability *(who the board/committee are accountable to)*

The Committee is accountable to the HCS Board for its performance and effectiveness in accordance with these terms of reference.

4. Authority *(what has been delegated to this board / committee)*

The Committee is authorised by the Board to investigate any activity within its terms of reference. It is authorised to seek any information it requires from any employee and all employees are directed to co-operate with any request by the Committee.

5. Duration of governance body *(how long this governance body is permitted)*

This committee is a permanent Committee of the HCS Board.

6. Purpose

The purpose of this Committee is to provide assurance to the HCS Board that systems and procedures are in place to monitor, manage and improve overall performance and service improvement, to consider financial matters, to consider the HCS Business Plan, to support the development of strategic planning and performance processes and reporting, to promote efficiency, productivity and ensure best value is achieved from resource allocation, and to assume oversight for service continuity issues and monitor overall progress of the improvement portfolio.

7. Duties and responsibilities

The Committee will:

- Provide assurance and evidence to the board that HCS services are meeting performance standards across the full range of HCS services and activities.
- Where performance is below standards, the Committee will ensure that robust recovery plans are developed, implemented and progress is monitored.
- Obtain assurance that systems and procedures are in place to monitor, manage and improve performance across the whole system and liaise appropriately with relevant assurance committees: Quality & Risk and People & Organisational Development.
- Obtain assurance that risks to operations, performance and finance are regularly reviewed and where required, action plans are in place and monitored.
- Obtain assurance that risks to operations, performance and finance are regularly reviewed and where required, action plans are in place and monitored.
- Receive assurance that arrangements are in place and being effectively managed for achieving efficiencies through income generation, better contract management, procurement, productivity and other efficiency measures across HCS, including the delivery of efficiency plans within timescale and budget.

- Provide assurance to the Board concerning all aspects of operational performance relating to the provision of HCS in support of getting the best clinical outcomes and experience for patients, within the resources set out in the Government Plan.
- Provide assurance to the Board that the department is discharging its functions and meeting its responsibilities under the Government arrangements regarding Information Management and Technology (IM&T) and Information Governance (IG). Such assurance relates to:
 - a. Information management and digital strategies including clinical systems
 - b. Data protection, confidentiality, and privacy
 - c. Information security including information sharing protocols
 - d. Data quality and integrity
 - e. Records management
- Provide assurance to the Board that IM&T services are safe and sustainable, and that risks are being assessed and managed effectively.
- Provide assurance to the Board that the improvement portfolio is being delivered within the approved timescale and budget.
- Receive assurance reports on the delivery of the financial aspects of the Government Plan.
- Receive assurance reports on the delivery of the annual and medium-term revenue and capital plans, and receive the monthly financial monitoring report, the annual outturn report and agreed associated targets for savings to be assured about the Department's sustainability going forward. The Committee shall assess the assumptions therein and the alignment with overall objectives.
- Review in-year performance against financial plan, particularly gaining an understanding of key assumptions and assurance that risks within HCS projections are being effectively controlled.
- Review levels on contingency with the HCS financial plans, costed risk registers, the phasing of key developments and efficiency schemes, project plans and related project management arrangements, receiving assurance that the full impact of any developments have been appropriately included.
- Assure the availability and quality of financial management information
- Review and maintain an overview of financial and service delivery agreements and key contractual arrangements.
- Receive assurance that business cases of significant size and/or strategic significance have been approved in accordance with Jersey Finance Law and the HCS approval process for business cases.

- Consider key financial policies, to ensure, within the confines of the public finance law, they are implemented in HCS appropriately.
- Receive assurance that the charitable fund is managed in accordance with Public Finance Law and the allocation of this fund is managed according to the approved process within HCS.
- Approve the terms of reference and membership of its sub-committees, overseeing their work and receiving reports for consideration and action as necessary.
- Consider matters referred to the Committee by the Board, the Quality and Risk assurance committee, the People and Organisational Development assurance committees and the Senior Leadership Team.
- Receive internal audit reports relevant to the remit of the Committee and obtain assurance that findings and recommendations are acted upon.
- Escalate to the Board any identified unresolved risks arising (within the scope of these terms of reference) that pose significant threats to the operation, resources or reputation of HCS and/or the Government or Jersey.

8. Membership

Members:

The following posts are the permanent membership of the Committee,

- Assistant Minister for HCS (Chair)
- Director of Improvement and Innovation (Vice Chair)
- Group Managing Director and all Associates
- Associate Chief Nurses / Head of Midwifery / Head of Allied Health Professionals
- Associate Group Medical Director
- Head of Finance
- Associate Director of People
- General Manager Medical Services Care Group
- General Manager Surgical Services Care Group
- General Manager, Prevention, Primary and Intermediate Care Group
- General Manager Mental Health Services
- General Manager Adult Social Care Group
- General Manager Women, Children and Family Care Group

The Minister for Health and Social Services, the Director General for HCS and all other Executive Directors for HCS will receive a standing invitation to all assurance committee meetings.

In attendance:

The following posts shall be invited to attend routinely meetings of the Committee in full or in part but shall not be a member:

- Board Secretary
- Head of Informatics HCS
- Head of Estates
- Head of Non-Clinical Support Services
- Associate Director of Improvement and Innovation
- Head of Strategic Planning and Reporting
- Head of Change Project Management Office
- Associate Medical Director all Care Groups
- Lead Nurses all Care Groups

The Committee can request the attendance of any other person if an agenda item requires it.

9. Chairmanship *(details of chair and deputy chair)*

The Committee shall be Chaired by an Assistant Minister for HSS, appointed by the Minister for HSS.

If the chair is absent or has a conflict of interest which precludes his or her attendance for all or part of a meeting, the Committee shall be chaired by the Vice Chair, Director of Improvement and Innovation.

10. Quorum *(the minimum number of members that must be present for it to be proceed)*

For any meeting of the Committee to proceed, five must be present. The following combination of members must be present:

- Chair
- Two Executive Directors
- Any two other members

Non-quorate meetings may go ahead unless the Chair decides not to proceed. Any decision made by the non-quorate meeting must however be formally reviewed and ratified at the subsequent quorate meeting.

11. Decision-making *(how decisions will be made i.e. voting member and how non-agreement will be resolved)*

Wherever possible members of the Committee will seek to make decisions and recommendations based on consensus.

12. Subgroups *(details of any sub-groups that will report into this board/committee)*

- Care Group Performance Reviews
- Operational and Clinical Hub
- Emergency Preparedness and Resilience Group
- Change Project Management Office

13. Responsibility of members and attendees *(what is expected of members and attendees)*

Members and attendees have a responsibility to:

- attend at least 80% of meetings.
- read all papers before the meeting.
- disseminate the minutes, additional information and good practice as appropriate amongst the senior management team within areas of responsibility.
- identify agenda items, for consideration by the Chair, to the Board Secretary at least 10 working days before the meeting.
- prepare and submit papers for a meeting, using the approved report template, at least 8 working days before the meeting.
- if unable to attend, send their apologies to the Board Secretary at least 24 hours prior to the meeting and, if appropriate, seek the approval to send a deputy to attend on their behalf. Deputies must be appropriately senior and empowered to act on behalf of the committee member.
- when matters are discussed in confidence at the meeting, to maintain such confidences.
- declare any conflicts of interest / potential conflicts of interest as set out below.
- conduct themselves in a manner consistent with ‘Our Collective Values and Behaviours’, challenging colleagues and partners that do not.

14. Conflicts of Interest *(expectation of members / attendees to declare conflicts)*

All committee members should complete a ‘Declaration of Interest’ form prior to becoming a member. Committee members should declare conflicts of interest in relation to agenda items as they arise.

15. Secretariat *(who will provide secretariat and expectations)*

The Board Secretary shall provide administrative support and advice to the chairperson and membership. The duties of the secretary shall include but not limited to:

- Preparation of the draft agenda for agreement with the chairperson
- Organisation of meeting arrangements, facilities and attendance
- Collation and distribution of meeting papers
- Taking the minutes of meetings and keeping a record of matters arising and issues to be carried forward
- Maintaining the Operations, Performance and Finance Committee annual work programme
- Maintain a schedule of meeting dates and a rolling programme of proposed agenda items.
- Standing agenda items will be:
 - Welcome and apologies
 - Conflicts of interest
 - Patient / Client / Staff Story
 - Minutes of the previous meeting
 - Matters arising
 - Matters referred from other groups / Committees
 - Action tracker
 - Matters to be escalated to the HCS Board
 - Matters to be referred to other groups

- Any additional risks identified
- Ensuring the ToR review is an agenda item prior to the date the ToR document is due for review.

16. Meetings

Meetings of the Committee shall be formal, minuted and compliant with relevant statutory and good practice guidance including Government of Jersey, Our Collective Values and Behaviours and Dignity and Respect.

The Committee will meet according to a monthly cycle: The Care Group Performance Reviews report into the Committees and each of the Committees report into the HCS Board.

The Chair of the Committee may cancel, postpone or convene additional meetings as necessary for the Committee to fulfil its purpose and discharge its duties.

17. Frequency of meetings *(how often the meetings will take place and when)*

The Committee will meet according to a monthly cycle.

18. Papers *(when papers should be submitted and circulated prior to meeting)*

All items for future agendas should be notified to the Board Secretary at least 10 working days before the date of the meeting at which it is proposed that the item is considered.

Agenda and Papers will be circulated 5 working days before the meeting.

Tabling of papers will be allowed by exception only and with the agreement of the Chair; late arrival or tabling of important agenda items severely constrains the quality of debate and likelihood of decisions being reached.

19. Minutes *(expectation when minutes will be circulated following meeting)*

Minutes of the meeting are formally recorded. Draft minutes of the meeting shall be prepared by the Board Secretary and Chair after every meeting and circulated to members within five working days.

Minutes of the Committee's meeting shall be recorded formally and ratified by the Committee at its next meeting.

20. Reporting *(open or closed meeting)*

Discussions should be regarded as 'closed' sessions for the purposes of Freedom of Information (FOI) regulations.

The Chair and Vice Chair shall prepare a report of each meeting for submission to the HCS Board at its next meeting.

Issues of concern and/or urgency will be reported to the Minister for HSS in between formal meetings by other means and/or as part of other meeting agendas as necessary and agreed with the Director General. Instances of this nature will be reported to the Board at its next meeting.

In the event of a significant adverse variance in any of the key indicators of clinical performance or patient safety, the responsible Executive Director will make an immediate report to the Committee chair, copied to the Director General, for urgent discussion at the next meeting of the Committee and escalation to the Board.

The Committee will produce an Annual Report for the Board.

21. Terms of Reference Review (*ToR approval and review*)

These Terms of Reference were approved by this committee 1 April 2021.

These Terms of Reference shall be reviewed annually or more frequently if necessary.

The next scheduled review of the Terms of Reference will be undertaken by the Committee in October 2021 in anticipation of approval by the Board at its meeting in (to be confirmed).

Any changes to these terms of reference must be approved by the HCS Board.

TERMS OF REFERENCE

22. Name of governance body

People and Organisational Development Assurance Committee

23. Constitution (*who approved the establishing of the board and when*)

The People and Organisational Development Assurance Committee ('the Committee') is a standing Committee of the Health and Community Services (HCS) Board, established in accordance with the organisation's standing orders.

24. Accountability (*who the board/committee are accountable to*)

The Committee is accountable to the HCS Board for its performance and effectiveness in accordance with these terms of reference.

25. Authority (*what has been delegated to this board / committee*)

The Committee is authorised by the Board to investigate any activity within its terms of reference. It is authorised to seek any information it requires from any employee and all employees are directed to co-operate with any request by the Committee.

26. Duration of governance body (*how long this governance body is permitted*)

This committee is a permanent Committee of the HCS Board.

27. Purpose

To support and maintain a culture within HCS where the delivery of the highest possible standard of people management is understood to be the responsibility of everyone working within the organisation and is built upon partnership and collaboration.

Ensuring that robust arrangements to implement people governance are in place and are monitored so that staff are,

- well informed,
- appropriately trained and developed,
- involved in decisions,
- treated fairly and consistently, with dignity and respect, in an environment where equality and diversity are valued,
- provided with a continually improving and safe working environment, promoting the health and wellbeing of staff, service-users, and the wider community.

28. Duties and responsibilities

The Committee will:

- Obtain assurance that the work undertaken in support of HCS people and organisational development is aligned with that described in the Government Plan.
- Obtain assurance that there are practices in place which ensure the sustainability and affordability of workforce supply on a short, medium, and long-term basis including workforce planning, development, redesign, recruitment, and retention.
- Obtain assurance that HCS implements effective and equitable reward packages that positively influence performance.
- Obtain assurance that HCS attract and retain a high performing workforce capable of delivering HCS operational and clinical objectives.
- Obtain assurance that strategic education issues and external relationships which impact upon supply and engagement are included in HCS planning.
- Seek assurance that investments in education and training are supporting HCS strategic objectives.
- Obtain assurance that HCS is driving improved employee engagement, ensuring appropriate mechanisms for the employee voice to ensure that rapid action is taken to improve staff experience.
- Agree the HCS workforce strategy and establish, monitor, and report to the Board on an annual programme of work to implement the strategy.
- Agree (where necessary) POD reports prior to publication and review implications of local/national reports that have been published.
- Identify risks associated with POD ensuring ownership with mitigating actions, escalating to Board as appropriate.
- Approve the terms of reference and membership of its sub-committees, overseeing their work, receiving reports for consideration and action as necessary.
- Consider and approve action plans, programmes of work and strategic objectives providing assurance to the Board on progress.
- Receive the Care Groups Performance Review committee reports providing assurance around people management.

- Work with the Quality and Risk, and Operations, Performance and Finance Assurance Committees to obtain assurance on safer and optimal staffing and that education, learning and development is aligned with HCS quality and performance priorities.
- To take an overview of the equality and diversity policy and achievement of goals.
- To review key workforce performance indicators, including sickness absence, bank/agency usage and expenditure, training, appraisal, vacancies, staff turnover and achievement of key performance indicators, and measure the impact on staff well-being.
- To review staff survey results and seek assurance in relation to the implementation of action plans.
- Obtain assurance of the effectiveness of the HCS Communication strategy and workplans.

29.Membership

Members:

The following posts are the permanent membership of the Committee,

- Assistant Minister for Health and Social Services - Chair
- Associate Director of People for HCS – Vice Chair
- Chief Nurse
- Group Managing Director
- Group Medical Director
- Director Innovation and Improvement
- Head of Finance Business Partnering
- Head of Communication HCS
- Associate Chief for Allied Health Professional (AHP) and Wellbeing
- Associate Group Medical Director / AMD Representative
- Head of Medical Education
- Head of Higher Education
- Head of Organisational Development
- Union Representation

The Minister for Health and Social Services and the Director General for HCS will receive a standing invitation to all assurance committee meetings.

In attendance:

The following posts shall be invited to attend routinely meetings of the Committee in full or in part but shall not be a member:

- Board Secretary
- Group Director HR
- HR Business Partner for HCS
- Head of Medical Staffing

- Projects and Placements Manager
- Care Group Representation

The Committee can request the attendance of any other person if an agenda item requires it.

30. Chairmanship *(details of chair and deputy chair)*

The Committee shall be Chaired by an Assistant Minister for HSS, appointed by the Minister for HSS.

If the chair is absent or has a conflict of interest which precludes his or her attendance for all or part of a meeting, the Committee shall be chaired by the Vice Chair, Associate Director of People.

31. Quorum *(the minimum number of members that must be present for it to be proceed)*

For any meeting of the Committee to proceed, six members must be present. The following combination of members must be present:

- Chair
- Vice Chair
- Two Executive Director or deputy
- Any two other members

Non-quorate meetings may go ahead unless the Chair decides not to proceed. Any decision made by the non-quorate meeting must however be formally reviewed and ratified at the subsequent quorate meeting.

32. Decision-making *(how decisions will be made i.e. voting member and how non-agreement will be resolved)*

Wherever possible members of the Committee will seek to make decisions and recommendations based on consensus.

33. Subgroups *(details of any sub-groups that will report into this board/committee)*

- Wellbeing Committee
- Post Graduate Education and Training Committee
- Recruitment Group
- Workforce Planning Group
- Higher Education and Vocational Training

34. Responsibility of members and attendees *(what is expected of members and attendees)*

Members and attendees have a responsibility to:

- attend at least 80% of meetings.
- read all papers before the meeting.
- disseminate the minutes, additional information and good practice as appropriate amongst the senior management team within areas of responsibility.

- identify agenda items, for consideration by the Chair, to the Board Secretary at least 10 working days before the meeting.
- prepare and submit papers for a meeting, using the approved report template, at least 8 working days before the meeting.
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- when matters are discussed in confidence at the meeting, to maintain such confidences.
- declare any conflicts of interest / potential conflicts of interest as set out below.
- conduct themselves in a manner consistent with ‘Our Collective Values and Behaviours’, challenging colleagues and partners that do not.

35. Conflicts of Interest (*expectation of members / attendees to declare conflicts*)

All committee members should complete a ‘Declaration of Interest’ form prior to becoming a member. Committee members should declare conflicts of interest in relation to agenda items as they arise.

36. Secretariat (*who will provide secretariat and expectations*)

The Board Secretary shall provide administrative support and advice to the chairperson and membership. The duties of the secretary shall include but not limited to:

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- Collation and distribution of meeting papers
- Taking the minutes of meetings and keeping a record of matters arising and issues to be carried forward
- Maintaining the People and Organisational Development Assurance Committee work programme
- Maintain a schedule of meeting dates and a rolling programme of proposed agenda items.
- Standing agenda items will be:
 - Welcome and apologies
 - Conflicts of interest
 - Patient / Client / Staff Story
 - Minutes of the previous meeting
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 - Matters referred from other groups / Committees
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 - Matters to be escalated to the HCS Board
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 - Any additional risks identified
- Ensuring the ToR review is an agenda item prior to the date the ToR document is due for review.

37. Meetings

Meetings of the Committee shall be formal, minuted and compliant with relevant statutory and good practice guidance including Government of Jersey, Our Collective Values and Behaviours and Dignity and Respect.

The Committee will meet according to a monthly cycle: The Care Group Performance Reviews report into the Committees and each of the Committees report into the HCS Board.

The Chair of the Committee may cancel, postpone, or convene additional meetings as necessary for the Committee to fulfil its purpose and discharge its duties.

38. Frequency of meetings *(how often the meetings will take place and when)*

The Committee will meet according to a monthly cycle.

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All items for future agendas should be notified to the Board Secretary at least 10 working days before the date of the meeting at which it is proposed that the item is considered.

Agenda and Papers will be circulated 5 working days before the meeting.

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Minutes of the Committee's meeting shall be recorded formally and ratified by the Committee at its next meeting.

41. Reporting *(open or closed meeting)*

Discussions should be regarded as 'closed' sessions for the purposes of Freedom of Information (FOI) regulations.

The Chair and Vice Chair shall prepare a report of each meeting for submission to the HCS Board at its next meeting.

Issues of concern and/or urgency will be reported to the Minister for HSS in between formal meetings by other means and/or as part of other meeting agendas as necessary and agreed with the Director General. Instances of this nature will be reported to the Board at its next meeting.

In the event of a significant adverse variance in any of the key indicators of clinical performance or patient safety, the responsible Executive Director will make an immediate report to the Committee chair, copied to the Director General, for urgent discussion at the next meeting of the Committee and escalation to the Board.

The Committee will produce an Annual Report for the Board.

42. Terms of Reference Review (ToR approval and review)

These Terms of Reference were approved by this committee on 28 April 2021.

These Terms of Reference shall be reviewed annually or more frequently if necessary.

The next scheduled review of the Terms of Reference will be undertaken by the Committee in October 2021 in anticipation of approval by the Board at its meeting (to be confirmed).

Any changes to these terms of reference must be approved by the HCS Board.

2.28. Senator S.W. Pallett of the Minister for Health and Social Services regarding the development of mental health facilities at Clinique Pinel. (WQ.245/2021):

Question

Will the Minister provide an update on the development of new mental health facilities at Clinique Pinel, advising whether any element of this development has been delayed, and further provide the expected date for completion of the work?

Answer

Work at Clinique Pinel to provide an adult (18+) acute assessment facility and at Rosewood House to provide a dementia assessment unit is progressing with the contracted completion date of 7th March 2022. This project includes the building of a Place of Safety facility on-site.

The contractor has recently issued an updated target completion date of 20 April 2022, which is 6 weeks beyond the contract completion date. With over half the project duration remaining, Jersey Property Holdings is pushing for the contractor to recover the delay and complete as planned.

Workforce planning and development of operating procedures for the facility are scheduled for delivery within the HCS Mental Health service 2021 objectives and include the additional provision of the Place of Safety facility (not currently provided by the MH service). This will include the staffing configuration, training needs analysis and safe systems of work required for the new facility.

2.29 Deputy G.P. Southern of the Minister for Social Security tabled an answer on 24th May 2021): to a question asked by regarding subsidies for G.P. consultations. (WQ.246/2021):

Question

Will the Minister advise –

- (a) what consideration, if any, has been given to the extension of the subsidy for General Practitioner (G.P.) consultations to those with high demand for G.P. services (i.e. those with multiple morbidities or those who have social needs such as age considerations) and if none, why; and
- (b) how the current fee structure for G.P. services is met from the levels of awards for clinical, personal, and mobility components in Income Support?

Answer

Last December a new Health Access Scheme was launched to significantly reduce the cost of a consultation for families with a low income who are in receipt of Income Support and older people in receipt of Pension Plus benefit. Surgery consultations are free for children (aged 16 years and under) within these households and adults pay £12 for a GP consultation or £9 for a nurse consultation. Some additional services, such as blood tests, are included in the fee, making it easier for people with a low income to budget for care costs.

The Health Access Scheme provides an additional subsidy on top of the subsidy of £20.28 which is payable in respect of all GP consultations across the whole population.

Around 12,000 people are eligible for the Health Access Scheme – and in any one month around a quarter to a third of all scheme members make at least one claim. The scheme has significantly reduced the cost of GP services for lower income people who have multiple morbidities or have extra needs based on their age.

The new service is due to be reviewed in November of this year, with input from General Practice, at which time options for development and expansion will be considered. The cost of the Health Access Scheme is met by the Health Insurance Fund. The annual cost is estimated to be £1.75 million, representing a significant investment into primary care services from public funds. Any extension of the Health Access Scheme would need to identify further funding.

Prior to the introduction of the Health Access Scheme, the value of the basic individual Income Support component (adult/child) was calculated to include funding for around 4 GP consultations per person per year. The Income Support scheme also includes additional components for people who need regular GP visits. These clinical cost components are awarded at two levels which pays an extra £182 or £364 annually on top of the standard Income Support award.

While the introduction of the Health Access Scheme has reduced the cost of general practice services to Income support families, the level of basic components and clinical cost components has been maintained.

2.30 Senator T.A. Vallois of the Chair of the Comité des Connétables regarding training and guidance provided to Parish officials. (WQ.247/2021):

Question

Will the Chair advise –

- (a) what training and or guidance on mental health awareness, if any, is offered to Parish officials (including administrative staff, volunteers and Honorary Police); and

- (b) how the Parishes ensure compliance with the United Nations Convention on the Rights of the Child (U.N.C.R.C.) in carrying out their functions?

Answer

- (a) It is important that all Parish officials are aware of the well-being support and assistance, including in relation to mental health, which is available to them; poor mental health needs to be recognised and addressed as much as poor physical health.

It is also important that they understand and recognise how to deal with those who may be suffering from mental health issues and who they come across in the course of their official duties.

The training and/or guidance on mental health awareness varies across the Parishes and will take into account the specific role of the Parish official and whether any have had training in some other capacity e.g. a voluntary or professional role.

Training and/or guidance on mental health awareness offered across the parishes includes -

- Trained Mental Health First Aiders
- Mental Health Awareness and Stress Awareness training (in the form of eLearning)
- Mental health in the work place policy
- Honorary Police mental health awareness training including on the Capacity and Self-determination law.

- (b) The Comité des Connétables received a presentation in January 2020, from officers of Community and Constitutional Affairs, on proposals for indirectly incorporating the United Nations Convention on the Rights of the Child (UNCRC) into domestic legislation. As such, Connétables are already aware of the need to take into account how decisions made in the parishes will impact on children and that Parishes must be mindful of the UNCRC as they carry out their functions. All Parish administrations do their utmost to respect and comply with the rights of every parishioner regardless of their age.

The services delivered by parishes to those under the age of 18 years (the UNCRC defines a child as those under the age of 18) are limited and will relate to the electoral register and to certain licences e.g. driving licences.

Parish functions/services relating to children varies across the Parishes but examples include

–

- Nursery provision
- Support for youth service and other groups/organisations supporting children and young people including financial support
- Provision of parks and play equipment
- Support for twinning events which include children/families
- Links with Parish schools and support in the running of school elections ensuring children are aware of the importance of free and fair elections.

This part of the Senator's question is timely as the Comité has a further presentation on the draft Law at its next meeting in June 2021.

2.31 Deputy I. Gardiner of St. Helier of the Minister for Children and Education regarding school capacity. (WQ.248/2021):

Question

Will the Minister advise whether his department –

- (a) undertakes an annual survey of school capacity to provide data on school places, reporting any surpluses or overcrowding; and, if not, why not;
- (b) has a policy or procedure pursuant to which overcrowded schools can allocate students surplus places elsewhere; and if not, why not; and
- (c) intends to review school catchment areas in the foreseeable future; and, if not, why not?"

Answer

- (a) School capacity is reviewed, by a central admissions team, on a daily and annual basis.

Daily: Each day school capacity across the whole system is reviewed, taking into account, in-year transfers and new admissions to schools. Live data is used to see each non fee-paying school's current pupil numbers per class and is measured against the maximum capacity for each class. This is done in accordance with the class size policy, ensuring that availability is understood, and any surpluses/overcrowding are managed accordingly.

Annually: Reception and Year 7 places are allocated which may lead to extra forms of entry (where possible) being opened/closed, due to demand. In addition, migration and birth rate data is updated, enabling refreshed forecasting of school places to be undertaken.

(b) Primary Schools

The published maximum class size for a Primary school form is 26 children. When allocating above 26 places the department will also consider the number of places available within neighbouring primary schools that are in the same secondary school catchment area. It would be unusual for the department to allocate over maximum numbers in a school if there is space in a neighbouring primary school linked with the same secondary school. The department will however make every effort to accommodate children within their catchment school. There may be occasions when due to capacity or for educational reasons it is necessary to allocate above the published maximum upon which the department will apply the criteria below:

- 27th & 28th place – will only be allocated if instructed by the Planning & Projects team.
- 29th place – will only be allocated if instructed by the Chief Education Officer or an appeals panel.
- 30th place – will only be allocated if instructed by the Education Minister or an appeals panel.

The decision to increase numbers above the published class size maximum in both primary and secondary schools will consider the views of the head teacher in relation to class specific issues (e.g. SEN / AEN / EAL considerations, space constraints).

Secondary Schools

Class sizes in Secondary school year groups are allocated based on multiples of 25 but can be exceeded by 1 child per 25 specifically for children living in catchment (this is referred to as 'stretch capacity'). The number of forms in Year 7 is agreed with the Head teacher of the secondary school once the number of children living in catchment and requiring school places is known.

Decisions about out of catchment requests are agreed annually, per year group, by the CYPES leadership team. Decisions are based on the number of places available vs the demand and allocated according to the priority detailed in the admissions criteria. These decisions are then considered when 'in year' places are allocated.

More information can be found on the [Children, Young People, Education and Skills Policies \(gov.je\)](http://www.gov.je) pages on gov.je

- (c) The Minister will advise of any review of catchment areas following the completion of the review of primary schools in the town area.

2.32 Deputy I. Gardiner of St. Helier of the Minister for Children and Education regarding the forecasting of pupil numbers. (WQ.249/2021):

Question

Will the Minister advise –

- (a) what method of forecasting pupil numbers, if any, is utilised by his department;
- (b) how new housing developments are factored into any such forecast, if at all; and
- (c) how migration to and from the Island is factored into any such forecast, if at all?

Answer

- (a) Work on forecasting pupil numbers has been ongoing for several years. This also includes a school census being completed each term. This enables the department to see certain trends in data.

The forecasting process follows these steps: -

- Academic and calendar year birth rate data is obtained from Health & Community Services and future birth rate forecasts are obtained from Statistics Jersey
- Net migration numbers are applied

Data gathered from the school census and the school applications process, which commences from birth, is then considered. This includes: -

- Where children live
- Percentage of children that attend non fee-paying/fee-paying schools
- Number of children that remain in the same school from Nursery into Reception

Modelling is then carried out to predict the future impact of school numbers.

- (b) Planned and new housing developments have no influence on the total number of pupils on the island but do impact the number of pupils within a catchment area. We apply several factors when calculating how each housing development will affect the number of pupils within the catchment area of the development. These are set out below
- Number of bedrooms
 - Average number of children per 1,2,3,4 bedroomed property
 - Percentage of children that are primary school/secondary school/pre-school age, obtained from school's yearly census
 - Percentage of children that attend a private or fee-paying school, obtained from school's yearly census
 - Percentage of children that will remain living in the same catchment area during their education.
- (c) Migration is calculated by comparing the number of children in a cohort at birth and when they enter reception class. This is repeated each year and a rolling average is calculated for the previous 4 years, which is then applied to the original birth rate.

2.33 Deputy M. Tadier of St. Brelade of the Minister for Infrastructure regarding planned infrastructure work in St. Brelade. (WQ.250/2021):

Question

Will the Minister state what planned infrastructure work, if any, is scheduled in St. Brelade in each of the following categories of work, along with a target delivery date in each case –

- (a) traffic calming measures;
- (b) new pedestrian or cycle footpaths; and
- (c) dealing with the road narrowing on the B25 near the B43 intersection (between Red Houses and La Haule Slip)?

Answer

- (a) The following traffic calming measures are scheduled or under construction in the Parish of St Brelade:
- A toucan (shared pedestrian and cyclists) crossing at the junction of the Railway Walk with Rue de Pont Marquet (B25) (under construction)
 - Raised table crossings at La Moye (programmed summer 2021)
 - A raised table zebra crossing on La Route Orange outside Les Creux and Clos Orange due to be constructed, along with a carriageway resurfacing, (programmed summer 2021)
- (b) The following new pedestrian or cycle footpaths have been completed, scheduled or under construction in the Parish of St Brelade:

- Various improvements to the roadside pavements on Route des Quennevais between Rue Carree and the Roberts Garage funded from a planning obligation agreement. (Completed)
- Footpath widening Route des Genets (completed Spring 2021)
- Pont Marquet Crossing (under construction)
- La Moye – See Above (programmed summer 2021)
- Footpath refurbishment between La Braye and El Tico (project under development)
- Cycle path improvements for St Aubin’s Bay promenade and railway walk (project under development)
- Plans to create more space for walking and cycling on the St Aubin promenade at the pinch point opposite Le Haule Hill. (feasibility study completed, and scheme awaiting allocation of funding prior to implementation in 2022)

(c) Regarding the road narrowing on the B25 near the B43 intersection between Red Houses and La Haule Slip:

Addressing the pinch point at the top of Le Mont au Roux was considered by the Infrastructure, Housing and Environment Department Road Safety Review Panel. The Panel recognised the issue and considering all the factors, it was felt appropriate to remove the centreline over a short distance to raise awareness of the narrowing. It is intended to remove the centreline as soon as it can be programmed into this year’s work. There are no plans to widen the road at any point along the B25.

2.34 Deputy M. Tadier of St. Brelade of the Minister for Social Security regarding the prevention of discrimination by landlords against tenants with children. (WQ.251/2021):

Question

Will the Minister inform the Assembly what progress, if any, has been made to implement the adoption by the States of ‘Housing: Prevention of Discrimination by Landlords against Tenants with Children (P.31/2018); and when she expects to bring the relevant legislation to the Assembly?

Answer

Law drafting is complete. A short consultation exercise has been completed. I expect to lodge the proposed amendments to the Discrimination Law imminently.

2.35 Deputy M. Tadier of St. Brelade of H.M. Attorney General regarding the Residential Tenancy (Jersey) Law 2011. (WQ.252/2021):

Question

Will HM Attorney General advise members whether Article 16(2)(b)(ii) of the Residential Tenancy (Jersey) Law 2011 permits a tenant to pursue the landlord for costs incurred by the tenant which arise as a direct result of a property becoming uninhabitable?

Answer

Article 16(2)(b)(ii) would in my view allow a tenant in respect of a residential tenancy or a residential tenancy agreement to pursue a landlord for damages in respect of such costs if they flowed from the landlord's breach of contract. Whilst Article 9 of the Residential Tenancy (Jersey) Law 2011 (which deals with premises which become uninhabitable) does not mention a claim for costs, these provisions would likely be considered to be additional to those concerning the Court's jurisdiction in Article 16 and not preclude a claim for damages in accordance with contractual principles. However, the decision is one for the Petty Debts Court on the facts of a specific case and I am not aware of a previous decision on this point.

2.36 Deputy R.J. Ward of St. Helier of the Chief Minister regarding the costs of the 'Ask the Ministers' live panel event. (WQ.253/2021):

Question

Will the Chief Minister provide members with a breakdown of all costs involved in holding the recent 'Ask the Ministers' live panel event broadcast on social media, including –

- (a) the cost of the film shown prior to the live event;
- (b) the hire fee for the studio; and
- (c) the projected costs for holding the remaining 7 'Ask the Ministers' events?

Answer

I am grateful for the Deputy's question as it permits me to expand upon the Ask the Ministers events.

One of the key lessons learnt during the COVID-19 pandemic has been the importance of direct engagement with the public. To that end, we held forty-nine press conferences in 2020, answered 4,574 media queries, engaged in over 700 interviews, saw nearly 30,000 additional social media followers and received 5.6 million views of Government content on YouTube. In addition, we received approximately 47.1m hits on our main Gov.je website. Following this engagement in 2020, we are looking to further build on this through 2021, recognising that the Covid pandemic has had an exponential impact on how we engage with the Public through social media.

The Ask the Ministers events are intended to provide members of the public with the opportunity to pose their questions directly to Ministers and also to give an opportunity to improve the understanding of the public over the functions of Government and responsibilities of Ministers. Separately, I understand that there will also be a program of engagement from the States Greffe in respect of Members' responsibilities, although I am not sighted on what form that will take.

In relation to the Deputy's specific questions:

- a) The film forms part of a wider project ('Your Government') aiming to highlight the work of Government departments, with individual videos intended for each department. Additionally, the footage is intended to be used for videos produced in-house and for recruitment, Team Jersey and My Welcome purposes. The total cost for all of this project is currently budgeted at £20,000.
- b) The studio used has been developed on the ground floor of 28-30 The Parade which is leased by the Government of Jersey. The ground floor was previously utilised for the regular press conferences and this function is intended to continue alongside the Ask the Ministers events. No hire fee has therefore arisen.

- c) Each Ask the Minister event is budgeted at approximately £3,599; this figure has been calculated by dividing the total projected budget across all eight events and includes the initial studio setup incurred ahead of the first event. It should be noted that much of the equipment and backdrop sourced for the Ask the Minister events can be used flexibly, and will therefore also be available for press conferences, other Government departments and arms-length organisations with some cost recovery applied on the latter. The figure therefore represents a maximum cost as the utilisation of the equipment by Government or by ALOs will further reduce the cost per event.

The initial ‘Ask the Ministers’ appears to have been well received, and will undoubtedly evolve over the coming months. The first event has attracted a total of 9,000 views across the various social media channels.

2.37 Deputy R.J. Ward of St. Helier of the Minister for Infrastructure regarding emergency situations arising at the Town Park. (WQ.254/2021):

Question

Will the Minister advise –

- (a) what arrangements are in place for reporting emergency situations arising at the Town Park, such as the presence of dangerous equipment or a person being locked in facilities on the site;
- (b) whether there is an out-of-hours emergency number available;
- (c) who has overall responsibility for care and maintenance of the Park; and
- (d) whether these arrangements are common to all public parks?

Answer

- (a) The department’s response to an incident which occurs in a park administered by the Infrastructure Department is coordinated by the Infrastructure Housing and Environment Department Reception. Signs at the entrances to all parks administered by the Infrastructure Department display the telephone number for the Infrastructure Housing and Environment Department Reception.
- (b) If an incident occurs outside of normal business hours the caller is instructed to ‘press 1’ and the call is forwarded to the out-of-hours emergency service.
- (c) The Infrastructure Department manages Howard Davis Park, the Millennium Town Park, Coronation Park and the Sir Winston Churchill Memorial Park via its ‘Parks and Gardens and Cleaning Services’ department. All other public parks in town are the responsibility of the Parish of St Helier.
- (d) The arrangements outlined in part (a) and (b) are common to the parks listed in part (c). I cannot comment on the arrangements in the public parks managed by the Parish of St Helier.

2.38 Deputy R.J. Ward of St. Helier of the Minister for Children and Education regarding teaching staff placed on performance improvement plans. (WQ.255/2021):

Question

Will the Minister advise how many teaching staff were on performance improvement plans during 2020; and how many are currently on performance improvement plans?

Answer

People and Corporate Services case management records for 2020 and 2021 show that less than five teaching staff were on performance improvement plans, to avoid identifying individuals cases no further details can be provided.

2.39 Deputy M.R. Higgins of St. Helier of H.M. Attorney General regarding the powers of the police in entering private properties. (WQ.256/2021):

Question

Will H.M. Attorney General advise members of –

- (a) the law governing the powers of the police to enter private property, stating when such powers may or may not be exercised under the law;
- (b) what the police are, and are not, allowed to do legally upon entry into private property;
- (c) what use of force, if any, is authorised at any stage during the police's entry to, and presence in, the property;
- (d) the rights of individuals whose homes have been entered into unlawfully by the police, and the remedies available to them;
- (e) whether the police have the power to enter property in pursuance of a civil matter and, if so, in what circumstances; and
- (f) the position of individuals whose homes have been found to have been entered into by police in breach of their rights under Article 2 or Article 8 of the European Convention on Human Rights?

Answer

- (a) the law governing the powers of the police to enter private property, stating when such powers may or may not be exercised under the law;**

Part 3 of the Police Procedures and Criminal Evidence (Jersey) Law 2003 covers powers of entry, search and seizure generally. In respect of entry with a warrant, under Article 15(1), a search warrant may be issued where there are reasonable grounds for believing that a serious offence has been committed (15(1)(a)) or there are goods on premises which have been unlawfully obtained (15(1)(b)).

In respect of entry without a warrant, under Article 19(1) a police officer may enter and search any premises without a warrant for the following reasons:

- a) for the purpose of arresting a person whom the officer has reasonable cause to suspect has committed an offence, or where the officer has reasonable cause to suspect that any offence is in progress on the premises or is about to be or has been committed on the premises;
- b) where the officer has reasonable cause to suspect that any person is committing, is about to commit or has committed an offence on the premises; or
- c) for the purpose of saving life or limb or preventing serious damage to property.

There are also powers for the police to enter private property in various other laws, including Article 41 of the Proceeds of Crime Law 1999, Article 19 of the Misuse of Drugs Law 1978, Article 2 of the Investigation of Fraud Law 1991, Article 50 of the Extradition Law. Each of these laws contain their own requirements in respect of the exercise of police powers to enter property.

(b) what the police are, and are not, allowed to do legally upon entry into private property;

Police officers must comply with the code of practice in respect of searching premises contained in Code B of the Police Procedures and Criminal Evidence (Codes of Practice) (Jersey) Order 2004.

Article 18 of the PPCE sets out the requirements for police officers to follow in executing a search warrant.

Under paragraph 6 of Code B, a police officer may lawfully seize, photograph or copy anything which is covered by the warrant or which the officer has reasonable grounds for believing is evidence of an offence or has been obtained in consequence of the commission of an offence. If an officer considers information stored in any electronic form and accessible from the premises could be used in evidence, the officer may require the information to be produced in a form which can be taken away and in which it is visible and legible; or from which it can readily be produced in a visible and legible form.

(c) what use of force, if any, is authorised at any stage during the police's entry to, and presence in, the property;

Under paragraph 1.7 of Code B, in all cases police officers should only use reasonable force when this is considered necessary and proportionate to the circumstances. Police officers can also use reasonable force to prevent obstruction of lawful search, including arresting the individual concerned.

(d) the rights of individuals whose homes have been entered into unlawfully by the police, and the remedies available to them;

An individual who believes that their home has been entered into unlawfully by the police can make a complaint about the officers involved. These complaints will be dealt with under the Police (Complaints and Discipline Procedure) (Jersey) Order 2000.

An individual could also bring an action for trespass to property. If successful, the individual may receive damages.

(e) whether the police have the power to enter property in pursuance of a civil matter and, if so, in what circumstances; and

In respect of civil matters, there are several laws which permit police officers to enter property.

Under Article 20 of the Forfeiture of Assets (Civil Proceedings) Law 2018, warrants can be issued for the police to search private premises for the purposes of civil forfeiture investigation.

Under the Children (Jersey) Law 2002 there are the following powers to enter premises;

- Article 41 – taking of children into police protection: where a police officer has reasonable cause to believe a child would otherwise be likely to suffer significant harm if not taken into police protection, the officer is authorised to remove a child for up to 72 hours, and may enter and search premises using reasonable force in order to do so if necessary.
- Article 43 – powers to assist in discovery of children who may be in need of emergency protection: on making an Emergency Protection Order the Bailiff can issue a warrant authorising entry to premises by persons named in the warrant, this may include police officers.
- Article 44 and 45 - recovery of abducted children: where a child who is subject to a care order, emergency protection order or police powers of protection is removed from the person authorised to care for the child a Recovery Order can be applied for. The order can include authorisation to a police officer to enter premises to search for the child, using reasonable force if necessary.
- Article 78 - warrants: the Bailiff may issue a warrant authorising a police officer to enter premises using force if necessary in a range of situations including; discovery of a child in need of emergency protection, matters related to the employment of children, ascertaining the welfare of privately fostered children or children who have been placed for adoption, and matters related to the inspection of Day Care for children.

Under Article 35 of the Mental Health (Jersey) Law 2016 the Bailiff may issue a warrant authorising an Authorised Officer (a Mental Health professional) to enter premises by force if necessary, to remove a person to a place of safety, where there is reasonable cause to suspect the person has a mental disorder and has been or is being ill-treated, or the person is unable to care for themselves. A police officer may accompany the Authorised Officer to give effect to the warrant.

(f) the position of individuals whose homes have been found to have been entered into by police in breach of their rights under Article 2 or Article 8 of the European Convention on Human Rights?

Any breach of an ECHR right by a public authority could found an action for breach of human rights under Article 8 of the Human Rights (Jersey) Law 2000. Such an action could result in an award of damages where the court considers it is necessary to afford just satisfaction to the person in whose favour the award is made.

2.40 Deputy M.R. Higgins of St. Helier of H.M. Attorney General regarding the Professional Standards Department of the States of Jersey Police. (WQ.257/2021):

Question

“Will H.M. Attorney General advise members –

- (a) what legal obligations or requirements, if any, apply to investigations conducted by the Professional Standards Department (P.S.D.) of the States of Jersey Police into complaints made by police officers or members of the public, stating in particular whether any such legal obligations include a requirement to conduct investigations in accordance with the principles of natural justice;
- (b) further to paragraph (a), how Article 6 of the European Convention on Human Rights is engaged through the conduct of such investigations by the P.S.D., if at all; and
- (c) what legal remedies are available to police officers and members of the public in the event of a failure by the P.S.D. to follow the standards that apply to investigations or to carry out a proper investigation?”

Answer

- (a) what legal obligations or requirements, if any, apply to investigations conducted by the Professional Standards Department (P.S.D.) of the States of Jersey Police into complaints made by police officers or members of the public, stating in particular whether any such legal obligations include a requirement to conduct investigations in accordance with the principles of natural justice;**

Investigations by the Professional Standards Department of the States of Jersey Police are conducted in accordance with the Police (Complaints and Discipline) (Jersey) Law 1999 and the Police (Complaints and Discipline) (Jersey) Order 2000 (the “Order”). The Order sets out the procedure which is to be followed in relation to complaints that are made against a member of the Force. The procedure contained in the Order accords with the principles of natural justice.

The Professional Standards Department is subject to the oversight of the Jersey Police Complaints Authority in conducting investigations. The Authority is independent of the Police and Government and its role is to ensure that investigating officers carry out the investigations it supervises in a thorough and impartial manner.

- (b) further to paragraph (a), how Article 6 of the European Convention on Human Rights is engaged through the conduct of such investigations by the P.S.D., if at all; and**

Article 6 of the European Convention on Human Rights is not engaged in relation to investigations of members of the Force by the Professional Standards Department of the States of Jersey Police.

(c) what legal remedies are available to police officers and members of the public in the event of a failure by the P.S.D. to follow the standards that apply to investigations or to carry out a proper investigation?”

It would be for a member of the public to establish that they were owed a justiciable duty of care by the Chief Officer of the States of Jersey Police and, in turn, that this duty had been breached and they had suffered a loss as a result.

In the event that a police officer was dissatisfied with the process of an investigation by the Professional Standards Department and, on the assumption that a disciplinary charge was to be preferred as a result of the investigation, the police officer could raise his concerns in relation to the process of the investigation at the hearing of the disciplinary charge. A police officer who is found guilty of a disciplinary charge may appeal against the decision on the disciplinary charge and the punishment imposed to a Panel of Jurats.

2.41 Deputy M.R. Higgins of St. Helier of the Minister for Infrastructure regarding consultancy contracts. (WQ.258/2021):

Question

Will the Minister provide a table showing, for each of the last 5 years, the consultancy contracts entered into by his department with individuals and companies, ranking the contracts from those with the highest value to those with the lowest value and, in each case, giving details of –

- (a) the nature of the consultancy;
- (b) the costs and duration of the engagement; and
- (c) whether the consultancy had been subject to a competitive tendering process and, if not, why not;

Answer

An initial analysis has been undertaken of all the consultants and consulting firms that have been employed within those areas of my remit between 1 January 2016 and 31 December 2020. Approximately 700 consulting firms or individuals have provided the department with professional services. The large number of capital and revenue projects undertaken by the department (including major projects such as the Nightingale Hospital Wing, Office Modernisation, the new Sewage Treatment Works, Future Hospital and Les Quennevais School) means that specialist firms are brought in on a regular basis to supplement in-house resources. It is likely that a proportion of these firms and individuals would have provided some consulting services in accordance with Financial Direction 5.6U, Management of Consultants (whilst applicable) and subsequently the Public Finance Manual, namely:

Financial Direction 5.6U

2.1.1 Consultants may only be engaged by the States of Jersey to perform work where:-

- Professional, independent and expert advice or services are required; or

- Specialist professional knowledge and/or expertise are not available in-house.

Public Finances Manual

A consultant or consultancy supplier would usually be appointed for the following reasons: -

- A skills gap in the organisation e.g. highly specialised skills unavailable from existing internal resources
- To accelerate a programme of work due to decreased availability of existing resources
- To seek an independent opinion or sanction e.g. a review, independent audit.

The professional services would have included:

- Architectural, structural and civil engineering design;
- Surveying;
- Project Management services;
- Production of reports providing recommendations for the department, e.g. consultancy

Given the number of consulting firms and individuals it has not been possible to collate all the information requested by Deputy Higgins in the timeframe. However, I would refer Deputy Higgins to the P59 report that is lodged by the Chief Minister every 6 months which provides information on the cost of consultants, fixed-term employees and agency staff employed by the Government of Jersey.

2.42 The Connétable of St. Helier of the Minister for Infrastructure regarding strategies for walking, cycling, bus travel and parking (WQ.259/2021):

Question

Will the Minister advise members when he intends to present strategies for walking, cycling, bus travel and parking to the States for debate?

Answer

Multiple workstreams are currently being undertaken on the agreed sustainable transport policy rapid plans (As agreed in P128/2019) which cover:

- Active travel (cycling and walking)
- Bus development plan
- Parking
- Mobility as a Service

As per the Sustainable Transport Policy, (Pg. 50) these plans will also inform future sustainable transport operational delivery plans and will feed more widely into the development of future Government Plans in subsequent years.

The research findings and this evidence-led approach to key transport policy development will inform the Carbon Neutral Roadmap which will go out for public consultation by the end of 2021.

2.43 Deputy G.P. Southern of St. Helier of the Chair of the Privileges and Procedures Committee regarding identity checks for voting. (WQ.260/2021):

Question

In the light of the U.K. Government's intention to make identity checks compulsory for voting, will the Chair state –

- (a) the current rules for voting in this regard and whether any changes are under consideration for the 2022 election;
- (b) what measures, if any, are in place to ensure that the Electoral Register in force for the 2022 election is accurate; and
- (c) what changes to accessing the Electoral Register, if any, are under consideration or discussion with other departments?

Answer

PPC is currently responding to the recommendations contained within the CPA Election Observers Mission (EOM) Report published after the elections in 2018. The report included 18 recommendations to improve the current electoral system. As part of this work, PPC is due to propose a number of amendments to the Public Elections (Jersey) Law 2002. In answer to the specific points:

- a. The Public Elections Law provides the rules on voting. Article 44(2) requires that those eligible to vote by post must complete and sign a declaration of identity provided by the Judicial Greffier.

The Law does not contain any other rules around identity checks, however, Article 32(1) requires the Autorisé or Adjoint to give a ballot paper to someone if they are of the view that he or she is entitled to vote at that polling place. In that regard, the Autorisé or Adjoint may require some form of ID in order to confirm the voter's name on the electoral register and to ensure the ballot paper is given to the correct person.

Within the legislative changes due to be put forward as part of the Committee's work on the EOM Recommendations, there are no plans to alter this position.

- b. The electoral registers are the responsibility of the electoral administrators of each parish and PPC has no role in assessing their accuracy
- c. PPC is overseeing a project to introduce automatic electoral registration, using data already held by the States for other purposes such as social security. The Greffier of the States is the Senior Responsible Officer for the project which involves colleagues from Customer and Local Services, Modernisation and Digital and the Comité des Connétables. Revised legislation is being drawn up and will be considered by PPC shortly. The technical project is coming to the end of a design phase and it will become clear shortly whether or not implementation before the 2022 election is feasible.

2.44 Deputy K.F. Morel of St. Lawrence of the Minister for the Environment regarding the Bridging Island Plan. (WQ.261/2021):

Question

In respect of the drafting of the proposed Bridging Island Plan, will the Minister advise –

- (a) whether a full cost-benefit analysis of the proposed extension to Gigoulande Quarry was undertaken;

- (b) if so, what value was placed on Rue Bechervaise, the affected field (MY966) and the affected public pathways; and
- (c) over what period of time this value was calculated?

Answer

To inform the policies and proposals of the draft bridging Island Plan, an integrated Minerals, Waste and Water Study (2020) has been undertaken to establish the current baseline for the supply of minerals and water, and the capacity for the management and disposal of waste; to identify and assess strategic options; and to make recommendations about how best to meet future demand in an integrated way that best meets the island's needs.

On the basis of this assessment it is proposed that, as part of an integrated approach, the safeguarding of the existing minerals extraction site at La Gigoulande Quarry, and its proposed extension to include field MY966, would help to ensure that the island's needs for a supply of primary aggregates are met. This does not include a full cost-benefit analysis of the proposed extension to La Gigoulande Quarry as any such assessment is a matter for the sponsor of the proposal.

The draft bridging Island Plan sets out, at Policy MW1, that any proposed extension to a mineral extraction site would need to be the subject of a full environmental impact assessment and that any environmental impact would need to be identified, mitigated and compensated for, as appropriate, by the sponsor of any such development. This would need to include, amongst other things, any impact related to the loss of agricultural land and the integrity of the island's network of roads and footpaths, where they might be adversely affected by any proposed development.

The principle of an extended mineral extraction site at La Gigoulande Quarry is, therefore, proposed to be safeguarded by the draft bridging Island Plan. Detailed analysis and consideration of the acceptability of the impact of any such development of field MY966 as an extension to the existing mineral extraction site would remain to be determined by any subsequent planning application.

2.45 Senator S.Y. Mézec of the Minister for Social Security regarding Social Security contributions. (WQ.262/2021):

Question

Will the Minister provide the amounts paid in Social Security contributions over the last 6 quarters by people registered as self-employed, broken down by those earning less than the Standard Earnings Monthly Limit (S.E.L.), and by those whose earnings were between the S.E.L. and the Upper Earnings Monthly Limit (U.E.L.)?

Answer

These tables relate to Class 2 individuals which includes self-employed individuals plus other people who do not fall into Class 1 (employed).

Note that these figures will have been disrupted by Covid. In Quarters A, B and D of 2020 and A 2021 some categories of Class 2 individuals were allowed to defer their contributions until a later date.

The contributions for the last quarter of 2020 and the first quarter of 2021 in respect of earnings below the SEL will also be affected by the reduction of 2% in contribution rates over this period.

Quarter	Under SEL	Between SEL and UEL
	£ 000's	£ 000's
2019 D	4,407	479
2020 A	3,858	682
2020 B	3,470	649
2020 C	4,605	777
2020 D	3,551	762
2021 A	3,525	798

2.46 Deputy L.M.C. Doublet of the Chair of the States Employment Board regarding Non-Disclosure Agreements. (WQ.263/2021):

Question

Will the Chair advise –

- (a) what specific reasons there are for the Government entering into non-disclosure agreements (NDAs);
- (b) how many NDAs have been entered into since 2010 between Government Departments and former employees in relation to employment matters; and
- (c) how many NDAs have been entered into since 2010 between Government Departments and current employees in relation to employment matters?

Answer

- (a) Non-disclosure agreements (NDAs) exist in a number of pre contract commercial situations, in commercial contracts, in arrangements with external investigators, with employees undertaking certain sensitive work and in settlement arrangements such as compromise and severance agreements.

Compromise arrangements are used when the Employer is seeking to settle claims or potential claims. Such agreements are actively considered where the terms are proportionate to (and do not exceed) any potential liability. Similar agreements may also be entered into in cases of redundancy/severance, where the Employer wishes to be protected from any future claim that may arise.

Each agreement contains a confidentiality statement also known as a ‘non-disclosure agreement’. These agreements are an important legal framework used to protect sensitive and confidential information from being disclosed by all parties that are subject to them.

- (b) The number of agreements entered to by the Government of Jersey from 2017 is outlined below:

Year	No. of Agreements
2017	6
2018	27
2019	13

2020	18
2021 – To date	7

We do not hold a central record of compromise and severance agreements prior to 2017 which is when our HR Case Management Team was established. Hence conducting a search for an accurate answer from the past twenty-one years from multiple departments will be an extremely time-intensive exercise.

Further information related to compromise agreements prior to the collection of a central record can be found in the two reports by the C&AG from March 2012, accessible [here](#) and [here](#).

- (a) There are no compromise or settlement agreements on record for current employees. All employees are required to sign an Official Secrets (Jersey) Law, 1952 declaration, however, this is not the same as an NDA.

We do not centrally hold a record of NDA's signed as part of employees undertaking certain sensitive work.

2.47 Deputy L.M.C. Doublet of the Minister for Social Security regarding paid leave after pregnancy loss. (WQ.264/2021):

Question

Will the Minister consider implementing the right to paid leave after pregnancy loss (prior to 24 weeks' gestation) and, if not, why not; and will she further consider implementing the right to paid leave for those people undergoing fertility treatment, diagnosis or consultations and, if not, why not?

Answer

Recent changes to both the Employment and Social Security Laws mean that parents who lose a child at or after 24 weeks of pregnancy receive their full entitlement to any arranged parental leave (paid or unpaid). and parental allowance.

As Members will be aware, the Assembly voted to approve P.54/2019 (as amended) as proposed by the Deputy in October 2019. The Deputy's proposition requests: "... the Minister for Social Security to conduct a full review of the 'family-friendly' elements of the Employment (Jersey) Law 2003 twenty-four months after the parental leave rights amendments outlined in the Draft Employment (Amendment No. 11) (Jersey) Law 201- have been implemented..."

Parental leave rights were established at the end of June 2020 and the review is scheduled to commence in July 2022. The possible extension to employment rights as proposed by the Deputy will be considered as part of that review. In advance of that planned review, I am always willing to investigate possible improvements to employment legislation and I would be happy to examine any evidence the Deputy wishes to submit.

The decision to bring forward additional rights for workers always needs to take account of the impact on employers as well as employees.

2.48 Deputy L.M.C. Doublet of the Minister for Home Affairs regarding ongoing legislative work relating to marriage, partnerships and divorce. (WQ.265/2021):

Question

Will the Minister provide an update on any ongoing legislative work relating to marriage / partnerships and divorce, including but not limited to –

- (a) divorce reform; and
- (b) civil partnerships for mixed sex couples?

Answer

- a) The law drafting instructions to instruct the Legislative Drafting Office to make amendments to the Matrimonial Causes (Jersey) Law 1949 are currently being drafted. It is envisaged that a draft Amendment Law will be lodged prior to the end of this year.
- b) The law drafting instructions to amend the Marriage and Civil Status (Jersey) Law 2001 and the Civil Partnership (Jersey) Law 2012 to enable a mixed sex couple to enter into a civil partnership were issued to the Law Drafting Office on the 4th October 2020. The draft legislation is currently in the very final stages of drafting. I look forward to lodging the draft amendment Law and draft Regulations for a debate in the States Assembly in the Autumn.

2.49 Deputy I. Gardiner of St. Helier of the Minister for Home Affairs regarding the former States of Jersey Police headquarters at Rouge Bouillon. (WQ.266/2021):

Question

Will the Minister advise –

- (a) what the objectives were of the feasibility study undertaken by the Justice and Home Affairs department (JHA) in relation to the former States of Jersey Police Headquarters site at Rouge Bouillon;
- (b) whether the Study considered a combined Fire and Ambulance headquarters;
- (c) whether the Study made a comparison between the prospect of such combined headquarters and satellite substations around the Island;
- (d) whether the Study assessed the potential impact on Rouge Bouillon School, and if not, why not;
- (e) whether the Study assessed the potential impact on the surrounding neighbourhood, and if not, why not;
- (f) whether the Study assessed the potential for any increase in green infrastructure in the area, and if not, why not; and
- (g) whether the Study assessed the current levels of traffic in the area, and any potential increase should the Fire and Ambulance Headquarters be located on the site, and if not, why not?

Answer

- (a) what the objectives were of the feasibility study undertaken by the Justice and Home Affairs department (JHA) in relation to the former States of Jersey Police Headquarters site at Rouge Bouillon;

The purpose of the broad site selection feasibility study was to enable an informed decision to be made regarding the selection of the most appropriate site for the future co-location of the States of Jersey Ambulance and States of Jersey Fire & Rescue Services, to meet the Minister for Home Affairs' and the Justice and Home Affairs Department's strategic objective to develop a new joint facility.

This objective was set to ensure the most cost-effective provision of fire and ambulance emergency response to the island, whilst keeping response times and risk of fatality as low as possible for the greatest number of the island's population.

The broad site selection feasibility study is identified in the Government Plan 2020 – 2023 as an essential enabling piece of work to consider the best use of the site collectively known as 'Rouge Bouillon' and 'Rouge Bouillon site outcome' in the Government Plan.

The site has existed in two parts for almost seventy years, having been home to the States of Jersey Police until early 2017 and the location of the States of Jersey Fire and Rescue Service's headquarters and main fire station since 1954.

The JHA study needs to be considered in tandem with the CYPES study of St Helier Primary Schools which is now underway before a strategic decision about the future of the site can be taken.

- (b) whether the Study considered a combined Fire and Ambulance headquarters;

The study only considered a combined Ambulance, Fire & Rescue Headquarters, as this is the key strategic objective of the project – to bring the Services together on one site in one facility, allowing overheads to be shared and reducing costs of the services without reducing their effectiveness.

- (c) whether the Study made a comparison between the prospect of such combined headquarters and satellite substations around the Island;

The study took into account the location of the established Western Fire Station, and the use of 'standby points' by the Ambulance Service in considering community risk and response times, but it did not consider the location or feasibility of establishing any further satellite substations around the Island.

- (d) whether the Study assessed the potential impact on Rouge Bouillon School, and if not, why not;

The broad site selection feasibility study has established the preferred location, and concept design, for the new Ambulance, Fire & Rescue Headquarters. This is subject to consideration in tandem with the St Helier Primary School review. Once the site for the new Ambulance, Fire & Rescue Headquarters is confirmed, a full and detailed feasibility study will be conducted, and the impact on neighbours to the site will be considered as part of that study.

- (e) whether the Study assessed the potential impact on the surrounding neighbourhood, and if not, why not;

This would also be considered at full feasibility stage. However, a central part of the site selection feasibility study was the impact of location on response times. At this stage, the current location of the States of Jersey Fire and Rescue Service's headquarters and main station, among the site options considered, is assessed as providing the fastest and best response times when considering Island-wide risk and, in particular, the critically important fire risk areas of the central and northern St. Helier neighbourhoods.

It is also acknowledged that a benefit of the preferred site identified is that both services are already located in the area, and therefore have a long-established presence in the neighbourhood. Due to the specific operational realities of these services, moving them into a new neighbourhood would be likely to generate some controversy and opposition from any potential neighbours.

- (f) whether the Study assessed the potential for any increase in green infrastructure in the area, and if not, why not; and

This would also be considered at full feasibility stage.

- (g) whether the Study assessed the current levels of traffic in the area, and any potential increase should the Fire and Ambulance Headquarters be located on the site, and if not, why not?

This would also be considered at full feasibility stage. Initial consideration to this point was given in the broad site selection study, and it was concluded that the development of a new Ambulance, Fire & Rescue Headquarters on the current Fire & Rescue Headquarters and former Police Headquarters site would not on the face of it lead to an increase in traffic in the area.

2.50 Deputy I. Gardiner of St. Helier of the Minister for Infrastructure regarding feasibility studies undertaken in respect of the former States of Jersey Police headquarters at Rouge Bouillon. (WQ.267/2021):

Question

Will the Minister advise how many feasibility studies or reviews have been undertaken since 2017 on the former States of Jersey Police Headquarters site at Rouge Bouillon, providing the following details for any such study –

- (a) the start date and completion date;
- (b) the objectives;
- (c) the department or section undertaking the study; and
- (d) the outcome;

and will he further advise whether any such studies are currently ongoing and, if so, provide the above details, where available, for any such ongoing studies?

Answer

The Justice and Home Affairs Department conducted a feasibility study which commenced in January 2020 and ended in February 2021, the objective of the study was to support the selection of an appropriate site for a combined fire and ambulance station, considering historical incidents of fire and emergency, and a response time study. The outcome of the study identified the site at Rouge

Bouillon, which comprises of both the current Fire Station and Headquarters of the State of Jersey Fire and Rescue Service and the Former Police Headquarters as the preferred site for a combined fire, rescue and ambulance station.

The St Helier Town Schools Review commenced in March and will be completed in June. The objectives of the review are to recommend the optimal distribution and school size of the St Helier primary school estate, with a view to informing the future use of the Rouge Bouillon Fire Rescue and former Police headquarters site. The review is being undertaken by officers from Jersey Property Holdings with external Primary school provision consultants on behalf of Children, Young People, Education and Skills and Justice and Home Affairs Department.

2.51 Deputy I. Gardiner of St. Helier of the Minister for Home Affairs regarding the Eastern and Western Ambulance despatch points. (WQ.268/2021):

Question

Will the Minister advise whether it is intended to continue use of the Eastern and Western Ambulance dispatch points and the St. Brelade fire station, once a new Fire and Ambulance station is built in St. Helier?

Answer

The current strategy of using standby dispatch points in the East and West of the island, is likely to be continued once the new Fire & Ambulance Station is built.

Ambulance Standby locations are strategically placed to maximise the response to patients in need in a timely manner by reducing dispatch and travel times from a central, town-based location.

The specific location of the standby points in the East and West are regularly reviewed to ensure efficacy and appropriateness and are changed if external factors prohibit their use. i.e. such as major road works or building works.

The role of the Western Fire Station, as part of the response strategy within the States of Jersey Fire and Rescue Service's Integrated Risk Management Plan, is under continual review. At this time, it is felt that the Western Fire Station provides a useful platform for a proportionate, risk based response for the western parishes and, in particular, the Quennevais conurbation.

In itself, the construction of a new fire station in St. Helier, unless located in the south western part of the parish, is unlikely to remove the need for and benefit of the Western Fire Station. At the same time, locating the St. Helier HQ and station in the very west of the parish would significantly increase response times for northern, central and southern St. Helier where risk and demand is much higher and so officers are advising against this option on that basis.

The utility of the Western Fire Station will remain under constant review and, if risk, demand and response capability changes the profile, officers will advise me accordingly.

2.52 Deputy K.F. Morel of St. Lawrence of the Minister for Treasury and Resources regarding invitations for tender issued by the Government. (WQ.269/2021):

Question

For each of the years from 2018 to 2021, will the Minister advise how many –

- (a) invitations to tender were issued by the Government;
- (b) of these, how many were completed to the point of an organisation being chosen; and
- (c) how many were abandoned or changed such that a new process was required?

Answer

- a) The statistics below represent the number of Invitations To Tender (ITTs) issued between the period January 2018 to 07 June 2021 (year to date)

2018 - 87	}	
2019 - 66	}	294 in total
2020 - 92	}	
2021 - 49	}	

Note:

The information held does not provide the granular level of detail required to complete the further questions posed at b and c. The current system design reports on how many ITTs were published by year, it does not record the outcome.

- a Notwithstanding the above, it should be noted that the portal is recommended for tenders in single transaction over £100,000. Where tenders fall below the £100,000 threshold, the Public Finances Manual and Procurement Toolkit guide users through the process.

- b & c) As mentioned above, the Government’s legacy processes and system limitations do not provide the data required to answer the questions as presented.

The Commercial Services transformation coupled with the ITS programme are seeking to remedy this and other legacy system and process issues. Solutions to this include, but are not limited, to the:

- Simplification and Standardisation of frameworks and toolkits, including clear guidance and training, enabling ease of use and consistency for all.
- Implementation of current technology through the ITS solution, one modern system to replace the existing three, none of which are operating optimally.
 - One of the many benefits will be to provide access to real-time management information enabling structured and clear reporting, whilst giving the tools to support and drive best practice across the government of Jersey.

2.53 Deputy G.P. Southern of St. Helier of the Minister for External Relations and Financial Services regarding the impact of an international minimum effective tax rate. (WQ.270/2021):

Question

Further to reports that proposals from the U.S.A. for a minimum effective tax rate across international trade, whether of 15% or 21%, will be taken to the next G7 meeting, what assessment, if any, has been undertaken of the impact of implementing such proposals on Jersey's own 0/10 corporate taxation regime, in particular the operation of large-profit tech companies within this regime, and on the Island's economy?

Answer

The proposals referred to by the Deputy have been made by the USA, as part of the ongoing OECD negotiations on a framework for the corporate taxation of multinational companies.

OECD jurisdictions must continue work to agree the principles of this framework (Pillars 1 and 2) at an international level, before consideration can be given by any jurisdiction to domestic implementation. This will ensure consistent global implementation, provide certainty to taxpayers and also protect the level-playing field among tax jurisdictions.

Pillar 2 is about ensuring that large multinational enterprises pay agreed minimum effective taxation on cross-border profits. So these proposals are quite rightly targeted/limited in scope, focussing on the world's largest and most globally-mobile companies.

Several key features of the proposed design of Pillar 2 align closely with Jersey's tax model. For example, the proposals currently under discussion recognise the importance of strong rules on economic substance, which are already embedded in Jersey law. The proposals also recognise that funds should not be in scope of the new rules.

Jersey has consistently proved, through external and independent assessments, that we meet all the requirements of international policymakers on the implementation of global tax standards. We believe this means Jersey's tax system is well placed to continue to adapt to global standards, and we will continue to engage in a proactive way with the OECD, EU and global bodies to combat aggressive tax avoidance and profit shifting.

2.54 Deputy G.P. Southern of St. Helier of the Minister for Social Security regarding Income Support overpayments. (WQ.271/2021):

Question

In relation to Income Support payments made since the start of the Covid-19 pandemic, will the Minister inform members –

- (a) how many applicants have been in receipt of overpayment of benefits;
- (b) what the current total is of overpayments; and
- (c) what arrangements, if any, are in place for the recovery of any overpayments?

Answer

A detailed response about levels of Income Support overpayments was submitted as part of the answer to Written Question 78/2021. That information covers 2020 in full.

This question refers to “payments made since the start of Covid 19 pandemic”. This is taken as the beginning of March 2020. Note that although the question refers to the start of the pandemic it requests information across all benefit claims made during that time.

All statistics for overpayments must be understood within the context of the way that Income Support is designed to function. The Income Support system is designed to provide payments in advance to low income households. Paying in advance ensures that vulnerable households are not left without funds to support their basic needs immediately following a decrease to their household income, particularly when first claiming benefit or in situations where employment ends unexpectedly.

This policy was particularly important during the Covid-19 pandemic, as some households faced sudden and unexpected decreases in income. The facility to pay Income Support in advance meant that these households were better equipped to meet their immediate needs.

A system designed to make payments in advance will always have a delay in catching up with situations where a household’s income has increased. This is the cause of many small overpayments of Income Support and represents a trade-off that is viewed positively by most customers. Benefits that pay in arrears are often criticised for being slower to recognise decreases in income.

- a) As at 28/05/21 the total number of Income Support claims with an overpayment being recovered was 1452. This relates to all active overpayments within the Income Support system and does not record the number of overpayments that were repaid prior to the reporting date.

It is not possible to provide specific detail on the reason for each claim with an overpayment as this would require claims to be looked at manually and potentially over several years history, so the figure provided is the total number of overpayments in the Income Support system

- b) As at 28/05/21 the total value of outstanding overpayments was £3,879,640. This figure relates to all overpayments within the Income Support system, including those that were generated prior to 2020.
- c) In situations where Income Support has been overpaid, a household has received more benefit than it is entitled to. This must be repaid and will be recovered by a set weekly amount from future payments of benefit, or via an instalment agreement where the household stops getting Income Support.

Each case is considered individually by an officer, who will set a repayment level that recognizes the household’s ability to repay. Officers will consider the household’s current income and whether there are any additional costs they face. Officers will also consider any current overpayment or loan repayment on their claim. Taken together these will determine the period over which an overpayment is recovered and any arrangements for repaying it.

2.55 The Connétable of St. Brelade of the Minister for Infrastructure regarding the car park at La Carrière quarry. (WQ.272/2021):

Question

Will the Minister advise members how long the car park at La Carrière quarry on the Five Mile Road is to remain closed; and what plans, if any, are in place to make the rockface safe?

Answer

Officers from the Infrastructure, Housing and Environment Department immediately closed the carpark at La Carrière quarry following reports of falling rocks, which could present a risk to the public. A contractor has provided the department with an assessment and plans to make the site safe are being developed.

Officers from Highways and Infrastructure are working with their colleagues in Natural Environment to resource and schedule the necessary works. It is not possible at this point in the process to say how long the project will take.

2.56 Deputy K.F. Morel of St. Lawrence of the Minister for the Environment regarding La Gigoulande Quarry extension safeguard zone. (WQ.273/2021):

Question

When assessing whether or not to include Field MY 966 within the La Gigoulande Quarry extension safeguard zone in the draft Bridging Island Plan (B.I.P.), will the Minister advise whether he requested, or read, the results of any health impact assessments or environmental impact assessments of the effects of quarrying that field; and, if so, how were the findings then incorporated in the B.I.P.?

Answer

As stated in my previous answer to WQ.261/2021, the principle of an extended mineral extraction site at La Gigoulande Quarry is proposed to be safeguarded by the draft bridging Island Plan.

Detailed analysis and consideration of the acceptability of the impact of any such development of field MY966 as an extension to the existing mineral extraction site would remain to be determined by any subsequent planning application. Any planning application to extract minerals would be required¹ to be accompanied by an environmental impact statement which would include information as is reasonably required to assess the environmental effects of the proposed development.²

¹ By virtue of Article 13 of the Planning and Building (Jersey) Law 2002 and Schedule 1 of the Planning and Building (Environmental Impact)(Jersey) Order 2006 where mineral extraction is identified as a prescribed form of development where an environmental impact statement is required to be provided and considered as a material consideration in the determination of a planning application.

² As set out in Part 1, Schedule 2 of the Order, an environmental impact statement must contain the following:

1. Description of the development, including in particular –
 - (a) a description of the physical characteristics of the whole development and the land-use requirements during the construction and operational phases;
 - (b) a description of the main characteristics of the production processes, for instance, nature and quantity of the materials used;
 - (c) an estimate, by type and quantity, of expected residues and emissions (water, air and soil pollution, noise, vibration, light, heat, radiation, etc.) resulting from the operation of the proposed development.
2. An outline of the main alternatives studied by the applicant and an indication of the main reasons for his or her choice, taking into account the environmental effects.
3. A description of the aspects of the environment likely to be significantly affected by the development, including, in particular, population, fauna, flora, soil, water, air, climatic factors, material assets, including the architectural and archaeological heritage, landscape and the inter-relationship between the above factors.
4. A description of the likely significant effects of the development on the environment, which should cover the direct effects and any indirect, secondary, cumulative, short, medium and long-term, permanent and temporary, positive and negative effects of the development, resulting from –
 - (a) the existence of the development;
 - (b) the use of natural resources;
 - (c) the emission of pollutants, the creation of nuisances and the elimination of waste,

2.57 The Connétable of St. Martin of the Minister for Economic Development, Tourism, Sport and Culture regarding the High Value Residents scheme. (WQ.274/2021):

Question

In relation to the High Value Residents scheme and the work of Locate Jersey, will the Minister outline –

- (a) what analysis, if any, is undertaken of the difference between the net income lost by not charging the standard rate of tax on such individuals' income and the estimated net benefit to the Island gained from each individual participant through this scheme;
- (b) whether such analysis is undertaken on an annual basis;
- (c) how, if at all, the information collected on each participant to the Scheme contributes to studies into the Island's past, present and predicted economic performance; and
- (d) whether there are any plans to change the way in which information on the impact of High Value Residents on Jersey's economy is publicly presented?

Answer

- (a) We do not have access to the tax returns of 2(1)(e) residents and therefore do not have the ability to carry out an analysis of the net income lost by not charging the standard rate on all income.
Analysis is however carried out by the Tax Policy Team and reported on an annual basis.
- (b) Yes - by the Tax Policy Team.
- (c) Information is collected on applicants as part of the application dossier but post-arrival information collected on 2(1)(e) residents is anecdotal as there is no requirement on them other than meet the minimum tax contribution.
A number of studies have however been done on the 2(1)(e) scheme in recent years and a list is attached in appendix 1.
- (d) I am considering a review of the 2(1)(e) scheme in 2022 in line with previous reviews details of which can be found in the following table.

-
- and the description by the applicant of the forecasting methods used to assess the effects on the environment.
 - 5. A description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment.
 - 6. A non-technical summary of the information provided under paragraphs 1 to 5 of this Part.
 - 7. An indication of any difficulties (technical deficiencies or lack of know-how) encountered by the applicant in compiling the required information.

Appendix 1 – Reports into the High Value Schemes

	Report	Author	Year of publication
1	History of the 1(1)K regime	Colin Powell Treasury & Resources	September 2010
2	Review of 1(1)(k) Regime for the States of Jersey	Withers LLP & Panopticon Policy	October 2010
3	Report on Jersey's regime for High Net Worth Individuals	Treasury & Resources Department – Tax Policy Unit	July 2011
4	Tax Regime for High Net Worth Individuals Review 2013	Treasury & Resources	October 2013
5	Tax data relating to high value residents (HVR's) – update 4 March 2015	Treasury & Resources Department – Tax Policy Unit	March 2015
6	2015 Survey of Intermediaries and relocated HNWIs and Businesses	Island Ark	June 2015
7	Comparative analysis of High Value Residency regimes	KPMG	November 2016
8	Post-Implementation Review of Jerseys High Value Residents Regime Applicable since July 2011	Tax Policy Unit for the Council of Ministers and the States Assembly	December 2016

2.58 The Connétable of St. Martin of the Minister for Economic Development, Tourism, Sport and Culture regarding reviews undertaken of the impact of the High Value Residents scheme. (WQ.275/2021):

Question

Will the Minister outline what research, if any, has been undertaken into the impact of the High Value Residents scheme on the average wage and the cost of living in Jersey; and also the impact, if any, that the scheme has had on the overall distribution of on-Island wealth since its introduction?

Answer

No research has been carried out by my officers in this area.

2.59 Deputy R.J. Ward of St. Helier of the Minister for Treasury and Resources regarding the repayment of funds received through the Co-funded Payroll Scheme. (WQ.276/2021):

Question

Following news reports that a company in Guernsey has repaid £146,000 of furlough scheme money to the States of Guernsey as the company felt it was not needed, will the Minister advise how many Jersey companies have either voluntarily repaid, or been asked to repay, money received through the Co-funded Payroll Scheme, stating in particular whether such companies include those that may have made a profit during the last year?

Answer

Since the launch of the Co-Funded Payroll Scheme (CFPS) in March 2020, 11 businesses have voluntarily offered to repay funding. A further 486 businesses are repaying as part of the rigorous audit process that is in place to ensure payments are only made to businesses that have been significantly affected by Covid-19 in line with the terms of the Scheme.

The CFPS does not capture data on businesses' profitability though it should be noted that the Scheme exists primarily to sustain employment and livelihoods while the pandemic continues to prevent the economy from operating as normal. Businesses may make profits, but still be in a position of having to consider reducing employment so, to avert this outcome, the CFPS allows qualifying businesses that have suffered at least a 20% fall in income to make a claim even if they remain profitable. The Government nevertheless continues to encourage voluntary repayments of CFPS support from businesses that have gone on to have a successful financial year whilst recognising that Covid-19 presents the most significant economic challenge to have faced the Island in a generation, so such businesses will always be a small minority.

2.60 Deputy R.J. Ward of St. Helier of the Minister for Home Affairs regarding ambulance call-outs. (WQ.277/2021):

Question

Will the Minister advise how many emergency ambulance call-outs have been staffed or driven by fire officers (including due to staff shortages) in the last 2 years; and how many times the ambulance service has operated at capacity so far this year in terms of its ability to respond to call-outs?

Answer

There have been no occasions, between 1st July 2019 and 3rd June 2021, where firefighters have staffed an ambulance to a medical or trauma emergency due to a shortage of staff.

There has been a handful of times each year when firefighters have been requested to bring an ambulance to scene or to help transport the patient. This is because there is either a solo responder on scene in a Rapid Response Vehicle (RRV) and the patient needs to be conveyed in an ambulance stretcher, or due to the severity of the patient's condition, it requires two clinicians to manage the patient. The firefighter will then drive the ambulance into hospital with the Paramedic/s treating in the back of the vehicle.

Currently the systems are not set up to record these incidents when firefighters have driven ambulances into hospital. A dynamic decision is made at the time between both services based on availability of resources and patients' medical needs to ensure that the patient is conveyed to definitive care without delay.

In the same period, firefighters have responded, in Fire and Rescue Service fleet, to medical or trauma emergencies on 138 occasions. The States of Jersey Fire and Rescue Service, as well as having a statutory duty to provide immediate emergency care, has worked in partnership with the States of Jersey Ambulance Service as part of a 'co-responding' scheme for over a decade. Co-responding schemes are commonplace across the British Isles and are designed to provide rapid medical or trauma interventions until an ambulance arrives, in situations where a fire crew is in close proximity to the emergency or in short periods where all ambulance assets are engaged.

There were a further 49 occasions where firefighters were mobilised to support Ambulance Service colleagues in providing medical or trauma care, for example, where a single crew paramedic is dealing with the situation but requires support.

On a further 212 occasions, firefighters assisted ambulance colleagues, not through the provision of medical or trauma care, but in other support such as gaining access, assisting in the movement of larger patients or otherwise creating a safe space in which ambulance crews can work.

Ambulance Capacity

A capacity breach has been defined as having more resources in use (mobile) than in the following table at any minute during a shift.

07:00-19:00	4 resources
19:00-03:00	3 resources
03:00-07:00	2 resources

When demand exceeds the available resources rostered on a given shift, extra assets are utilised to ensure an appropriate response is met. i.e. 5 medical calls concurrent on a day shift with only 4 resources available at the time.

Defibrillators have been excluded; however all other resources have been included – e.g. ambulances, paramedic cars, fire vehicles, community responders...

All calls are triaged to ensure high acuity calls are prioritised and vehicles already dispatched to an incident are routinely redirected to higher priority calls if needed.

It is commonplace amongst all ambulance services to reach a position where demand for the service exceeds the available resources at a given time. Medical Triaging allows for the categorisation of patients based on medical needs and provides structure and flexibility, to ensure that patients with more urgent medical needs are prioritised and resources allocated accordingly.

It may be that capacity is breached on more than one occasion in a shift – however we are counting each shift only once.

1st January 2021 – 31st May 2021*	Number of shifts	Number of shifts where capacity is breached
Day shift (07:00-19:00)	151	112
Night shift (19:00-07:00)	151	95

*Note that data for the night shift on 31st May ends at midnight so excludes the time between 00:00 – 07:00 on 1st June.

2.61 Deputy R.J. Ward of St. Helier of the Minister for Economic Development, Tourism, Sport and Culture regarding the development of a productivity strategy. (WQ.278/2021):

Question

Will the Minister advise what progress, if any, has been made in developing a productivity strategy, particularly for industries such as agriculture and hospitality; and does he plan for such a productivity strategy to be developed before the outcome of the living wage review?

Answer

Members will be aware that a report looking at options to support productivity improvements in Agriculture, Hospitality & Retail was delivered in 2018.

Further to this the Common Strategic Policy 2018-2022 set out the priority of creating a sustainable, vibrant economy and skilled local workforce for the future by delivering an economic framework to improve productivity. The States Assembly approved an allocation of funding, as part of the Future Economy Programme, towards Productivity Support in the Government Plan 2020-2023.

As part of the implementation of suggested actions on productivity, a pilot Productivity Support Scheme has been developed during 2021 and is soon to be launched. The Productivity Support Scheme will sit alongside other initiatives which promote productivity, such as the Rural Initiative Scheme and skills programmes.

The pilot Productivity Support Scheme will offer match-funded grants to local SME businesses – including those in the agriculture and hospitality sectors – to develop productivity improvements. The scheme will be run in conjunction with Jersey Business who will also be able to offer broader productivity support to businesses.

This pilot scheme will help to provide business intelligence on the needs of different sectors in relation to productivity and can support the development of productivity improvement plans within industry specific strategies.

Improving business productivity levels is one step towards making businesses more efficient and profitable which will support their ability to move towards a Living Wage.

2.62 Deputy K.F. Morel of St. Lawrence of the Minister for Treasury and Resources regarding the use of fiscal stimulus funding. (WQ.279/2021):

Question

Of the £50 million made available through fiscal stimulus funding, will the Minister advise what amount it is estimated has been (or will be) paid to women, and how much to men, as the direct, primary recipients of any funds provided?

Answer

There were a range of applications for Fiscal Stimulus Funding from a wide variety of organisations, all of whom play a role in the fabric of Island life. P.128/2020 set out the types of organisations that could apply for funds and this did not include individuals as direct, primary recipients of the funds. As part of the submissions there was some limited and summary information provided by organisations, but this information cannot be deemed to be complete yet because some of the projects are still undertaking procurement exercises for delivery partners.

Some information on service provision statistics for the organisations in Tranche One has been gathered. For example, one project has indicated that over 50% of their service users are female with their chosen service provider having a workforce that is over 70% female. Officers will continue to collect this information as the estimates become clearer and this will be published as part of the required reporting on progress

The Fiscal Stimulus Oversight Group (FSOG) considered diversity in two ways – through the likely impact at a service provision level and at a delivery level. This formed part of the criteria and FSOG took a holistic view in terms of the organisation and the nature of the project when considering the overall impact of the project. All of the organisations selected for funding in Tranche One cater for both men and women with certain projects providing direct support to individuals in the form of additional unemployment support and access to skills training.

Whilst several projects in Tranche One are related to the construction industry, they cover a wide range of trades, sizes and will be delivered by a number of local companies. Until that process is complete, we will not know how this has impacted on the gender diversity aspects of the delivery.

Deputy Morel's amendment to P.128/2020 asked that the business cases set out the age and gender of those most likely to benefit economically from the project. In the Minister's comment on Deputy Morel's amendment she did make the point that there would need to be an acceptance of a degree of

proportionality and uncertainty in terms of sector and diversity benefits. The plan moving forward is to continue to measure the diversity impacts of projects as delivery partners are selected as part of the monthly and quarterly monitoring process. This will include impact by way of the diversity of the service users.

2.63 Deputy M.R. Higgins of St. Helier of the Minister for Home Affairs regarding children stopped and searched by the States of Jersey Police. (WQ.280/2021):

Question

Will the Minister provide –

- (a) a table showing the number of children stopped and searched by States of Jersey Police Officers over the last 5 years, with the figures broken down into those aged between 10 to 15 and 16 to 18, stating in each case the reasons for the stop-and-search and whether the individual was arrested, given words of advice or referred for prosecution; and
- (b) details of any requirements for the use of body worn cameras when conducting such stop-and-searches?

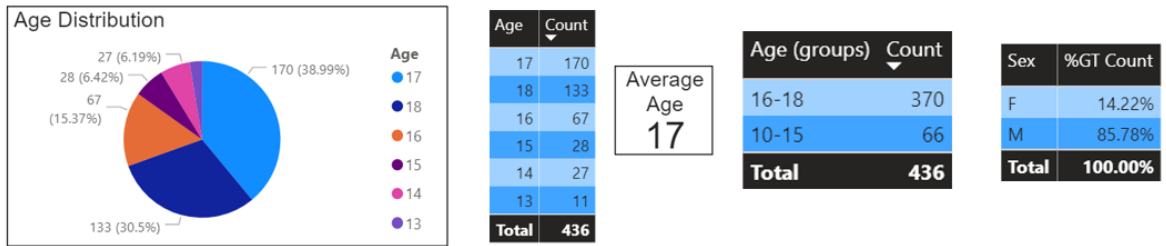
Answer

- (a) Please see below.

We are unable to provide, in the timescales allowed, data giving the exact reasons why an individual was stopped and whether they were given words of advice or were arrested and subsequently prosecuted. The information is within the IT systems but would require 436 records to be redacted for sensitive personal data before release and also to be married up with the custody and crime recording databases.

Juveniles Stopped & Searched by Year	
Year	Count
2016	10
2017	28
2018	35
2019	106
2020	257
Total	436

Age & Sex Statistics



(b) The Body Worn Camera Policy provides guiding principles to Officers. These are:

- The camera must be switched on when footage might support professional observation or would corroborate what would be written in a pocket notebook
- The decision to record or not to record any incident remains with the user
- The user should be mindful that the failure to record any incident of evidential value may require explanation in court.

2.64 Deputy M.R. Higgins of St. Helier of the Minister for Children and Education regarding children whose first language is not English and children with special educational needs. (WQ.281/2021):

Question

Will the Minister provide tables detailing –

- (a) the number of children taught in each school for each of the last 5 years whose first language was not English, as well as the number and cost of any additional teaching staff employed to carry out dedicated tuition for these children, together with any costs associated with addressing this educational need; and
- (b) the number of children taught in each school for each of the last 5 years who had a special educational need, with the figures broken down by need (i.e. physical, autism spectrum disorders, dyslexia, reading difficulties, behavioural), as well as the costs of supporting the children with these needs?

Answer

- (a) The number of pupils in each school who had English as an Additional Language are shown below (data is correct as of January in each year)

School	2017	2018	2019	2020	2021
Bel Royal	68	69	64	64	67
d'Auvergne	131	155	155	163	156
First Tower	155	151	153	155	154
Grainville	173	194	213	244	257

Grands Vaux	55	72	63	63	59
Grouville	44	41	39	39	44
Haute Vallée	256	258	266	257	265
Hautlieu	77	80	93	109	112
Janvrin	187	193	227	243	231
Jersey College Prep	<5	5	31	41	43
Jersey College for Girls	31	32	40	49	53
La Moye	69	63	56	45	76
La Sente	<5	<5	<5	<5	<5
Le Rocquier	155	196	181	198	213
Les Landes	20	15	13	13	14
Les Quennevais	75	81	96	104	127
Mont Nicolle	28	25	23	35	29
Mont à l'Abbé Primary	16	15	14	18	21
Mont à l'Abbé Secondary	9	12	11	13	15
Plat Douet	148	164	166	186	190
Rouge Bouillon	280	273	260	277	267
Samarès	73	79	78	71	65
Springfield	92	94	101	99	107
St Clement's	21	21	22	38	50

St John's	27	27	23	26	19
St Lawrence	26	21	22	24	21
St Luke's	55	59	55	62	87
St Martin's	18	15	16	14	36
St Mary's	24	22	18	17	17
St Peter's	35	32	58	57	40
St Saviour's	54	52	64	63	60
Trinity	30	29	27	33	38
Victoria College	13	20	30	32	37
Victoria College Prep	13	10	9	12	15

The costs of the central EAL team is shown below. The academic year 2017/18 included funding for a Jersey Premium pilot, which not continue beyond the pilot year.

EAL costs are not separately identifiable in our accounts on a school by school basis. They will form part of the SEN figures in part b.

	2016	2017	2018	2019	2020
EAL - Central Team	249,003	261,287	219,004	190,209	207,788
EAL - JP Funded Pilot	0	42,493	129,865	0	0
EAL - within Schools - UNKNOWN					
	249,003	303,780	348,868	190,209	207,788

b) The number of pupils in each school with a Special Educational Need are shown below (data is correct as of January in each year)

School	SEN Description	2017	2018	2019	2020	2021
Bel Royal	Autistic Spectrum Disorder	<5	<5	<5	<5	6
	Hearing Impairment	<5				
	Moderate Learning Difficulty	<5	<5	5	<5	<5
	Physical Disability and/or Medical	15	14	13	12	8
	Severe Learning Difficulty		<5	<5	<5	<5
	Social, Emotional and Mental Health	6	<5	<5	<5	<5
	Specific Learning Difficulty	11	7	<5	<5	<5
	Speech, Language or Communication Need	5	<5	<5	<5	<5
d'Auvergne	Autistic Spectrum Disorder	<5	<5	<5	<5	6
	Moderate Learning Difficulty		14	13	10	8
	Physical Disability and/or Medical	<5	5	<5	<5	<5
	Profound & Multiple Learning Difficulty					<5
	Severe Learning Difficulty		<5	<5		
	Social, Emotional and Mental Health	6	11	9	10	18
	Specific Learning Difficulty	9	9	7	13	11
	Speech, Language or Communication Need	29	11	12	17	22
	Visual Impairment		<5	<5	<5	<5
First Tower	Autistic Spectrum Disorder		<5		<5	<5
	Hearing Impairment			<5	<5	<5
	Moderate Learning Difficulty	7	<5	<5	<5	5
	Physical Disability and/or Medical	<5	<5	<5	<5	<5

	Social, Emotional and Mental Health	21	16	16	10	13
	Specific Learning Difficulty	13	13	10	<5	<5
	Speech, Language or Communication Need	21	26	29	14	22
Grainville	Autistic Spectrum Disorder	9	13	11	11	12
	Hearing Impairment	<5	<5	<5	<5	<5
	Moderate Learning Difficulty	10	8	9	8	7
	Physical Disability and/or Medical	5	<5	<5	7	9
	Social, Emotional and Mental Health	40	51	56	87	57
	Specific Learning Difficulty	20	9	8	13	12
	Speech, Language or Communication Need	7	6	<5	7	<5
	Visual Impairment	<5	<5	<5	<5	<5
Grands Vaux	Autistic Spectrum Disorder	<5	<5	<5	<5	<5
	Moderate Learning Difficulty	7	10	9	8	<5
	Multi-Sensory Impairment	<5				
	Physical Disability and/or Medical	<5	<5			
	Profound & Multiple Learning Difficulty	<5				
	Social, Emotional and Mental Health	10	9	<5	5	8
	Specific Learning Difficulty		<5	<5	<5	<5
	Speech, Language or Communication Need	8	11	8	7	9
Grouville	Autistic Spectrum Disorder	<5	<5	<5	<5	<5
	Hearing Impairment	<5	<5	<5	<5	
	Moderate Learning Difficulty	9	<5	<5	<5	
	Multi-Sensory Impairment		<5		<5	<5
	Physical Disability and/or Medical	5	<5	<5	<5	<5
	Severe Learning Difficulty				<5	<5
	Social, Emotional and Mental Health	21	15	14	23	16
	Specific Learning Difficulty	<5	6	5	5	<5
	Speech, Language or Communication Need	8	10	12	19	17
Haute Vallée	Autistic Spectrum Disorder	11	10	10	11	15
	Hearing Impairment		<5			
	Moderate Learning Difficulty	<5		<5	5	12
	Physical Disability and/or Medical	<5	<5	<5	<5	6

	Severe Learning Difficulty				<5	
	Social, Emotional and Mental Health	10	31	17	23	26
	Specific Learning Difficulty	14	32	69	49	33
	Speech, Language or Communication Need	7	6	<5	6	6
	Visual Impairment	<5	<5	<5	<5	
Hautlieu	Autistic Spectrum Disorder	7	<5	6	<5	<5
	Hearing Impairment	<5	<5		<5	<5
	Physical Disability and/or Medical	10	13	5	14	15
	Social, Emotional and Mental Health	85	63	52	51	68
	Specific Learning Difficulty	61	81	<5	<5	5
	Speech, Language or Communication Need		<5	<5		
	Visual Impairment	<5				
Janvrin	Autistic Spectrum Disorder	<5	6	<5	<5	<5
	Hearing Impairment	<5	<5		<5	
	Moderate Learning Difficulty		<5			
	Physical Disability and/or Medical	<5	<5			
	Social, Emotional and Mental Health	23	31	13	10	18
	Specific Learning Difficulty	11	6	<5	<5	<5
	Speech, Language or Communication Need	32	29	31	28	36
	Visual Impairment	<5	<5			
Jersey College Prep	Hearing Impairment		<5	<5	<5	<5
	Social, Emotional and Mental Health	8	6	<5		
	Specific Learning Difficulty	10	8	12		
	Speech, Language or Communication Need	<5	<5	<5	<5	<5
Jersey College for Girls	Autistic Spectrum Disorder		<5			
	Hearing Impairment	<5	<5	<5	<5	<5
	Moderate Learning Difficulty	<5				
	Other Difficulty/Disability		<5		<5	<5
	Physical Disability and/or Medical	8		<5		<5
	Social, Emotional and Mental Health	35	17	22	43	36
	Specific Learning Difficulty	55	18	12	11	5

	Speech, Language or Communication Need			<5	<5	<5
	Visual Impairment	<5	<5	<5	<5	<5
La Moye	Autistic Spectrum Disorder	<5	<5	<5	<5	<5
	Hearing Impairment				<5	<5
	Moderate Learning Difficulty	<5		<5	<5	<5
	Multi-Sensory Impairment					<5
	Profound & Multiple Learning Difficulty	<5				
	Social, Emotional and Mental Health	12	<5	7	11	12
	Specific Learning Difficulty	16		6	<5	<5
	Speech, Language or Communication Need	15	11	18	19	14
	Visual Impairment	<5				
La Sente	Autistic Spectrum Disorder			<5	5	<5
	Moderate Learning Difficulty			<5	<5	<5
	Social, Emotional and Mental Health	14	23	18	16	16
	Speech, Language or Communication Need			<5	<5	
Le Rocquier	Autistic Spectrum Disorder	<5	6	<5	11	12
	Hearing Impairment	5	7	5	5	<5
	Moderate Learning Difficulty	<5	6	5	9	10
	Physical Disability and/or Medical	17	11	8	6	6
	Severe Learning Difficulty			<5	<5	<5
	Social, Emotional and Mental Health	47	49	33	46	62
	Specific Learning Difficulty	58	33	23	21	25
	Speech, Language or Communication Need	8	<5	5	<5	<5
	Visual Impairment	<5	<5	<5	<5	<5
Les Landes	Autistic Spectrum Disorder		<5	<5	<5	<5
	Hearing Impairment			<5	<5	<5
	Moderate Learning Difficulty	<5	<5	<5	<5	
	Multi-Sensory Impairment		<5	<5	<5	<5
	Physical Disability and/or Medical				<5	<5
	Social, Emotional and Mental Health	5	11	12	7	<5
	Specific Learning Difficulty	10	9	<5	<5	<5

	Speech, Language or Communication Need	<5	<5	<5	<5	5
	Visual Impairment				<5	<5
Les Quennevais	Autistic Spectrum Disorder	<5	9	10	8	6
	Hearing Impairment	<5	<5			
	Moderate Learning Difficulty	<5	5	7	9	9
	Physical Disability and/or Medical	9	10	<5	<5	<5
	Severe Learning Difficulty			<5		
	Social, Emotional and Mental Health	19	59	35	29	28
	Specific Learning Difficulty	9	31	35	50	38
	Speech, Language or Communication Need	<5	5	6	<5	<5
	Visual Impairment		<5	<5	<5	
Mont Nicolle	Autistic Spectrum Disorder		<5	<5	<5	<5
	Moderate Learning Difficulty	<5	<5			<5
	Physical Disability and/or Medical	<5	<5	<5	<5	<5
	Social, Emotional and Mental Health	<5	<5	6	6	<5
	Specific Learning Difficulty	<5	6	6	<5	12
	Speech, Language or Communication Need	10	16	8	13	15
Mont l'Abbé Primary	Autistic Spectrum Disorder			<5	<5	<5
	Moderate Learning Difficulty	<5		<5	8	8
	Profound & Multiple Learning Difficulty	<5	<5	<5	5	6
	Severe Learning Difficulty	42	44	44	40	44
	Speech, Language or Communication Need					<5
Mont l'Abbé Secondary	Moderate Learning Difficulty	<5	5	<5	<5	5
	Profound & Multiple Learning Difficulty	<5	<5	<5	<5	<5
	Severe Learning Difficulty	34	42	44	42	44
	Specific Learning Difficulty				<5	<5
Plat Douet	Autistic Spectrum Disorder		<5	<5	<5	<5
	Hearing Impairment	<5	<5			<5
	Moderate Learning Difficulty	5	6	5	<5	<5
	Physical Disability and/or Medical	<5	<5	<5	<5	7
	Social, Emotional and Mental Health	14	21	10	14	16
	Specific Learning Difficulty	20	29	12	5	5

	Speech, Language or Communication Need	23	22	23	48	47
	Visual Impairment	<5	<5	<5	<5	
Rouge Bouillon	Autistic Spectrum Disorder	11	14	17	13	13
	Hearing Impairment	<5	<5	<5		
	Moderate Learning Difficulty	8	6	8	7	5
	Physical Disability and/or Medical	<5	<5	<5	<5	<5
	Severe Learning Difficulty	<5	<5			
	Social, Emotional and Mental Health	14	25	25	28	29
	Specific Learning Difficulty	16	<5	<5	<5	5
	Speech, Language or Communication Need	26	33	35	35	37
	Visual Impairment	<5				
Samarès	Autistic Spectrum Disorder	<5	<5	<5	9	5
	Moderate Learning Difficulty	11	15	<5	<5	6
	Physical Disability and/or Medical	<5	<5	<5	6	<5
	Social, Emotional and Mental Health	21	23	12	13	19
	Specific Learning Difficulty	7	<5	14	9	11
	Speech, Language or Communication Need	16	17	20	17	24
Springfield	Autistic Spectrum Disorder		<5		<5	6
	Moderate Learning Difficulty	<5	<5	<5	<5	<5
	Other Difficulty/Disability		<5	<5	<5	<5
	Physical Disability and/or Medical	<5	<5	<5	<5	<5
	Severe Learning Difficulty		<5	<5	<5	<5
	Social, Emotional and Mental Health	21	16	10	10	12
	Specific Learning Difficulty	14	<5	<5	<5	<5
	Speech, Language or Communication Need	11	30	12	13	15
	Visual Impairment				<5	<5
St Clement's	Autistic Spectrum Disorder	<5	6	6	5	<5
	Hearing Impairment	<5	<5	<5	<5	<5
	Moderate Learning Difficulty	<5	<5	<5		
	Physical Disability and/or Medical	<5	<5	<5	<5	<5
	Profound & Multiple Learning Difficulty				<5	<5
	Social, Emotional and Mental Health	6	5	<5	<5	<5

	Specific Learning Difficulty	7	7	<5	<5	<5
	Speech, Language or Communication Need	9	10	5	6	6
	Visual Impairment	<5	<5	<5	<5	<5
St John's	Autistic Spectrum Disorder	<5	<5		<5	<5
	Multi-Sensory Impairment	<5	<5	<5	<5	
	Physical Disability and/or Medical	<5	<5	<5	<5	<5
	Social, Emotional and Mental Health	<5	6	5	<5	<5
	Specific Learning Difficulty	10	7	9	9	9
	Speech, Language or Communication Need	10	7	8	<5	13
St Lawrence	Autistic Spectrum Disorder		<5	<5	<5	<5
	Moderate Learning Difficulty				<5	
	Physical Disability and/or Medical	<5	<5	<5	<5	<5
	Profound & Multiple Learning Difficulty	<5				
	Social, Emotional and Mental Health	19	17	12	14	18
	Specific Learning Difficulty	9	15	14	16	15
	Speech, Language or Communication Need	6	5	6	6	6
	Visual Impairment	<5				
St Luke's	Autistic Spectrum Disorder			<5		<5
	Moderate Learning Difficulty	<5			<5	<5
	Physical Disability and/or Medical	<5	<5	<5	<5	5
	Profound & Multiple Learning Difficulty	<5				
	Severe Learning Difficulty		<5			<5
	Social, Emotional and Mental Health	9	10	8	9	9
	Specific Learning Difficulty	11	<5	<5		<5
	Speech, Language or Communication Need	17	5	9	9	9
St Martin's	Autistic Spectrum Disorder	<5	<5	<5	<5	<5
	Hearing Impairment	<5	<5	<5		
	Moderate Learning Difficulty	<5	<5			<5
	Physical Disability and/or Medical	<5	<5	5	6	<5
	Social, Emotional and Mental Health	<5	<5	<5	<5	<5
	Specific Learning Difficulty	<5	<5	<5		<5

	Speech, Language or Communication Need	10	11	7	5	6
St Mary's	Autistic Spectrum Disorder	<5	<5	<5	<5	<5
	Hearing Impairment	<5	<5	<5		
	Moderate Learning Difficulty	<5	<5	<5		<5
	Physical Disability and/or Medical	8	<5	<5	<5	<5
	Social, Emotional and Mental Health	9	16	<5	5	<5
	Specific Learning Difficulty	<5	6	5	<5	<5
	Speech, Language or Communication Need	<5	8	5	<5	5
	Visual Impairment	<5	<5	<5	<5	<5
St Peter's	Autistic Spectrum Disorder			<5	<5	<5
	Hearing Impairment					<5
	Moderate Learning Difficulty		<5			<5
	Physical Disability and/or Medical					<5
	Profound & Multiple Learning Difficulty	<5	<5	<5	<5	
	Social, Emotional and Mental Health	<5	<5	<5		<5
	Specific Learning Difficulty	10	12	8	6	11
	Speech, Language or Communication Need	12	10	12	12	11
	Visual Impairment					<5
St Saviour's	Autistic Spectrum Disorder	10	10	11	9	9
	Hearing Impairment	<5	<5	<5	<5	
	Moderate Learning Difficulty	<5	<5	<5	<5	<5
	Multi-Sensory Impairment	<5				
	Physical Disability and/or Medical	5	<5	<5	<5	<5
	Severe Learning Difficulty					<5
	Social, Emotional and Mental Health	8	10	11	18	21
	Specific Learning Difficulty	15	<5	<5	<5	<5
	Speech, Language or Communication Need	6	9	10	8	10
Trinity	Autistic Spectrum Disorder		<5	<5	<5	<5
	Moderate Learning Difficulty				<5	<5
	Physical Disability and/or Medical	<5	<5			
	Social, Emotional and Mental Health	<5	<5		<5	<5
	Specific Learning Difficulty	7	6	5	5	<5

	Speech, Language or Communication Need	<5	8	7	<5	5
	Visual Impairment	<5	<5			
Victoria College	Autistic Spectrum Disorder	<5	<5	<5	<5	
	Social, Emotional and Mental Health	22	20	7	<5	
	Specific Learning Difficulty	7		5	5	
	Visual Impairment	<5	<5	<5	<5	
Victoria College Prep	Autistic Spectrum Disorder		<5	<5	<5	<5
	Hearing Impairment	<5				
	Moderate Learning Difficulty		<5	<5	<5	
	Physical Disability and/or Medical		<5	<5	<5	<5
	Social, Emotional and Mental Health	11	16	<5	<5	<5
	Specific Learning Difficulty	<5	<5	<5	<5	<5
	Speech, Language or Communication Need	13	<5	<5		<5
	Visual Impairment		<5	<5	<5	<5

The table below identifies the costs coded to SEN & Mental Health business units by individual schools. The actual costs associated with supporting children with SEN & MH will most likely differ as costs may be coded to different business units.

SEN	2016	2017	2018	2019	2020
Bel Royal	1,975	42,787	45,569	58,510	63,391
D'Auvergne	958	101,398	100,488	127,106	137,919
First Tower	386	92,273	120,998	120,114	126,837
Grands Vaux	411	540	895	494	2,546
Grouville	2,155	0	2,582	118,986	148,139
Janvrin	0	0	0	895	139,276
La Moye	476	95,896	102,916	102,783	99,097
Les landes	0	0	56,822	63,168	61,941
Mont Nicolle	0	44,712	69,185	67,578	59,696
Plat Douet	431	2,389	1,045	634	198,454
Rouge Bouillon	715	171	1,454	151,938	347,586
Samares	242	306	482	54	132,421
Springfield	0	0	0	52,010	53,931

St Clements	0	0	0	0	89,981
St John	134	281	269	106	25,328
St Lawrence	75	79,737	59,067	42,467	47,539
St Luke	523	163	208	97,634	99,557
St Martin	2,814	41,354	44,921	53,405	10,667
St Mary	61	0	48,652	92,524	147,385
St Peter	11	476	63,009	63,873	86,409
St Saviour	0	238	493	1,347	102,745
Trinity	338	112	384	52	108
Grainville	460,928	417,154	374,500	418,305	698,993
Haute Vallee	219,430	217,030	261,101	659,594	692,483
Hautlieu	27,719	45,457	46,993	46,845	48,848
Le Rocquier	251,436	233,174	536,589	606,821	750,001
Les Quennevais	154,163	172,115	170,516	314,938	359,156
VCP	0	0	0	0	97,873
Victoria College	1,030	1,919	357	627	181,711
JCP	1,434	1,391	989	955	990
JCG	2,995	3,020	1,789	3,848	930
	1,130,839	1,594,094	2,112,273	3,267,612	5,011,940

The table below identifies the costs of Jersey's special schools and alternative provision

Special Schools	2016	2017	2018	2019	2020
Mont à l'Abbé	2,239,928	2,485,482	2,764,541	3,124,481	3,664,719
La Sente (formerly D'Hautrée and Alternative Curriculum)	1,178,328	1,076,166	1,153,350	1,116,526	1,407,655
La Passerelle	0	0	0	69,627	122,265
	3,418,255	3,561,649	3,917,890	4,310,632	5,194,639

The table below identifies the costs of the additional resource centres within primary and secondary schools:

Resource Centres	2016	2017	2018	2019	2020
Bel Royal	254,136	280,998	295,182	297,442	316,206

Rouge Bouillon	341,600	312,452	343,639	352,389	389,034
St Clement's	0	0	136,624	124,352	131,000
St Saviour	256,588	252,815	261,021	289,249	299,367
Grainville	150,390	177,921	202,576	210,784	221,224
Haute Vallée	186,182	157,082	189,315	188,649	210,176
Le Rocquier	0	0	88,623	85,736	58,937
Les Quennevais	115,659	89,613	80,337	78,355	136,176
	1,304,555	1,270,882	1,597,315	1,626,957	1,762,119

The following table identifies central costs for the CYPES Inclusion Service (excluding any already picked up above). This does not include Jersey Premium.

Central Costs	2016	2017	2018	2019	2020
Inclusion Service	3,152,896	3,304,872	3,588,514	3,646,224	4,140,056
Every Child our Future	-121	59,421	22,208	862	137,971
	3,152,775	3,364,293	3,610,722	3,647,087	4,278,027

2.65 Deputy M.R. Higgins of St. Helier of the Minister for Children and Education regarding school budgets. (WQ.282/2021):

Question

Will the Minister –

- (a) provide a table showing, for each of the last 5 years, the year-end finances for each school, including the respective surplus and deficit;
- (b) explain the reasons for any deficits that occurred and state how any school experiencing a deficit is expected to finance, or deal with, that deficit; and
- (c) provide a table showing the number and cost of photocopies used by each school under the managed print contract for each year over the last 5 years?

Answer

(a) This includes all costs incurred by the schools including Jersey Premium and Additional Resource Centres.

Row Labels	Sum of 2016 Budget	Sum of 2016 Expenditure	Sum of 2016 Variance	Sum of 2017 Budget	Sum of 2017 Expenditure	Sum of 2017 Variance	Sum of 2018 Budget	Sum of 2018 Expenditure	Sum of 2018 Variance	Sum of 2019 Budget	Sum of 2019 Expenditure	Sum of 2019 Variance	Sum of 2020 Budget	Sum of 2020 Expenditure	Sum of 2020 Variance
Fee Paying Schools	5,205,602	5,100,482	105,120	5,201,583	5,113,322	88,261	5,436,546	5,380,780	55,766	5,142,108	5,697,368	(555,260)	5,594,472	5,939,763	(345,291)
Jersey College for Girls	2,379,726	2,369,768	19,958	2,332,982	2,396,817	(63,835)	2,340,830	2,279,107	61,723	2,290,218	2,533,292	(243,074)	2,341,880	2,647,943	(306,063)
Jersey College for Girls Prep	382,672	367,286	15,387	422,087	404,009	18,078	466,917	444,414	22,503	420,289	524,954	(104,665)	391,932	428,567	(36,635)
Victoria College	2,165,263	2,131,605	33,658	2,160,792	2,069,691	91,101	2,259,828	2,412,660	(152,832)	2,133,847	2,433,508	(299,661)	2,505,600	2,689,685	(184,085)
Victoria College Preparatory	277,941	241,823	36,118	285,722	242,805	42,917	368,971	244,600	124,371	297,754	205,614	92,140	355,000	173,569	181,431
Highlands College	9,340,962	9,575,917	(234,955)	9,211,132	9,371,761	(160,629)	9,100,826	9,244,424	(143,598)	9,700,513	9,830,646	(130,134)	10,195,000	10,272,858	(77,858)
Highlands College	9,340,962	9,575,917	(234,955)	9,211,132	9,371,761	(160,629)	9,100,826	9,244,424	(143,598)	9,700,513	9,830,646	(130,134)	10,195,000	10,272,858	(77,858)
Primary Schools	27,293,685	26,909,359	384,326	29,226,821	28,742,561	484,260	31,260,437	31,251,268	9,169	31,784,511	32,150,285	(365,774)	33,772,000	34,198,612	(426,612)
Bel Royal School	1,055,053	1,057,761	(2,708)	1,144,977	1,107,292	37,685	1,493,545	1,486,125	7,420	1,543,133	1,568,607	(25,474)	1,572,000	1,645,633	(73,633)
d'Auvergne School	1,827,849	1,798,327	29,522	2,040,153	1,997,490	42,663	2,204,626	2,174,791	29,835	2,281,988	2,310,903	(28,915)	2,438,000	2,474,712	(36,712)
First Tower School	1,728,353	1,666,769	61,584	1,845,103	1,831,384	13,719	1,884,061	1,897,965	(13,894)	1,923,485	1,921,330	2,155	2,064,000	2,041,052	22,948
Grands Vaux School	1,004,263	1,001,880	2,383	1,045,041	1,035,028	10,013	1,086,729	1,079,289	7,440	1,122,972	1,166,737	(43,765)	1,221,000	1,230,681	(9,681)
Grouville School	1,667,762	1,644,026	23,736	1,755,571	1,688,682	66,889	1,834,106	1,833,646	460	1,842,923	1,867,915	(24,992)	1,987,000	2,054,600	(67,600)
Janvrin School	1,711,949	1,692,950	18,999	1,844,719	1,848,970	(4,251)	1,905,638	1,910,275	(4,637)	1,936,229	1,942,202	(5,973)	2,031,000	2,063,840	(32,840)
La Moye School	1,570,217	1,501,914	68,303	1,719,701	1,696,037	23,664	1,741,786	1,746,866	(5,080)	1,793,624	1,808,244	(14,620)	1,916,000	1,912,585	3,415
Les Landes School	866,657	874,466	(7,809)	888,309	884,417	3,892	917,353	918,181	(828)	937,742	959,274	(21,532)	998,000	1,000,921	(2,921)
Mont Nicolle School	1,174,224	1,151,101	23,123	1,179,555	1,171,048	8,507	1,220,420	1,268,046	(47,626)	1,202,088	1,304,703	(102,615)	1,296,000	1,340,281	(44,281)
Plat Douet School	1,768,600	1,734,609	33,991	2,032,632	1,999,513	33,119	2,056,874	2,071,818	(14,944)	2,088,040	2,123,977	(35,937)	2,280,000	2,277,960	2,040
Rouge Bouillon School	1,955,896	1,924,998	30,898	2,107,311	2,146,325	(39,014)	2,424,018	2,455,661	(31,643)	2,511,476	2,595,337	(83,861)	2,566,000	2,681,589	(115,589)
Samares School	1,303,159	1,283,705	19,454	1,332,924	1,335,683	(2,759)	1,369,719	1,345,385	24,334	1,432,521	1,377,974	54,547	1,451,000	1,360,978	90,022
Springfield School	1,105,537	1,124,758	(19,221)	1,197,749	1,192,130	5,619	1,246,689	1,259,789	(11,100)	1,297,766	1,285,507	12,259	1,327,000	1,319,423	7,577
St Clement School	1,009,716	1,008,459	1,257	1,014,703	994,358	20,345	1,207,474	1,211,983	(4,509)	1,204,466	1,217,859	(13,393)	1,294,000	1,331,768	(37,768)
St John School	969,027	943,914	25,113	1,014,281	973,995	40,286	1,068,288	1,047,612	20,676	1,046,963	1,013,958	33,005	1,117,000	1,123,951	(6,951)
St Lawrence School	967,877	963,635	4,242	1,007,124	1,000,096	7,028	1,040,582	1,034,058	6,524	1,070,661	1,064,942	5,719	1,142,000	1,136,171	5,829
St Luke School	893,795	897,435	(3,640)	1,017,724	906,161	111,563	1,071,664	1,084,432	(12,768)	1,002,571	1,043,305	(40,734)	1,141,000	1,179,649	(38,649)
St Martin School	970,473	966,256	4,217	999,242	980,418	18,824	1,045,102	1,031,607	13,495	1,061,367	1,066,347	(4,980)	1,138,000	1,139,326	(1,326)
St Mary School	840,359	829,121	11,238	916,160	896,093	20,067	888,882	888,972	(90)	890,611	911,410	(20,799)	944,000	1,024,150	(80,150)
St Peter School	993,655	1,023,750	(30,095)	1,033,152	1,027,836	5,316	1,075,930	1,098,756	(22,826)	1,094,170	1,108,380	(14,210)	1,156,000	1,172,568	(16,568)
St Saviour School	1,027,297	994,445	32,852	1,121,784	1,077,238	44,546	1,426,366	1,376,960	49,406	1,440,294	1,429,798	10,496	1,529,000	1,549,793	(19,793)
Trinity School	881,987	825,081	56,906	968,906	952,356	16,550	1,048,585	1,029,063	19,522	1,059,421	1,061,877	(2,456)	1,164,000	1,137,979	26,021
Secondary Schools	23,794,767	24,022,069	(227,302)	24,340,525	24,679,413	(338,889)	25,091,048	26,577,955	(1,486,907)	25,602,296	27,665,975	(2,063,679)	28,190,000	29,958,228	(1,768,228)
Grainville	4,199,144	4,212,678	(13,534)	4,421,929	4,429,179	(7,250)	4,736,794	5,066,416	(329,622)	5,030,764	5,387,069	(356,305)	5,488,000	5,798,048	(310,048)
Haute Vallée	4,298,440	4,492,938	(194,498)	4,417,986	4,596,762	(178,776)	4,595,587	5,047,346	(451,759)	4,583,253	5,382,701	(799,448)	4,841,000	5,442,318	(601,318)
Hautlieu	5,478,323	5,478,740	(417)	5,586,739	5,554,646	32,093	5,776,084	5,761,730	14,354	5,909,540	5,957,610	(48,070)	6,372,000	6,339,494	32,506
Le Plocquier	5,412,211	5,420,315	(8,104)	5,421,817	5,463,021	(41,204)	5,598,551	5,733,473	(134,922)	5,455,935	5,983,745	(527,810)	5,649,000	6,238,218	(589,218)
Les Quennevais	4,408,649	4,417,399	(8,750)	4,432,054	4,635,806	(143,752)	4,384,032	4,968,990	(584,958)	4,622,804	4,954,849	(332,045)	5,840,000	6,140,150	(300,150)
Special Schools	3,571,002	3,472,116	98,887	3,776,017	3,620,077	155,941	3,948,463	3,940,752	7,711	4,195,741	4,424,542	(228,801)	4,304,000	5,194,532	(890,532)
La Sente	1,298,635	1,232,188	66,447	1,220,987	1,134,595	86,393	1,200,609	1,176,211	24,398	1,223,873	1,240,435	(16,562)	1,275,000	1,407,655	(132,655)
Mont-à-l'Abbé	2,272,367	2,239,928	32,439	2,555,030	2,485,482	69,548	2,747,854	2,764,541	(16,687)	2,881,368	3,124,481	(243,113)	3,024,000	3,664,719	(640,719)
La Passerelle										90,500	59,627	30,873	5,000	122,157	(117,157)
Grand Total	69,206,019	69,079,941	126,077	71,756,078	71,527,134	228,944	74,837,320	76,395,179	(1,557,859)	76,425,169	79,768,816	(3,343,647)	82,055,472	85,563,992	(3,508,520)

(b) The biggest contributing factor to overspend is pressure to increase staff numbers in order to address pressures arising from variations in demographic demand and increasing standards. An example of these combined pressures is the increase in the number of higher needs pupils requiring more specialised support. This results in increased support staffing ratios. Over the last 3 years, schools have been appointing more staff than the funding formula calculates should be required for the number of pupils at the September census. The formula is not recalculated during the year to reflect in-year changes in numbers of pupils or changes in support requirements for those with special needs.

Non-staff budgets are less significant but nonetheless forecast to be under pressure across the Directorate. Cleaning contracts are significantly overspent in schools but also more widely. The move to a living wage is cited as a factor in increasing prices by suppliers.

The Independent School Funding Review, which reported in May 2020, confirmed that schools have been consistently underfunded. The Education Reform project is underway

to address this going forward and ensure schools are fairly funded. Generally, across the whole sector an increase in numbers of children with Special Educational Needs and Mental Health needs has been a major factor in increased spend. An Inclusion Review is underway to ensure we understand this and how to address it.

If a government funded school overspends, the deficit must be covered by underspends elsewhere within the CYPES department. If any schools underspend this goes towards offsetting overspends in other schools. Prior to 2018, schools deficits and overspends were carried forward but that rule changed so that the budget has to be managed within year within the department.

For fee-paying schools their deficits / surpluses have been carried forward as it is deemed that they are able to use fee income to bring their spend back into balance, and that is more appropriate than using Tax payers money to cover any deficit.

(c)

	2016	2017	2018	2019	2020
Bel Royal Primary School	£8,335	£9,135	£8,717	£8,131	£7,282
D'Hautree House School (Special Needs)	£3,702	£2,326	£1,779	£2,115	£3
D'Auvergne Primary School	£11,639	£15,036	£15,867	£18,134	£15,756
First Tower Primary School	£5,399	£5,353	£8,514	£10,225	£7,997
Grainville School	£22,303	£26,632	£27,989	£28,562	£19,705
Grands Vaux Primary School	£4,198	£7,120	£7,378	£8,221	£5,349
Greenfields, Alternative Curriculum	£1,238	£1,888	£1,079	£1,245	£1,239
Grouville Primary School	£14,319	£8,871	£9,427	£9,113	£6,173
Haute Vallee School	£26,795	£21,466	£24,346	£30,788	£15,662
Hautlieu School	£27,005	£32,721	£32,807	£27,026	£17,442
Janvrin Primary School	£10,055	£10,152	£11,189	£9,523	£9,855
Jersey College for Girls	£38,096	£39,749	£38,233	£31,407	£18,331
Jersey College for Girls Preparatory School	£14,345	£13,414	£13,681	£14,390	£9,781
La Moye School	£7,231	£11,043	£10,597	£13,176	£8,725
La Sente KS 2-3				£132	£1,431

Le Rocquier School	£26,064	£27,569	£27,314	£27,392	£23,461
Les Landes Primary School	£4,241	£6,162	£4,835	£5,588	£4,414
Les Quennevais Secondary	£17,490	£22,674	£22,188	£13,860	£15,949
Mont a L'Abbe Special Needs School	£7,900	£6,688	£6,531	£7,983	£6,686
Mont Nicolle School	£6,126	£10,450	£9,189	£8,017	£5,671
Plat Douet Primary School	£12,022	£11,065	£10,905	£7,486	£6,254
Rouge Bouillon Primary School	£11,604	£11,290	£12,078	£12,469	£9,675
Samares Primary School	£9,319	£14,462	£13,224	£12,330	£8,667
Springfield Primary School	£3,184	£6,951	£7,647	£7,594	£6,032
St Clements Primary School	£5,949	£7,163	£7,226	£6,771	£4,863
St Johns Primary School	£4,247	£5,725	£4,801	£4,889	£3,772
St Lawrence Primary School	£3,056	£5,326	£6,240	£6,353	£3,740

	2016	2017	2018	2019	2020
St Luke's School	£4,595	£3,785	£3,787	£3,408	£2,687
St Martin's Primary School	£1,117	£5,781	£7,304	£7,116	£4,384
St Mary's Primary School	£6,254	£7,647	£6,510	£6,933	£4,502
St Peter's Primary School	£6,469	£7,135	£7,541	£6,751	£5,482
St Saviours School	£4,207	£6,450	£7,284	£7,737	£4,781
Trinity Primary School	£5,162	£5,029	£4,474	£3,689	£2,887
Victoria College	£34,322	£30,034	£30,880	£33,380	£19,922
Victoria College Preparatory School	£6,970	£10,947	£9,826	£9,546	£5,233

3. Oral Questions

3.1 Deputy K.F. Morel of St. Lawrence of the Minister for the Environment regarding a public enquiry into the sale of Field MY966. (OQ.118/2021):

Will the Minister advise when he will initiate the public inquiry into the £1.65-million sale of Field MY966 which he stated in January 2020 would follow any application to extend quarrying into that field, given that such an extension is now proposed in the bridging Island Plan; and will he ensure that the inquiry examines whether, and how, information was exchanged between his department and the purchaser of Field MY966?

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

The Minister for the Environment does not have powers to initiate a public inquiry into a sale of land. However, the Minister does have powers to initiate inquiries into planning applications and for that to happen the Minister must be satisfied that the development, were it to be carried out, would either have a significant effect on the interests of a substantial proportion of the public or be a substantial departure from the current Island Plan. It is important to note that any planning inquiry would not review information exchanged between the department and a purchaser but may consider information exchanged between the department and the applicant where it related to pre-application advice in respect of the use of the land.

3.1.1 Deputy K.F. Morel:

While putting Field MY966 into the Island Plan as part of the safeguard zone for the quarry extension, while that is not a planning application, does the Minister accept that by putting it into the Island Plan it looks like an endorsement from the Minister of that field being in there? As he had previously spoken about the inflated cost of that field, does he not feel now is the appropriate time for an inquiry into why that field has ended up in the Island Plan?

Deputy J.H. Young:

I think my role is to ensure that the planning process is open and transparent and the process for the proposed zoning of that field will be subject to the planning inquiry into the actual Draft Plan. Of course eventually the decision on the use of that field will be the States when the States debate that. Of course, the evidence base for its inclusion was set out in the Minerals, Waste and Water Study which was produced by Arup and published in December 2020 and that is the source of that work and of course it will be ultimately for the States to decide. I do not think there is any question of endorsement. What one purchaser and a vendor agree between themselves I think is essentially a private matter and does not fall within the scope of Planning Law to enquire into it.

3.1.2 Senator K.L. Moore:

Given the lack of consultation with local residents and the prior information circulated to Members that the site was destined for either a reservoir or a waste-fill site, would the Minister agree that a separate inquiry would be most useful to give both Members and members of the public a greater assurance as to the decision-making around this site?

Deputy J.H. Young:

I think the decision-making on its use, the public inquiry is already there on the draft plan to be able to do that. All of the evidence that was presented from all the different sources, they are all set out in the minerals strategy, it is an 80-odd page report that has been published for 5 or 6 months. I would suggest Members do read that because that sets out the conflicting arguments: the case of water needs, the case of mineral extraction, the case for being able to provide for a construction industry. In the end, the recommendation was put forward in that report and that is in the draft plan. The inspector will go into that and if the evidence does not stack up, then it will not happen, it will be a decision for the States.

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

My question follows on from Senator Moore. Given the importance of water in the coming decades, could I ask the Minister why he did not propose in his draft Island Plan that La Gigoulande Quarry be used as a water storage facility?

Deputy J.H. Young:

Because I think Arup's work - again I refer to the same document which is like a piece of evidence which I have relied on and I think it is reasonable to do so - pointed out that the Jersey Water do have

other alternative options and they are listed in the document. But it is accepted there is a choice here and I think the issue that has also come in too is whether or not we have enough information to be able to make the decision at the present time. I think that it is a valid question and think the process for answering that is for the inspector and then the States after that.

3.1.4 The Deputy of St. Martin:

Does the Minister for the Environment intend to ask the inspector to make all the decisions?

Deputy J.H. Young:

Absolutely not. This is a very, very comprehensive plan and I think it has to be evidence-based. At the moment what we have done, we have had to vary the process, as the Deputy well knows, and lodge the plan earlier than normal and depart from the normal procedure.

[10:00]

Therefore, if you like, some people will get the impression that consultation is more rushed; I do not believe it is but nonetheless it will be my decision. If the inspector makes recommendations, I am going to listen seriously to them, I am not going to discount them.

3.1.5 Senator S.W. Pallett:

I wonder if the Minister could advise Members whether he or any of his officers have given advice either to the previous owner of this field or to the new owner of the field.

Deputy J.H. Young:

I think that is a good question. As I said, I can advise Members that if one reads the minerals strategy, which I did look through it last night to see whether this was covered, on page 19 it shows there was consultation between Arup and representatives from Granite Products Limited in February 2020 followed by written responses to their questions. I have not seen those letters and I have asked for them to be produced but there is no doubt about it, that I think there would have been some planning advice somewhere. At the moment, I do not have those details but I will make them available at a later date when I receive them.

3.1.6 Senator S.W. Pallett:

I think that advice is extremely important to get some clarity around why this purchase has taken place and the advice that was given. Would the Minister provide that advice to States Members once he has had a chance to review it?

Deputy J.H. Young:

Yes, entirely. I do think my role is to make sure the planning process is open and transparent. I will just point out that it is certainly not unusual; in fact, it is a normal part of the planning system that there is a procedure there for people to seek advice. Because that advice is always given without any commitment because as the Senator knows ...

The Bailiff:

I am afraid you have frozen, Deputy Young.

Deputy J.H. Young:

... this all happens or not.

The Bailiff:

I am sorry, I am afraid you froze about 15 seconds ago; not your fault, I am sure, but if you would like to repeat the last few seconds of your answer if it is amenable to that.

Deputy J.H. Young:

I was saying to the Senator, yes, I would make that advice available to Members. I do think the Senator should bear in mind that it is quite normal for any land owners or prospective purchasers to seek enquiries about the use of land from the Planning Department as a preliminary enquiry. But that advice is always given - always given - without any commitment because in this particular case, as it is very clear, the decisions will be made by the States Assembly.

3.1.7 Deputy K.F. Morel:

Does the Minister see this example as an excellent example of the Planning Department being in a position to massively affect the value of land in Jersey through its communications, through its decision-making? Could he therefore explain why he has not taken appropriate measures to capture the increase in value of such land as part of this Island Plan, given the role the Planning Department plays in land prices in Jersey?

Deputy J.H. Young:

I thank the Deputy and I am sure every Member of the Assembly will know that the value of land is generally, nearly always, strongly dependent upon the use that you can put it to and that the planning process is there to have an open and transparent process as to how we go about these decisions. I do accept that pre-application advice is a sensitive area and that is why I have said I will publish that information. But I do believe it is important to, for example, housing. If we prevented people getting advice, that would be a bad thing to do but it does need to be accessible in cases like this and I would agree to publish it. About tax, absolutely I agree, I have been arguing for this for a long time to take a share of the gain in value into the public purse for public purposes and previous Members have failed in that. There are proposals in the draft plan to have another go at that in a different form.

3.2 Senator S.W. Pallett of the Minister for Health and Social Services regarding whether requests for funding had been received from the charity, Focus on Mental Health. (OQ.131/2021):

Will the Minister advise whether he has received a request from a new local charity, Focus on Mental Health, for funding for 2 full-time staff and, if so, whether he has formally responded; and if he has not yet responded to such a request, will he explain why?

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

My Assistant Minister, the Deputy of St. John, will respond to this question.

Deputy T. Pointon of St. John (Assistant Minister for Health and Social Services - rapporteur):

There to date has been no formal request to the Government of Jersey for the funding of 2 full-time staff for the new charity, Focus on Mental Health. We are in dialogue with the new charity and the 2 staff members regarding the services provided. We understand there are sustainable funding challenges for this newly-established organisation.

3.2.1 Senator S.W. Pallett:

As much as I can understand there are funding challenges I think with any service within Health, especially any new service, there is a dire need for this service and I have spoken to a senior clinician within Adult Mental Health Services. What is the timeframe for the Assistant Minister to enter into dialogue with this charity? It is a service that is in dire need, will he confirm to Members that he will engage with this charity at the earliest possible opportunity?

The Deputy of St. John:

I thank the Senator for that question. In fact, in my initial reply I do mention the fact that we are in dialogue with this new charity. We have spoken to the original charitable funders, we are speaking to the staff and we do hope to find suitable resolution to the difficulties that they are experiencing.

3.3 Senator S.C. Ferguson of the Minister for Health and Social Services regarding the offer of Covid-19 vaccinations to staff at Mont-à-l'Abbé School. (OQ.116/2021):

Will the Minister explain whether any consideration was given to offering the staff at Mont à l'Abbé School early COVID-19 vaccinations at the same time as carers in residential homes and, if not, why?

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

The request to vaccinate the staff at Mont à l'Abbé School as an occupational group was reconsidered by the Independent Vaccination Panel on 19th May this year. The panel, having reviewed the submission made by Senator Ferguson, concluded that there was no evidence that the occupational group set out at the time of the submission had higher rates of mortality than the age-based priority groups, had a higher risk of acquiring infection or risk of developing serious disease.

3.3.1 Senator S.C. Ferguson:

From my understanding of the work that is done at Mont à l'Abbé School, I understand the teachers are more akin to care workers than straightforward teachers. To be treated like this I think is not good enough. Will the Minister look into this properly and just come back to the House, this Assembly, with a proper evaluation of the setup?

The Deputy of St. Ouen:

All the circumstances surrounding this occupational group and their needs were fully evaluated and considered by the Independent Vaccination Panel which is comprised by the acting medical officer, the chief pharmacist, the chair of Primary Care, the associate medical director and the chief executive officer for the Citizens Advice Bureau, people with sufficient expertise to be able to make a proper assessment of the needs of that group. As I said, it was not considered that their needs trumped the priorities set out for the vaccination programme which have been identified by the U.K.'s (United Kingdom) Joint Committee on Vaccination and Immunisation and whose advice we are largely following.

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

Does the Minister know whether anybody who made the decision visited Mont à l'Abbé, had any sort of interaction with the staff or the head teacher of Mont à l'Abbé in order to increase their understanding of the day-to-day work and the proximity that staff have with pupils at that school consistently?

The Deputy of St. Ouen:

I do not know that but neither do I not know whether that invitation was extended to any of the members of the panel.

3.3.3 Deputy R.J. Ward:

Would the Minister not agree that an invitation not extended should have been acted on by the council undertaking this decision-making process or indeed the Minister himself visiting Mont à l'Abbé in order to understand the specificity of their work would have been a really sensible way to move forward on this issue?

The Deputy of St. Ouen:

I believe that the calibre of persons we have on the panel and the advice that we are following in close alignment with the J.C.V.I. (Joint Committee on Vaccination and Immunisation) that all pertinent facts were before the panel, or could have been put before the panel by those making the submission on behalf of this occupational group, and I have no reason to believe that the panel erred.

3.3.4 Senator S.C. Ferguson:

Given the fact that the pupils at Mont à l'Abbé are not normal school pupils and there will be many occasions where it is not possible to have social distancing or wearing masks or anything like that, surely to goodness the Minister is in charge, he can, as Deputy Ward said, have got a proper first-hand comment on this rather than ...

The Bailiff:

Senator, you must focus this into a question, I am afraid.

Senator S.C. Ferguson:

Yes, I am coming to the question.

The Bailiff:

Well, it is sounding like a speech at the moment, Senator.

Senator S.C. Ferguson:

Surely he could have had a proper review of the situation with a visit from the panel rather than just a review from a distance and everything done almost as a paper exercise.

The Deputy of St. Ouen:

I think we have to realise that vaccine supply was not immediate, it has been a rollout of a vaccine over a number of months and therefore it has been necessary around the world, not just in Jersey, to prioritise who should receive vaccines first. This is not the only group that requested that they be made a priority. There are other groups and persons who have requested that they be prioritised and I believe that it takes necessary expertise to assess that priority, an expertise that I or perhaps other politicians would not hold. Therefore, it is right that we entrust that decision to those who hold the required degree of knowledge and experience in assessing the impacts of COVID, whether that group is vulnerable to mortality or serious illness and, if they find not, then that group should quite properly be understood. But the decision made that they should not achieve a priority over others who are in greater need and greater risk of mortality or serious harm, that is their assessment and I believe they got it right.

[10:15]

3.4 Deputy M.R. Higgins of St. Helier of the Minister for Treasury and Resources regarding the measures being taken to prevent Value Added Tax (V.A.T.), or equivalent import duties, being charged on goods coming into the Island. (OQ.124/2021):

Will the Minister advise Members what action, if any, she or her department is taking with Her Majesty's Revenue and Customs and international online trading companies (such as eBay and Amazon) in order for Jersey to achieve recognition as a tax jurisdiction in its own right and thereby prevent the charging of V.A.T. (valued added tax) or equivalent "import duties" on goods coming into the Island?

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

It is for the U.K. to set the rules for taxes administered by Revenue and Customs, including V.A.T. Nonetheless, Revenue Jersey and Jersey Customs have carried out research to establish what charges are made by offshore retailers on the importation of personal goods into Jersey. An examination of the top 10 offshore retailers by volume indicated only one of them charges V.A.T. and this retailer refunds it on request. Customers are therefore normally able to ensure that they do not pay this charge. The findings of our research work have been discussed with the Jersey Consumer Council. Of course customs duties are a separate issue but since the Customs Union was recently concluded with the U.K., import duty will not arise on goods imported from that country. In addition to this

work, I am also considering measures to require the largest offshore retailers to register and account directly for G.S.T. This will further reduce the risk of V.A.T. being charged incorrectly.

3.4.1 Deputy M.R. Higgins:

I would like to thank the Minister for her answer and I would like to speak with her regarding the detail. However, it is common practice at the present time for organisations such as Amazon and eBay to charge Jersey residents V.A.T. because we are not designated as a separate jurisdiction from a tax point of view. Guernsey is but we are not and, as a result of this, people are being ripped off. I will ask the Minister again: has she had any contact with Amazon or eBay to try to stop them charging the equivalent of V.A.T.? By the way, when they are challenged, they say it is an import duty and just switch the 20 per cent to that. Will she speak with them or has she spoken with them to deal with this abuse?

Deputy S.J. Pinel:

The Deputy refers to quite a considerable amount of people, it is not as common for offshore retailers to be charging V.A.T. as one suspects. In answer to the second part of his question, yes, the Comptroller has already had very successful negotiations with, certainly Amazon, and several others to move forward with these large offshore retailers charging the tax at their end at the point of departure and then returning that tax, the G.S.T. of course, to the Exchequer in Jersey.

3.4.2 Deputy M. Tadier of St. Brelade:

The question to the Minister - and I would disagree incidentally that it is very common for V.A.T. to be charged and not always easy for it to be refunded - is it the case currently that when a product is imported and V.A.T. has been charged on that, that G.S.T. will be added on top of the full price which includes the V.A.T. and does the Minister think that is fair, if so?

Deputy S.J. Pinel:

No, of course it is not fair. We understand that which is why we are making moves to deal directly with the offshore retailers so that this does not happen. But, as I said in my opening remarks, there is only one offshore retailer out of the 10 that import to Jersey who does tend to charge V.A.T. and they can refund it; it is refundable.

3.4.3 Deputy M. Tadier:

I think that we are at risk of talking at cross-purposes because I think the problem is whoever sells the item can be different from the intermediary like Amazon that despatches it. I think it is certainly not just one retailer who charges V.A.T. to people. The question is, if somebody has been charged V.A.T. on an item and they are required to pay the G.S.T. to pick that item up and, irrespective of whether they can or cannot reclaim the V.A.T. off the retailer, is there a mechanism and will the Minister make sure there is a mechanism to reclaim the G.S.T. that has been paid on the V.A.T. in order to avoid double taxation?

Deputy S.J. Pinel:

Yes, this is exactly what we are trying to do at the moment with all the negotiations that are going on. But some companies, and I will not mention them by name because it is not appropriate, charge the same wherever they market. So whether they are marketing in the U.K., France or Jersey they charge the same prices.

3.4.4 Senator S.C. Ferguson:

Can the Minister confirm that we have signed agreements with people like Amazon to deduct the V.A.T. on the retail price from England and to withhold the G.S.T. on goods being sold into Jersey? Is this signed and sealed or is it still being discussed?

Deputy S.J. Pinel:

Yes, as I said earlier, it is still being discussed. Of course, there was a certain anticipation in this inasmuch as when Australia - I know it is not necessarily comparable - went into discussions with Amazon about this, Amazon then refused to deliver to Australia. So it has been very delicate negotiations but, as I mentioned earlier, they are going very well and Amazon in particular seem to be very onside with collecting the G.S.T. at the point of exit from whichever country they are exiting.

3.4.5 Senator S.C. Ferguson:

All this withholding tax, so-called, or import duties, who gets the money?

Deputy S.J. Pinel:

Well it is linked, as I also said in my opening remarks, with the U.K. who decides the charges and then the Treasury will receive eventually some of the import duty money.

3.4.6 Deputy M.R. Higgins:

Because of the complexity of this and to give an example, in the case of one of these companies, when they were challenged about the V.A.T., simply added 20 per cent as an import duty but that money did not go to Jersey, it has just gone in their coffers. Will the Minister publish online: Jersey, the current position and what they are trying to achieve so all members of the public can understand what the current situation is and what the Government are trying to achieve?

Deputy S.J. Pinel:

Yes, we can explain the current situation online but obviously we cannot go into detail about the current negotiations until such time, as Senator Ferguson referred to, that they are signed, sealed and delivered.

3.5 Senator S.Y. Mézec of the Chairman of the States Employment Board regarding the appointment of the next Chief Executive Officer. (OQ.126/2021):

What consideration, if any, has been given to enabling the appointment of the next chief executive officer of the Government of Jersey to take place after the next general election and subsequent appointment of a Chief Minister, to ensure that the post-holder will be aligned to the incoming Government's political priorities?

The Bailiff:

Connétable of St. Ouen, are you taking this question?

Connétable R.A. Buchanan of St. Ouen:

No, I was not aware I was.

The Bailiff:

Who is answering this then?

The Connétable of St. Ouen:

I believe the Chief Minister is answering it.

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

The S.E.B. (States Employment Board) considered the timetable for recruitments of both the permanent and interim chief executive in December 2020 once the departure of the then chief executive was announced. S.E.B. considered it important to bring certainty and stability to the organisation by having the new permanent chief executive in place as soon as it was practically possible without compromising the quality of the process. I think the most important part of this answer then is the fact that the role of the chief executive is not a political one and therefore our

intention is to appoint a chief executive that will provide the leadership and deliver the Council of Ministers, whatever the result of the election.

3.5.1 Senator S.Y. Mézec:

Of course it is not a political role but the head of the Government is a political role and will have political priorities that they will want a chief executive to pursue and if there is a new incoming Chief Minister they will not have had a role in choosing who that person will be. Does the Chief Minister not consider that to be democratically problematic?

Senator J.A.N. Le Fondré:

I think the risk that the Senator is coming to is essentially politicising the role of the chief executive. Any chief executive should be perfectly capable of fulfilling the wishes of the new Council of Ministers and Chief Minister because, if done professionally and properly, the role of the civil service should be neutral and should be to carry out the wishes of Ministers and politicians.

3.5.2 Deputy M. Tadier:

I see the advantages of having a chief executive whose term follows the political term as being a way ... there are many advantages. But one of them is surely that you do not have this scenario of golden handshakes where there is some kind of falling out between the chief executive and the Government for whatever reason and that person ends up leaving, as we have seen in the past, and, yet again, with a big golden handshake - very unsatisfactory - and a great deal of public anger - quite rightly. Does the Minister have another solution to ending this tradition that he has been continuing of very expensive golden handshakes for departing chief executives, if not this?

Senator J.A.N. Le Fondré:

There were about 3 questions in there. I think I will deal with the first one which was around changing the sequence, in other words, dovetailing a new chief executive with a new Council of Ministers. I think the problem there is the recruitment time that is required. For example, it is likely that anyone one recruits to a new role ... sorry, I am getting an echo. Can you hear me properly?

The Bailiff:

We can hear you perfectly well in the Chamber, Chief Minister.

Senator J.A.N. Le Fondré:

If you are going to recruit somebody to that role, they will probably have to give 6 months' notice. There is also the lead-in time to go through that whole recruitment process, particularly if it is wide. Therefore, trying to dovetail it to fit with the new Council of Ministers is very, very difficult. The reality is that by doing the recruitment process now there will not be too much of an overlap and the new chief executive should be in place in time for the new Council of Ministers.

3.5.3 Deputy M. Tadier:

The Chief Minister talks about the risk of politicising the executive but do we not in fact have a politicised executive because we do not have politicised politicians and in fact they have to step into the breach often because there is not a direct mandate from the people and the Government that they get. Therefore, you have civil servants continuously setting policy direction and Ministers following and scrambling around whenever there is a crisis to try and do what the chief executive or other policy officers say.

Senator J.A.N. Le Fondré:

A lovely sound bite but, no.

3.5.4 Deputy R.J. Ward:

Can I ask the Chief Minister, rather than it being a political issue regards the C.E.O. (chief executive officer), is it not a practical issue for an incoming Chief Minister to have input on the contract of the C.E.O. so there is clarity on the role and clarity on how one might end the role or external interests of the C.E.O.? Inherent in that, does it not put the Chief Minister in a rather difficult position at times?

Senator J.A.N. Le Fondré:

I do make the point again that the politicians do not get involved in the contracts, or should not be getting involved in the contracts, of employees. It is a matter for the States Employment Board particularly and to delegate authority.

3.5.5 Deputy R.J. Ward:

What is the role of the political part of the S.E.B. chaired by the Chief Minister and the Assistant Chief Minister if not to be understanding and influencing what that contract would look like for the States Assembly, given that the C.E.O.'s role is to serve the States Assembly?

[10:30]

Senator J.A.N. Le Fondré:

The C.E.O.'s role is to manage the public sector but the point I was trying to make is that the Deputy was referring to the Chief Minister getting involved in the contract for an employee which would not be appropriate. For the S.E.B. that will depend under the roles and responsibilities but it is certainly not appropriate for the Chief Minister to be doing it as Chief Minister.

3.5.6 Deputy K.F. Morel:

Would the chair of the States Employment Board advise the Assembly as to whether the States Employment Board itself or the recruitment panel charged with interviewing the prospective candidates for the role of chief executive, whether either of those 2 bodies have made any decision with regard to excluding Jersey-based candidates in advance of any recruitment process taking place?

Senator J.A.N. Le Fondré:

No. The process is live at the present time, so I obviously do not want to comment too much on that process; however, Jersey candidates have applied.

3.5.7 Deputy K.F. Morel:

Has the S.E.B. or the interview panel discussed at all at any point in this process the possibility of favouring off-Island candidates over on-Island candidates?

Senator J.A.N. Le Fondré:

The whole point is that it is aimed at a selection process; therefore, that would not be appropriate to favour one sector or other, if that is the right way to put it, over the other. It is very much based on merit and equally considerations are taken into account. A whole range of factors are taken into account when making the selection process but particularly it is based on merit, it is not in favour of one sector or another.

3.5.8 Deputy I. Gardiner of St. Helier:

The C. and A. G. (Comptroller and Auditor General) found the States Employment Board is not fit for purpose and there are several recommendations that need to be addressed going forward, which will take time. I understand the recruitment process takes time and, as the Chief Minister indicated, we do need stability. Would the Chief Minister reassure the Assembly that there is enough time to do a States Employment Board restructure to review terms and conditions and make sure that the new contract will avoid the situation that we have found ourselves in several months ago?

Senator J.A.N. Le Fondré:

In terms of the overall time that we have, time is what it is, we have had, as we know, all sorts of delays because of COVID, but in terms of seeking to get as much done before the elections as possible, we continue to work on that. In terms of the contents of an individual contract, bearing in mind we are only partway through the process, I am obviously not going to make any comments on the contents of any contract at all, particularly as we have not even got to that stage.

3.5.9 Deputy I. Gardiner:

Would the Chief Minister agree that the preparation work can be done by this Government but if the final decision and a contract will be signed by the new Government, it can avoid the situation that the new Government would say: “It is not us, the contract was signed by the previous States Employment Board”?

Senator J.A.N. Le Fondré:

The intention is to do the recruitment this year, as I said, to allow for the possibility of the organisation to carry on and that is critical. That was one of the things we spent some time trying to bed down after the events of the last few months. But unfortunately the suggestion of the Deputy is assuming that is a solution, which I do not think it is, but also requires then the timing which I do not think would work at this stage.

3.5.10 Senator S.Y. Mézec:

This Chief Minister took office with a C.E.O. (chief executive officer) in place that his predecessor had been involved in appointing and presumably this Chief Minister had no say in the matter. Perhaps he could confirm whether that is the case or not. But, more broadly, could the Chief Minister say whether any lessons have been learned from that experience of taking office with a chief executive already in post who had an ambitious programme for public sector reform, which did not appear to alter whatsoever the new Government coming into office. Did he receive any feedback from his Ministers about that process and whether they felt that the chief executive was aligned to their priorities?

Senator J.A.N. Le Fondré:

There are a lot of questions in there. I think the start of it was, yes, I did appoint the former C.E.O. and I think the shorter answer, trying to keep answers brief, was that ultimately the priorities of the Council of Ministers were put together both with the C.S.P. (Common Strategic Policy) and the Government Plan. That is what the Assembly to date has either unanimously or significantly endorsed. Therefore, I would suggest that the policies and procedures that have been put in place have come from Ministers and have been approved by this Assembly.

The Bailiff:

Members will note that in the chat Senator Gorst has asked to have his question taken next as he has to leave the Assembly on an urgent matter. It is not within my gift as the Order Paper is fixed. Does any Member wish that they wish to object to me taking that question very quickly now? Very well, I will take that question.

3.6 Deputy G.P. Southern of St. Helier of the Minister for External Relations and Financial Services regarding the prospective impact of a proposed international minimum effective tax rate. (OQ.128/2021):

It need not be a quick response. A full response would be better. What assessment, if any, has there been of the potential impact of the G7, or a wider distribution of members of the O.E.C.D. (Organisation for Economic Co-operation and Development), agreeing a U.S. (United States)-

proposed minimum effective tax rate, whether at 21 per cent or 15 per cent, on Jersey's Zero/Ten corporate taxation regime?

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

Can I start by thanking Members' indulgence? The current O.E.C.D. work comprises 2 pillars. Pillar one deals with the tax challenges arising from digitalisation and pillar 2 contains proposals for ensuring that large multinational enterprises pay agreed minimum effective taxation on cross-border profits. These proposals are quite rightly targeted in scope, focusing on the world's largest and most globally mobile companies. As a member of the inclusive framework on base erosion and profit shifting, Jersey continues to play a full and active role in the O.E.C.D. discussions on the development of proposals for international tax reform. Jersey, like all jurisdictions, will need to wait for the outcome of discussions on the framework at international level before considering matters of possible domestic application and implementation in further detail.

3.6.1 Deputy G.P. Southern:

That barely touched the question, which was what estimate does he have of the potential impact of moving to a minimum tax rate will have on the Zero/Ten policy that we currently have for our corporate tax regime?

Senator I.J. Gorst:

The reason that I answered the question in the way that I did is because Deputy Southern knows as well as I that the detail of what the agreement reached by the G7, let us be clear, was not a surprise. But there was very little detail about future application. Therefore, I answered it in the terms that I did. Once we have that detail, then we will be able to do more detailed work and provide a fuller answer to the Deputy.

3.6.2 Senator S.C. Ferguson:

Will we now start getting proper double taxation agreements rather than slightly less satisfactory exchange of information agreements?

Senator I.J. Gorst:

The Senator raises a good point. Of course the tax information exchange agreements that we have been negotiating, some of them have had very thin D.T.A. (double taxation agreement) provisions attached to them and then we have just around 9 full D.T.A. agreements. Of course what the G7 agreement means is that, because we do not have those D.T.A. agreements, it is more difficult for those countries perhaps who do have them. But, if there is to be a change, and it is a very big "if" at this point, then the Senator is right that, if we were required or decided, in light of global agreement that there needed to be a change to our provisions, and that is not clear at this point, then we would seek a broader range of D.T.A. agreements.

3.6.3 Senator S.C. Ferguson:

There was a warning note struck by a former head of Jersey Finance regarding the possibility of increases in taxes. Finance is not a magic money tree. Can we have assurances that you are working on plan B and that you will come back to the States with an outline plan before the summer recess?

Senator I.J. Gorst:

I will not be bringing any plan to the States before the summer recess. The timetable for further international agreement is that the O.E.C.D. inclusive framework will meet at the beginning of July, the G20 will meet again later in July, and then they will meet again later in the year. But of course it is not unusual for officials in my department, together with officials in the international tax area of the Comptroller of Taxes, to be considering changes and international tax developments very frequently. So we are considering all of these international tax developments, as the Senator would

expect. But agreement has not yet been reached at the O.E.C.D. level or the G20 level. It is important that any agreement that is ultimately reached is not just for the benefit of the G7 countries, but also is for the benefit of developing countries, not just for large countries, but also for small countries. Those arguments have still to be had.

3.6.4 Deputy R.J. Ward:

May I ask the Minister whether scenarios are being worked out within his department so we are prepared for the different possible outcomes of this decision? If not, when will that start to happen so that we can be ready for a possible change? As opposed to being reactive, being proactive.

Senator I.J. Gorst:

Let us be clear, the tax that we have in Jersey is rightly a sovereign decision for the States Assembly and we believe very strongly that the regime we have in place, I know it is not universally accepted in the Assembly, but broadly we believe that the regime that we have in place serves to serve and suits Islanders and suits our economy. That is how it should be and we should not apologise for the tax regime that we have in place. It is clear and it is transparent and it serves Islanders well. Any change would have to go through the appropriate consultation process, consideration process, by Government, by the Assembly, by the Scrutiny Panel. So, if there is in future to be a change, it should follow that appropriate process. But we would not do a kneejerk change. Stability is extremely important. Tax neutrality is important for us coupled with the strong substance legislation that we have in place. Of course the issues of substance and exchange of information has also played a strong part in what the G7 agreed last weekend.

[10:45]

3.6.5 Deputy R.J. Ward:

Can the Minister reassure the States Assembly that we will not be in a position, one might call it the fishing position, where things arise and create real issues for the Island at the last minute? Is he confident that will not happen?

Senator I.J. Gorst:

Yes, I am very confident of that. Perhaps to refer back to his earlier question, as I said, officials across Government are considering international tax matters and potential changes to international tax matters as part of their daily work. As I have said, Jersey sits as a member of the inclusive framework and has been party to these considerations for many months and years.

3.6.6 Senator S.Y. Mézec:

The impacts of issues like this are obviously not particularly clear at this point but could be fundamental. On that basis, will the Minister guarantee to Members that when it is more clear what potential changes may be on the horizon that States Members will be properly and fully briefed well in advance of having to make any decisions in the States Assembly? The reason I ask that is because with the pandemic it feels like those types of briefings are not happening as adequately as they were happening beforehand. So would he guarantee that, if any fundamental changes are on the horizon, we will be informed and fully briefed on them as early as possible and not let to be simply nodded through by the Assembly?

Senator I.J. Gorst:

My officials and myself have been endeavouring to keep the Scrutiny Panel updated as we have been in these meetings of the inclusive framework and considering potential implications. The Senator does not need a guarantee from me. Any changes, and we still are not at the process of having international agreement yet, but let us make the assumption that there is an international agreement in due course, be it later this year or next year. If Jersey ever wants to change its taxation policy, it

has a process to go through. That is as it should be. That process is full consultation, full agreement by the States Assembly, full review by the Scrutiny Panel, and these things of course take time anyway, if there are to be any changes, simply a systems implementation process as well. So the Senator does not need my guarantee. Those safeguards are built into our democratic processes.

3.6.7 Senator S.Y. Mézec:

I am afraid I do need the guarantee because it does not feel like that has been the case over the last year, as it may well have been previously. We can blame that on the pandemic and that is fine. I am asking that the Minister with responsibility for this area, at the earliest opportunity he is able to do so in such a way where it would be useful, once more detail has come from the G7 or the O.E.C.D., that we can at an early point have a full briefing and discussion on that, at the start of any process that may well lead to further changes. So that we can be as best informed as possible and not simply have what has happened too often in the last year where we have been given information on quite serious matters relatively late in the day, which has not been adequate. So I am asking him to guarantee that will not be the case for something fundamental like this.

Senator I.J. Gorst:

I have outlined the process that would be gone through. Surely the democratic processes of Jersey's Parliament, the States of Jersey, are sufficient. But of course I will continue to keep appraising Scrutiny of any developments and I think what the Senator is asking for is that he would value a broader States Members briefing as well. I can do that in due course.

3.6.8 Deputy G.P. Southern:

In an attempt to get some clarity about what is proposed currently, does the Minister agree with the following description: a French company declares profits in a subsidiary based in Jersey where it is subject to corporation tax of zero per cent. If Jersey opted not to apply the tax at 15 per cent at all, the French Government would then be able to claim a 15 per cent tax top-up against the company's profits. Does the Minister accept that is an accurate measure of what is being proposed now?

Senator I.J. Gorst:

The Deputy knows that scenario is based on a myriad of assumptions and he would not expect me to draw a conclusion from a scenario based on a myriad of assumptions. The details still need to be agreed by the O.E.C.D. and the G20 and we are involved in those discussions. The clarity that the Deputy is seeking will of course be available in due course.

Deputy G.P. Southern:

If I may, he has not answered the question again. The question was: does he agree that is an accurate description of the situation now of what is proposed? Not in the future. What is proposed now.

Senator I.J. Gorst:

It is not possible, as you well know from your previous experience, for me to answer a question based on so many assumptions. The Deputy I am sure himself knows that he has had to draw assumptions in order to present the scenario to me. I will not be drawn in the manner that he is wishing to draw me.

3.7 Deputy M. Tadier of the Minister for Housing and Communities regarding cases brought to court under the Residential Tenancy (Jersey) Law 2011. (OQ.133/2021):

Will the Minister state how many cases have been brought to court to date under the Residential Tenancy (Jersey) Law 2011 in which landlords have pursued legal action against tenants; and how many cases have involved tenants pursuing legal action against landlords during this same period?

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

The question that is now on the Order Paper and was originally directed to the Attorney General before being redirected to me asks how many cases under the Residential Tenancy Law have been brought to court by private parties. The question was originally submitted asking how many cases have been brought to the Royal Court and that was changed on Friday. The question asks for information going back to the inception of the law over many years. The information is not held in a format that can easily be searched and would take significant time to collate. I can however confirm the following volumes. In 2017, 33 contested cases recorded in tenancy issues. In 2018, 25 contested recorded in tenancy issues. In 2019, 51, and in 2020 zero. The statistics available do not differentiate between cases brought by landlord or by tenant.

3.7.1 Deputy M. Tadier:

I thank the Minister for the answer. I am surprised that he has given it because I was asked this morning to withdraw my question given saying that the Minister did not have any information. I think what he has given is a start. So can I ask that he will provide a breakdown and seek further detail? This after all is a law that is administered, it comes under his departmental remit. I would have thought it would be of interest to him to know how the relatively new law is settling in and whether or not, as I believe is the case, there is an asymmetry in the way that the law is used, which favours very much landlords pursuing action against tenants. But tenants do not have the same power, from my experience, when it comes to the court supporting them in any cases they may have legitimately against their landlord. So would the new Minister for Housing and Communities undertake as a matter of urgency to get these statistics and to look into the workings of that law?

Deputy R. Labey:

The operation of the court is outside of my ministerial control, quite properly. I am reasonably picking up on the administration reporting that was put in place by my predecessors and as such I have not received any regular reporting on the activities of private landlords and tenants, which result in court action. But I will undertake to get more information of the kind that the Deputy is seeking. It might be very difficult and take a lot of time but I will undertake to investigate further. I do take his point and I can tell him that very early on in my tenure I discovered that the Residential Tenancy (Jersey) Law 2011 is wholly inadequate and full of holes and I can go through those with him if he wants me to. But I have taken action to have that reviewed, examined, and with a view to giving law drafting instructions to improve that law.

3.7.2 Deputy R.J. Ward:

Part of what I was going ask has just been addressed. I was going to ask the Minister whether he feels that there is any way of seeing the success of that law in action in terms of its outcomes and what would be the timescale for reviewing that and bringing a more appropriate perhaps and more successful protection for tenants and landlords under that Tenancy Law. Because it does seem to not be working.

Deputy R. Labey:

My timeframe is by the end of 2021): for a review of the Residential Tenancy (Jersey) Law. It is happening now. The fact is it does not give adequate breadth of protection to tenants. The definition of “tenant” needs to be amended to bring more tenancies in scope. For example, a tenant who does not have exclusive use of facilities, bathroom and kitchen, has no protection under the law. A tenant who has a fixed-term tenancy agreement, fixed start and end date, has no protection and therefore subject to the full terms of any lease, whether reasonable or not. There is a longer list, which I can expand on if prompted.

3.7.3 Deputy R.J. Ward:

Following a review, another review, what timescale for an action to change the law and protect people and subsequently change lives?

Deputy R. Labey:

I am taking action by having all the holes in the current Residential Tenancy Law brought to the fore and redrafted. I will hope to come back before the end of 2021): with the new law.

3.7.4 Senator S.Y. Mézec:

The question refers to cases being brought to the Royal Court. Does the Minister think that is an adequate route for tenants to challenge landlords if they think contracts are being breached? Does he think that a more appropriate dispute resolution pathway would be a better step than full court action, which of course can be something that people without agency or with less power in such a relationship will be less keen to go by?

Deputy R. Labey:

The question is not about the Royal Court. It was changed to just “the courts” because most of these actions are taken in the Magistrate’s Court or the Petty Debts Court. The court-directed guidance on evictions continues to apply and the Government has published this guidance online, which is there to ensure that tenants and landlords know their rights and responsibilities. For example, there is a requirement by landlords to ensure that they have engaged with tenants to try to exhaust all avenues that fall short of eviction prior to approaching the court. The courts have power to ensure that all evictions are lawful.

3.7.5 Senator S.Y. Mézec:

Does the Minister believe that having some specific body for resolving disputes under the Residential Tenancy Law could be a helpful thing? Perhaps some sort of tribunal system, a tribunal system for renters. Perhaps even a rent tribunal could be an appropriate way of ensuring that those in residential tenancies have a clear pathway for having those disputes resolved and one that is accessible to them in a way that courts often are not?

Deputy R. Labey:

The Senator has a good point. We have launched the Housing Advisory Service. When I say “launched”, soft launched, and it is operational at the moment. We will be launching it properly very, very soon.

[11:00]

That advice service is there to help people as early in the situation as possible before things get desperate to help them with advice and get their complaint or their difficulty directed to the right place. Of course, coming on from that, we have the homelessness plan and a desire to set up a complex needs team as part of that, which will also help.

3.7.6 Deputy G.P. Southern:

I believe I heard the Minister say that he was going to review the tenancy laws. But then he appeared to have the same date for bringing action to the States. Could he clarify please?

Deputy R. Labey:

Here is where we are, to Deputy Southern. So it was about 14 days into my tenure that I started to look at the Residential Tenancy Law and was made aware of where it is failing. As I say, there is a long list here, which I will not have the time to read. But it is not offering the protections that it should and some people do not fall under the protection at all. So that is being worked on as we speak. I will update the Assembly as and when I can on a timescale. But, as I say, I do want to do it as a matter of urgency. It is one of the first actions that I did action. I am determined to see it through in as speedily a way as possible.

3.7.7 Deputy G.P. Southern:

Being worked on is a very vague phrase. When will he return to this Assembly with some concrete proposals on ameliorating our tenancy laws?

Deputy R. Labey:

Before the end of this year.

3.7.8 Deputy M. Tadier:

I would ask the Minister, before he throws the baby out with the bathwater, so to speak, that we do have a law, which has many good points in it. I would point him to Article 16 of the law, which in fact gives the court, and it was not me who wrote “the Royal Court”, I think that was an administrative error. It is the grant to the Petty Debts Court, which deals with these issues. It gives the court a wide jurisdiction including that the court may rule and award or order damages where there has been a breach of the Residential Tenancy Law. But the problem here is that, although they will routinely award damages where there has been a breach by the tenant to the landlord, they do not seem to be willing, in my experience, to award damages to the tenant where there has been that breach of the landlord. I have heard it myself as a McKenzie Friend accompanying a constituent where they say: “We do not think we have the jurisdiction to do that.” Where clearly the court does have the jurisdiction to do that. So the question is: would the Minister sit down, as he is being requested by myself and my constituent, to hear from somebody who has been on the sharp end of being made homeless through no fault of her own to see what the problems are and how the Residential Tenancy Law could and should be used?

Deputy R. Labey:

Yes, and I am very happy to consult with the Deputy going forward on this.

3.8 Deputy R.J. Ward of the Minister for Infrastructure regarding the income generated by LibertyBus. (OQ.120/2021):

Will the Minister state what proportion of the annual income generated by LibertyBus operations were retained by HCT Group for the years 2017, 2018, 2019 and 2020; and will he also state what proportion of the income generated for each of these years derives from the direct charge to children for school bus transport?

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

Because the bus operating contract places the revenue risks on the contractor, 100 per cent of the income received by LibertyBus is retained by them with the use of any surplus after all operational costs have been covered and provided for as per the relevant clauses within the contract. The flexibility of the LibertyBus fare structure now means that student AvanchiCard prepaid travel pass can be used on any service at any time, rather than being restricted to either the end of school day and only in term time. Therefore, this income is not broken down in sufficient detail to precisely identify the total value of all fares received in respect of the home-to-school travel. However, the electronic ticket machine system indicates that around 390,000 passenger journeys were recorded on the network of the school bus service during 2019, dropping to under 245,000 during 2020 following the COVID-19 outbreak. More significantly, in 2019, nearly 617,000 child and student tickets were sold on the broader network of public bus services. I understand that a significant proportion of this figure relates to term time home-to-school travel as opposed to journeys made during evenings, school holidays and at weekends. In 2020, this figure fell to approximately 351,000.

3.8.1 Deputy R.J. Ward:

I am minded to just ask the question again, but supplementary is to ask from the first part of that answer, it was that once all costs have been accounted for, any leftover income, and I did not quite get the answer to that. Is leftover income, including income from the States Assembly, retained by

HCT Group centrally in those years? That is the direct question. Does that money leave the Island to go to HCT Bus Central Group?

Deputy K.C. Lewis:

The answer to your question was, as per the relevant clauses within the contract, which we have had the managing director over from the parent company to talk to States Members and explain exactly how the system works. More than happy to invite him over again if the Deputy and other Members have serious questions. But they are a private company. They are allowed to make profits. But a lot comes back to the States. But they own all of the rolling stock, they pay for all the staff wages, and all the buses are maintained and belong to LibertyBus.

3.8.2 Deputy M. Tadier:

I learned a lot from my time as an Assistant Minister at Culture about how much governance we put around the arm's-length organisations when we ask them to provide quarterly updates in order to give them grants. I did raise concerns about that. Notwithstanding the Minister has said that LibertyBus is a private company, I see a big parallel here in that they are running a service on behalf of the Government of Jersey for the public of Jersey and we are giving them quite large sums of money to do that. Yet it seems to me that the level of governance we require from them to prove that the money is absolutely needed and it is the right level of subsidy is not being done in this case. So what reassurances can the Minister give to my esteemed colleague and to the rest of us that the level of subsidy that LibertyBus gets is in fact entirely needed and none of the profits they make are being squirrelled away to pay for perhaps less lucrative parts of their businesses elsewhere?

Deputy K.C. Lewis:

We do not sponsor LibertyBus. The money we pay to LibertyBus goes to the child and student school transport, which is subsidised, and also the fare itself has a subsidy in it. Senior citizens travel passes, of which we have 14,503, disabled persons travel passes, 648, and this is primarily what we subsidise. But I repeat, if the Deputy or States Members would like more details or a meeting with LibertyBus, more than happy to arrange that.

3.8.3 Deputy M. Tadier:

The point is that it is not up to States Members who want more information to have the meeting with LibertyBus, we are asking for the Minister to make sure that he has enough information to justify to us that the money is being well spent and that the subsidy is at the correct level. So I do not think it is right to say that we should all be having meetings directly with them. We want reassurances from this Minister. So can the Minister give that reassurance to us and find the information that is being asked for without setting up meetings?

Deputy K.C. Lewis:

I am very content with the way the bus service is being run. In fact, this bus service is head and shoulders above most others. The National Bus Strategy for England published by the Department of Transport in March 2021): cites the Jersey bus operating contract as a model for franchising long-term partnerships between local authorities and public transport operators. So they have had awards to that effect, so I am more than content. We also have a dedicated officer within Infrastructure who liaises directly with LibertyBus on more or less a daily basis and obviously we have our own internal accountants who go through all the figures with them. So I am content that everything is all run properly and above board.

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

The Minister has confirmed that LibertyBus provide the bus fleet. Would he tell Members whether he intends to press them to provide electric buses out of their retained fee income?

Deputy K.C. Lewis:

Indeed, the electric buses are an aspiration on our part. We would, in the near future, like them to convert to running on biodiesel, RD100 or similar. But most of their bus fleet are Mercedes and I believe they need authorisation from the bus manufacturer to run biodiesel. Even though it is perfectly safe, we have run quite a few of our own vehicles in Infrastructure on biodiesel from small vans up to heavy trucks, and all the team have reported excellent results, no problems whatsoever. But we do need authentication before the bus company can use biodiesel. There is also the matter of the variance in price between regular diesel and biodiesel and that is something I have taken up with our colleagues in Environment and other colleagues, maybe it would involve Treasury. We have had one electric vehicle over on test for a while but it is more the cost and the infrastructure involved for charging that is a drawback. But obviously being 9 by 5, Jersey is perfect for electrification.

3.8.5 The Connétable of St. Brelade:

My supplementary is towards the latter part of the Minister's response and I would like him to press HCT Buses into providing electric vehicles for the future. The climate emergency is dictating this and we do not seem to be doing anything about it. So I would urge the Minister to continue in that vein.

Deputy K.C. Lewis:

Absolutely, I am all for electrification wherever possible. But, as I say, the charging infrastructure would be quite extensive to recharge that amount of buses. So that is the discussion that is ongoing with LibertyBus. Also the cost of the buses. As I mentioned in a previous answer, LibertyBus owns and operates their own buses, so there would be some considerable cost in going electric. But that is a conversation that we are having.

3.8.6 Deputy G.P. Southern:

The Minister has just said that LibertyBus is a private company and can do what it wants with its profits. Surely that is not correct. It is a social enterprise company and it is supposed to direct any excess profits to improve social need, meet social need somewhere on the Island. Is that not the case?

Deputy K.C. Lewis:

Absolutely and that is exactly what they do. They are putting buses on where they know they are losing money; it is run as a service. Plus they put on quite a few buses for any major events. If there is a big rugby match on, they put on extra buses, or big charity events or whatever. They will put on a service to accommodate it. As I say, they were head and shoulders above all other applicants for the position.

[11:15]

3.8.7 Deputy G.P. Southern:

Has the Minister had or initiated any discussions between LibertyBus and J.E.C. (Jersey Electricity Company)? Because J.E.C. have said laying on a few points for charging is a matter of peanuts for us, we can do it easily and we can do it quickly if we want. So what conversations have taken place between J.E.C. and LibertyBus please?

Deputy K.C. Lewis:

I am not sure what conversations have been had but there is charging and there is fast-charging. So it is also whether the buses stop at night to plug in and that lasts the whole day, which would be unlikely, or whether there is some kind of battery exchange equipment, which has been looked at, whereby the bus will pull in, the batteries are removed, new batteries put in, and away it goes again. But that is quite expensive technology, but that is something that is being looked at.

3.8.8 Senator S.Y. Mézec:

It is quite obvious that, because of the climate emergency and our carbon neutrality aspirations, some pretty drastic action in our public transport network is required. Does the Minister really think that the relationship between the Government and this bus provider is adequate for meeting those aspirations, given that his previous answers seem to indicate that he does not really have a lot of say in what they do or do not do?

Deputy K.C. Lewis:

They are an extremely forward-thinking company, more so than any other that we have dealings with. They respond positively. It was their initiative to bring over the electric bus for trial, not ours. So they are very forward-thinking, they are keeping up with the latest technology. As I say, electric buses are horrendously expensive, so these would need to be sourced and possibly we would have to contribute towards that. The buses that they have, which are relatively new, could quite possibly be redistributed among their other franchises in the U.K. but it is a long way to go. It is infrastructure that we need to put in place before we do anything else.

3.8.9 Senator S.Y. Mézec:

The term “forward-thinking” is obviously relative and our aspiration is to be carbon-neutral by 2030. It is quite clear that there are voices in the Assembly that want a public transport network that delivers more than we currently are getting. So what is the Minister able to do with the current relationship with the bus provider to exert greater influence over what actions they are taking? It should not be of their initiative; it should be the initiative of the democratic representatives of the people of Jersey to get what the people democratically want. What is he able to do with the current relationship to make sure our aspirations as a community are met? If that relationship is not adequate for doing that, would he consider a different one?

Deputy K.C. Lewis:

The relationship we have with LibertyBus is absolutely spot-on. As I said, they are very forward-thinking and they would react as soon as buses come available. Sourcing suitable buses for the roads the size of Jersey is extremely difficult. We can get buses off the rack, if you like, but they are far, far too big for Jersey roads. We have the Soleras, which are the smaller and narrower buses, to manage all the country lanes. We are not just talking about St. Helier; we are talking about out of the urban areas where roads are not quite as wide. But, as I said, we have regular talks with LibertyBus. They do an absolutely fantastic job. In the short term, I would like them to go over to biodiesel as soon as they are authorised to do so. But we are doing everything in stages. We cannot change everything overnight but we need to put all the levers in place to assist them to transition to other fuels wherever possible.

3.8.10 Deputy R.J. Ward:

It is always difficult to get the detail one wants. Can I ask the Minister, would he agree that LibertyBus own the buses, they make a profit, which we do not know where it goes, they take States money, they charge for our school children to go to school but we have no knowledge or control over this company whatsoever? So, how much is this costing us each year? Can he guarantee the £2 million from the COVID Emergency Fund did not go to any central fund of HCT Group?

Deputy K.C. Lewis:

During COVID, it was very prudent on our part, and I am grateful to Treasury, we did help out with LibertyBus because their revenue dropped down to zero nearly. But it was not so much supporting LibertyBus, also if the drivers and all the staff were laid off, then we would have to support them anyway. So this was a good way of doing it. Plus it was keeping the buses on the road. It was keeping the service going for essential employees who, with their masks, had to go to their normal

place of work. So it was emergency service, but obviously running at a considerable loss. If the Deputy wants absolute terms, it was £348 million in 2013, £342 million in 2018, and it is dropping every year as they are becoming more efficient and everything is moving forward with their plans to make everything really efficient and go through.

Deputy R.J. Ward:

I did ask for reassurance that none of the money that was given to them went off-Island to the central group and that was not addressed. I just wonder whether there is any chance of getting that sort of answer.

The Bailiff:

Minister, that was a specific question. You either know the answer or you do not or are able to give it or you are not. But the question was asked, which is: has any money gone off to the central funds of the company rather than being used specifically?

Deputy K.C. Lewis:

I do not have the exact figure. There is money that goes off-Island to pay for the parent company and to run the parent company and the organisational structure. But I will get back to the States Members with the amount that is. I do not have that on me at the moment.

3.9 Deputy S.M. Ahier of St. Helier of the Chief Minister regarding the Appointed Day Act for the Access to Justice (Jersey) Law 2019. (OQ.134/2021):

Will the Chief Minister update the Assembly on when an Appointed Day Act for the Access to Justice (Jersey) Law 2019 will be lodged; and will he advise what consultation, if any, there will be thereafter and for how long any such consultation period will last?

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

The Appointed Day Act should be with Members later today for debate in July. If it is approved by the Assembly, it is the intention that there will be a period of public consultation. I believe it is presently intended for approximately 8 weeks and that is intended to begin at the end of July.

3.9.1 Deputy S.M. Ahier:

Has the Chief Minister conducted any informal consultations with key stakeholders during the past 2 months, which he said he would in a letter to the Legal Aid Review Panel on 23rd April? What, if any, information did he garner from these discussions?

Senator J.A.N. Le Fondré:

There has been some informal consultation and some responses have been received from relevant bodies. I do not have that information to hand today, immediately to hand. I will update the Deputy in due course. But we have had some informal responses from relevant key stakeholders.

3.10 Deputy I. Gardiner of the Minister for Infrastructure regarding the list of States-owned property assets. (OQ.117/2021):

Will the Minister advise whether an up-to-date list of States-owned property assets will be made readily available, and maintained, on the Government website; and if not, why not?

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

An element of the ongoing reorganisation of the Property Department is to bring the electronic mapping function into the property asset management plan. The information on Government-owned real estate is already available in the public registry for those who wish to peruse some of the 9,300 public land transactions. However, it is my intention to make the freehold information available in

a more easily available format in quarter 4 of this year on completion of the mapping transfer and a reconciliation of the registry information.

3.10.1 Deputy I. Gardiner:

I am grateful for the Minister's answer. Just to reconfirm, currently the public need to submit freedom of information to receive full comprehensive list of all States-owned property. Would the Minister confirm that list will be publicly available and updated as public has the right to be informed what it owns?

Deputy K.C. Lewis:

Yes. That will be freely available quarter 4 of this year, which will be completely updated.

3.11 Connétable A.S. Crowcroft of St. Helier of the Minister for Infrastructure regarding the presentation of walking, cycling bus travel and parking strategies to the States. (OQ.122/2021):

Further to the response to Written Question 259/2021):, will the Minister advise Members when he intends to present strategies for walking, cycling, bus travel and parking to the States for debate?"

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

Multiple workstreams are currently being undertaken on the agreed transport policy, rapid plans, which cover active travel, the bus development plan, the parking and mobility as a service. As per the Sustainable Transport Policy, these plans will also inform future sustainable transport operational delivery plans and will feed more widely into the development of future Government Plans in subsequent years. I cannot commit to when because at this stage I do not know what might need to be brought before the States Assembly. I will however commit to presenting the outcomes of the rapid plans to States Members as soon as they are available.

3.11.1 The Connétable of St. Helier:

Does the Minister not feel it is appropriate to apologise to the States for the long delays in delivering these plans, which were part of the Sustainable Transport Policy, and we have now lost count of the number of deadlines that both his administration and previous administrations have missed in terms of delivering these strategies. Is the Minister not embarrassed by the delay in having, for example, a bus strategy for the Island to consider?

Deputy K.C. Lewis:

I am not sure what the question is there. Am I embarrassed? As I have just previously stated, I am very proud of the bus service and the way it is run and has been run.

The Bailiff:

I think the question posed was: were you embarrassed by the questioner posed as the delays in coming forward with a bus strategy?

Deputy K.C. Lewis:

No, not at all.

3.11.2 Senator S.Y. Mézec:

I am just wondering how it is compatible, the idea of having a strategy for bus travel, when in answer to previous questions the Minister points out that it is a private company who decide how they are run and clearly does not have much democratic oversight of them. What is the use in even considering a bus travel strategy when we have such a *laissez faire* approach?

Deputy K.C. Lewis:

That is a complete misquote of what I said. We do have oversight. We do have an agreement with LibertyBus. We have key point indicators, so they must meet certain marks. Everything is in the contract. So, as I mentioned, we do have an officer who liaises more or less on a daily basis with LibertyBus. They are providing an excellent service to the community. If you live on the south coast, for instance, St. Clement area, sometimes a bus every 10 minutes, sometimes less, coming into town and going out of town. Absolutely superb service. We would like to extend that level of service to the urban areas but at the moment that is not possible.

3.11.3 Senator S.Y. Mézec:

If that is the case then, is the Minister saying that the Government has the ability to dictate to LibertyBus what level of service they must be providing if we democratically decide that it is not adequate in particular areas? Never mind the south coast, great, but in other areas where we may not consider that to be the case in terms of sustainability, in terms of cost of fares, in terms of access for children, for example. Does this officer who liaises with them have the ability to dictate to them what they should be doing. If not, then what is the use in a bus strategy if the Government does not have the tools at its disposal to achieve it?

Deputy K.C. Lewis:

I would not use the word “dictate”. We are not a dictatorship. We liaise with the bus company and they are very forward-thinking. They are extremely obliging and very open to anything that we say to them. They do run buses to areas where there is no profit whatsoever because it is a bus service and they do that to provide a service to the community.

3.11.4 Connétable A. Jehan of St. John:

Could the Minister tell us what the reasons are for the delays in these strategies coming forward please?

[11:30]

Deputy K.C. Lewis:

It has been extremely testing times. With COVID, everything has more or less been put on hold. We are getting lots of staff in the department who were transferred to other departments to cater for the COVID emergency. We are just getting everybody back together and online again now. So we are moving forward with all plans as per the schedule. But we have had major disruption and obviously not just with staff but also with budgets because of COVID. But we are getting things back on track now.

3.11.5 The Connétable of St. John:

Can the Minister tell us what the level of vacancies in the Transport Department are within his department please?

Deputy K.C. Lewis:

Vacancies in the Transport? We do not have a Transport Department. In the department itself, probably about 5 I think at this time, at a rough guess. But we have lost one or 2 key employees and we have taken on a few newer ones.

3.11.6 Deputy M. Tadier:

The Minister is gushing in his praise for LibertyBus. He has used words like “an excellent service”, “a superb service”, and said that he is proud of them. I will not do anything to speak against that. But, if we have such an excellent service, do we even need a bus strategy?

Deputy K.C. Lewis:

Everything is being co-ordinated now. We are putting up more and more bus shelters, putting in more bus stops, working with LibertyBus as a partner organisation. We do have planning obligations, which pay for a lot of the bus shelters that are going up. We are lucky now the sun is out but with the weather we have had of recent times, to make bus ridership more pleasurable for the people of Jersey. The more bus shelters we can put up the better. That is the way I would like to take it. As I mentioned, Transport for London were doing the gushing as well, if you like, regarding how well the service is run. But I cannot answer for other Members.

3.11.7 Deputy M. Tadier:

This question might be slightly out of leftfield, but it is to ask whether or not any future-proofing is being done. It seems to me that advancements in technology and also therefore behavioural changes can happen very quickly. We might see alternative green methods of transport coming forward like proliferation of electric vehicles, small vehicles, electric bikes, which might contradict the need for a proliferation of a bus service, which obviously takes up lots of space on very small roads. Has the Minister given any thought to how all of these laudable sustainable transport methods might conflict with each other?

Deputy K.C. Lewis:

Indeed my team has certainly monitored that. But we are working with LibertyBus. Just a few weeks ago we opened the new eastern bus lane, the first bus lane in Jersey, which runs in front of the Pomme d'Or Hotel, can take off maybe 10 minutes' waiting time during peak times. That is every bus that goes through and that totals up throughout the day. We have another western bus route going to be opened up in the next few months going west. Again that will cut off most of the peak traffic. So initiatives such as this we are all in favour of. We are encouraging people to bike wherever possible. We are putting in cycle lanes as quickly as we can. We have a new one coming into Snow Hill in the next few weeks and that will enable people to travel from west to east. That will take people up Snow Hill to the top of La Motte Street, which is one-way anyway. That will be a shortcut for students going to school and people going to work, enabling people to use the bike. We are encouraging more people if maybe they need a little assistance, they have the electric bike system. But that is something we encourage. Every bike on the road usually means one car off the road, which will assist in the congestion that we have during the peak hours.

3.11.8 Deputy R.J. Ward:

I am not going to ask the larger question on Sustainable Transport Policy. Can I ask the Minister about a specific, would he address the cycle pathway along the seafront and do something about highlighting the pathway either by painting it a particular colour, renewing the cover of it, because as more and more people are cycling there are more and more people wandering on to the cycle lane, et cetera, et cetera, because they simply do not see it? There are some simple things that can happen. Can I ask the Minister to commit to doing some of these simple things as quickly as possible?

Deputy K.C. Lewis:

Yes, that is something that is being addressed as we speak. There have been one or 2 accidents on the front where members of the public have wandered into the cycle lane and been hit. But we ask cyclists to slow down and obviously we have a white delineation line there. It would be very expensive to paint the actual cycle track itself but we are using everything we can. We cannot put a physical barrier up there but we will do whatever we can to keep people safe. Of course it is a priority to pedestrians at all times, which the signage goes all the way down to La Collette as well.

3.11.9 Deputy R.J. Ward:

Unfortunately, the Minister has just demonstrated exactly why we do not understand shared areas. Can I ask the Minister again to try and perhaps find some affordable paint and make that a designated

cycle path so that people can avoid simple accidents and educate people in the use of shared spaces? That is the role of Government.

Deputy K.C. Lewis:

Yes, indeed, people do not need to be educated, they need to be informed and we will inform people wherever possible to please do not walk anywhere near the cycle lane. We also ask cyclists to take extra care, use the bell on the bike, not aggressively, just a little ting on the bell to warn people that they are there. During the summer months the whole front is very congested with people and we ask everyone to take care. We will of course look at it again and anything we can bring in to make it safer we will do so.

3.11.10 The Connétable of St. Helier:

My supplementary is in 2 parts. Firstly, does the Minister not agree with me that the conversation or discussion we have just had about cyclists and pedestrians on the front illustrates exactly why we need a cycling and walking strategy so that people can understand where they are entitled to be and how they are supposed to behave when they are out and about? My second question is: is the Minister aware that the citizens' panel on climate change has requested, as an urgent action, that walking and cycling routes are put into the Island, particularly in the urban areas, immediately? How is he going to deliver those immediate improvements without a strategy for walking and cycling?

The Bailiff:

I think, Connétable, that is 2 final supplementary questions. I am very happy that you choose one of them but I do not think one can, under the guise of a final supplementary question, have a list of subordinate questions. Which one of those would you prefer to ask?

The Connétable of St. Helier:

I would prefer to go with the second one that perhaps lingers in the Minister's mind sufficiently for him to answer it.

Deputy K.C. Lewis:

I am confused as to which question that was, perhaps if the Constable would like to repeat it.

The Connétable of St. Helier:

Yes, indeed. The Minister will be aware that the citizens' panel on climate change has produced a report with various recommendations and one of them is that the department immediately introduces walking and cycling improvements to enable people to do exactly that. Does this not illustrate the need for a strategy so that these improvements are not done in a piecemeal way but have an overall strategy behind them?

Deputy K.C. Lewis:

Absolutely, that is exactly what we are doing. As previously mentioned, we have got ... all in train with the strategy being brought forward. We have got, as I say, bike lanes opening in the next few weeks running through Snow Hill going to the top of La Motte Street and any other cycle lanes as soon as we can to bring them on line. We are coming into the summer months now, eventually we are trying to encourage more and more people to walk, to cycle but we need to keep everybody safe, so that is the mode we are taking at the moment to bring that forward as soon as possible.

3.12 Senator S.C. Ferguson of the Assistant Minister for Home Affairs regarding the process for importing goods from outside the United Kingdom to Jersey. (OQ.130/2021):

Will the Minister advise what action, if any, is being taken by the Customs and Immigration Service to improve the process of importing goods imported from outside the U.K. to ensure that it is not unduly complicated and expensive?

Deputy G.C. Guida of St. Lawrence (Assistant Minister for Home Affairs - rapporteur):

Under the terms of the Jersey U.K. customs arrangement signed in 2018, which established a Customs Union between the Crown Dependencies and the U.K., it was agreed that all parties would apply the U.K. global tariff to trade with territories not included in the Customs Union. Therefore, customs duties may apply on goods imported from international suppliers on arrival in Jersey. Importers are legally obliged to pay the customs duty and to submit a customs declaration. There is no cost involved with the latter, unless the importer employs the service of a customs agent to complete the border formalities on their behalf. This option is recommended but obviously the service provided would incur a fee. The need for a customs declaration for goods imported from outside the union is a legal requirement and includes a need to provide a commodity code associated with the good, using the U.K. global tariffs online look-up tool. Classification must be done by the importer to enable the correct duties to be calculated. As a result, the submission for customs declaration can be a complicated process. Jersey Customs and Immigration Service has produced a number of how-to guides to assist individuals that up to ...

The Bailiff:

Deputy Guida, I am afraid you are now significantly past the 90 seconds normally allowed for an answer. Are you able to conclude your answer, please?

Deputy G.C. Guida:

Within half a paragraph, Sir.

The Bailiff:

It depends on how big the paragraph is, does it not, Deputy? If you could please close it within the next 10 seconds.

Deputy G.C. Guida:

J.C.I.S. (Jersey Customs and Immigration Service) has produced a number of how-to guides to assist individuals, the main one is third-country pre-arrival declaration guide, which can be found on the Government website.

3.12.1 Senator S.C. Ferguson:

It is not clear whether customs are totally au fait with the changes and the explanations are not always consistent. But the overall effect is a total charge of 18 per cent or so on goods being imported from outside the E.U. (European Union). At the moment it seems that the intention is to increase import costs to be virtually equivalent to V.A.T. at 20 per cent. What is the department doing to sort this out and simplify it for traders in the Island?

Deputy G.C. Guida:

The department does not charge anything on imports but there are trade tariffs and I would like to remind the Senator that trade tariffs are a protectionist buyer to imports from outside the Customs Union. They are meant to be annoying, they are meant to be difficult and they are meant to be expensive. They will vary, depending on the provenance of the goods and depending on the nature of the goods, so there is no set fee but they can vary from 5 per cent to 20 per cent, depending on the provenance and the nature.

The Bailiff:

Thank you very much, Deputy. We move to the next question. Deputy Higgins, I do not think you are available to ask it and you have asked for it to be put to the bottom of the list. Yes. Then the next question is 14 the Connétable of St. Helier will ask of the Minister for Treasury and Resources. Connétable.

The Connétable of St. Helier:

Can I raise a point of order, I think, about this question first, Sir?

The Bailiff:

Yes.

The Connétable of St. Helier:

It was originally submitted to the Minister for the Environment and it has been substantially changed in being redirected to the Minister for Treasury and Resources. For example, in my original question I referred to the profits from the development of the Esplanade Quarter by the States being in the region of £50 million to £70 million. That important detail has been left out of the redirected question to the Minister for Treasury and Resources.

The Bailiff:

Connétable, I am informed that extraneous information and facts are generally removed from questions and that of course it was redirected because the Minister for Treasury and Resources is the responsible supervising shareholder. You have made the point but I am not sure that there is anything to be done. If you wish to withdraw the question you are of course at liberty to do so or you can ask it in this form; it is a matter for you.

[11:45]

The Connétable of St. Helier:

Would I be permitted to introduce the sum of money? I would suggest that it is not extraneous to introduce the sum of money involved. Could I introduce that after the word profits in the current question?

The Bailiff:

You cannot, I am afraid, amend the question of record that is on the Order Paper. Of course you have raised the information in the point of order that you have just raised and you have supplementary questions that you can deploy that information to presage the question. But I am afraid I cannot allow the question on the record to be amended.

The Connétable of St. Helier:

Yes, thank you, Sir. The other point I wanted to make, Sir, if I may, is that the original question was directed at the current Minister for Planning because the promise to the Assembly was made by a previous Minister for Planning and I wanted to hear what the current Minister thought of that promise and whether he felt in any way responsible to deliver on the promise.

The Bailiff:

I understand that, Connétable, the reason that it was redirected was because the person with responsibility is the Minister for Treasury and Resources. Again, it is not a matter that can be changed *sur la chance*, it is a matter that I think we must deal with. It is up to you whether you ask the question in this form but I cannot change the question now.

3.13 The Connétable of St. Helier of the Minister for Treasury and Resources regarding the profits generated by the development of the Esplanade Quarter. (OQ.123/2021):

Thank you for your guidance, Sir, and I will ask the question of the Minister for Treasury and Resources. In light of the fact that the States was previously advised that the profits generated by the development of the Esplanade Quarter by the States of Jersey Development Company would be used to fund urban regeneration, will the Minister, as shareholder representative, update the Assembly on the release of such funds for that purpose?

Deputy S.J. Pinel:

I would like to ask my Assistant Minister, Deputy Ash, who has delegated responsibility for the States of Jersey Development Company, to answer the question.

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

For the benefit of Members, the Esplanade Quarter area represents the former Esplanade surface car park on which the 2 I.F.C. (International Finance Centre) buildings and Trenton Square sit and Les Jardins surface car park, which currently remains a car park, was the subject of a masterplan in 2008. The Esplanade Quarter Masterplan, I believe it was known as. The Esplanade Quarter Masterplan was rescinded and replaced with the Southwest St. Helier Planning Framework in December 2019 and the States of Jersey Development Company is currently preparing an outlined planning application to be submitted in September 2021). The proposed plans provide for a mixed-use landscape-led development that includes a significant amount of public infrastructure. The development itself must be self-financing and S.o.J.D.C. (States of Jersey Development Company) is balancing the needs and aspirations of the community with the overall financial viability of this new part of St. Helier. This major urban regeneration project will be demand-led and delivered in phases over a 10-year period from commencement. Proceeds from the early phases of the development will be used to fund the public infrastructure contained in the subsequent phases. Once S.o.J.D.C. has completed the entire development on the Waterfront, surplus funds will then be available for other urban regeneration projects.

3.13.1 The Connétable of St. Helier:

I am grateful to the Assistant Minister for reminding us that it was 13 years ago that the Esplanade Quarter Masterplan was approved. I seek his understanding as to whether the promises made as part of that masterplan, in particular the prediction that between £50 million and £70 million would flow into areas requiring urban regeneration, areas perhaps far more needy to the north of town, areas like Cheapside and Colomberie and so on, that that money would be forthcoming. Is the Assistant Minister saying that those promises, effectively, now amount to nothing and that they have been replaced by a new masterplan?

Deputy L.B.E. Ash:

I am not saying they amount to nothing at all, no. What I am saying is until we have finished the entire development we will not know the exact sums of money that will be ... I was going to say surplus to requirements but obviously they will be required but surplus funds. Interestingly, the latest set of financial statements of S.o.J.D.C. indicates that the Island has benefited from S.o.J.D.C.'s activities since 2012 to the tune of £17.2 million. That is a combination of cash dividends, asset transfers and public infrastructure improvements. It also includes the sum of £5 million that is being committed for future public infrastructure and that is being allocated for expenditure on projects such as the ... I was going to use the word "ill-fated" but it is not ill-fated because it has yet to appear but the skate parks that are planned, the Midvale Road improvements and a Snow Hill link to Fort Regent. All that money has been set aside already. I would also like to make the point, while we are on the subject of S.o.J.D.C.'s contributions, they do significant additional investments on public realm and infrastructure improvement with their projects well over and beyond what a private developer provides or indeed would be required to provide.

3.13.2 Senator S.Y. Mézec:

Could the Assistant Minister confirm whether when the S.o.J.D.C. is building homes as parts of these developments their primary aim is to generate as much profit as possible or whether it is to address the evidenced housing need on the Island?

Deputy L.B.E. Ash:

Yes, I thank the Senator for his question. I think he knows the answer deep down that it cannot possibly be to raise as much money as possible; that is not their remit. If it was they would not have agreed or via me they would not have agreed to include affordable housing. It is not what the S.o.J.D.C. was there for, it is there to provide a development service within the scope of the Island's interests, not merely to make as much profit as possible.

3.13.3 Senator S.Y. Mézec:

So just to clarify then, based on what he has just said, that the issue of profit and that being devoted to other places in St. Helier for regeneration is inconsequential, is that what he is suggesting?

Deputy L.B.E. Ash:

I am not, I am suggesting that it is not their full remit. If it was their full remit, if the Assembly wishes to say and if the Senator wishes to withdraw his request for affordable housing and the Assembly wish to say that the S.o.J.D.C. should make as much as possible money out of every development they do and with those surplus profits place that towards infrastructure within the community, then I am sure we could accommodate it.

3.13.4 Deputy S.M. Ahier:

The Assistant Minister for Treasury and Resources mentioned the contributions made by the States of Jersey Development Company in previous years, could he inform the Assembly how much they contributed in 2020?

Deputy L.B.E. Ash:

I do not have that figure to hand at the moment, I apologise. I can get that figure for the Deputy, should he wish.

3.13.5 Deputy S.M. Ahier:

Does the Assistant Minister for Treasury and Resources believe that that contribution was zero?

Deputy L.B.E. Ash:

The Assistant Minister for Treasury and Resources does not believe anything of the sort. As I say, at the moment I do not have that figure. If it is nought I will inform the Deputy that it is nought but I will endeavour to get the exact figure for 2020, which is as soon as I can, and I will furnish him with it.

3.13.6 Deputy G.P. Southern:

Could the Assistant Minister define for us here and now what constitutes affordable housing that is supposed to be on the Waterfront?

Deputy L.B.E. Ash:

In answer to the Deputy's question: no, I cannot define that completely. I believe there are considerable definitions of affordable housing, from purchasing with States help, to new buyers, first-time buyers housing, towards community rented housing. It has a wide scope and I hope S.o.J.D.C., together with the Minister for Housing and Communities and indeed together with Senator Mézec, should he wish to contribute, will discuss as to what form that housing should take.

3.13.7 Deputy G.P. Southern:

Can the Assistant Minister seek the agreement and acceptance of S.o.J.D.C. as to what will contribute to affordable housing on the Waterfront?

Deputy L.B.E. Ash:

As I say, S.o.J.D.C. have agreed to produce affordable housing. Affordable housing has a wide remit and it is up to us to discuss this with various parties as to which way we wish to go on affordable housing. There is no easy definition of affordable housing. It is a fairly wide remit and we have to decide to narrow that down a bit.

3.13.8 The Connétable of St. Helier:

I would like to bring my final supplementary back to the original purpose of this, which was not to do anything to denigrate the work of the States of Jersey Development Company. As the Assistant Minister has said, they have done a great deal to enhance that part of St. Helier with open space, such as Trenton Square and hard landscaping around the I.F.C. But does he not agree with me that to, effectively, say that the surplus funds for regeneration of areas like Cheapside, like St. Mark's Road, like Stopford Road, that these areas that desperately need money spent on them are going to have to wait another 10 years until this somewhat grandiose project on the Waterfront is completed? Does he think that is acceptable?

Deputy L.B.E. Ash:

It may be that these monies can be brought forward. It would have to be a discussion that we will have as an Assembly with S.o.J.D.C. But if we are going to get the new housing that we desperately require, it always rather baffles me with this Assembly, is that we sit here and we will have a debate on the housing crisis, as Senator Mézec has used to describe it, and the next moment we are saying that S.o.J.D.C. should put money aside into schemes in St. Helier that are not housing. At the moment we cannot have both. My view would be that we have to sort out the housing crisis and then the nice-to-haves will follow when we find out how much money is left over in the pot.

3.14 Deputy R.J. Ward of the Minister for Children and Education regarding the allocation of Covid-19 'catch-up' funding. (OQ.121/2021):

Will the Minister state the total amount of COVID-19 catch-up funding that has been allocated per child for 2021):?

Senator J.A.N. Le Fondré (Acting Minister for Children and Education):

Yes, what appears to be a very simple question is quite a complicated answer. As the Deputy knows, we have invested quite significantly in education reform but we have also obviously recognised the impact of COVID and so catch-up funding has been allocated. Very swiftly, over 2020 and 2021): a total of about £1.7 million has been allocated. The split on that for 2021): is £904,000, that is in the Government Plan. There is an extra £380,000 which was announced in April, which is to do with I.T. (information technology) devices and a previous £445,000, these are all approximate figures, for 2020. Broadly speaking, the targets are in total just over 2,500 children between 2020 and 2021): should be impacted by the funding and the extra tuition that we put in place. Broadly speaking, the split is just under 900 for 2020 and just under 1,700 for 2021):; I will let the Deputy do the requisite maths. But I would make it very much the point, it was not done really on a per head basis, it was more about identifying on a need basis, for example, take into account things like schools in receipt of pupil premiums, et cetera.

3.14.1 Deputy R.J. Ward:

I must admit I could not pick some of that but can I confirm with the Minister that the catch-up funding is not distributed among all students then but is being targeted, therefore, per pupil does not refer to per pupil for the around 13,000 students that we have? If that is the case, does the Minister believe that there is any need for catch-up funding for those students as well, as all students will have been affected in different ways by what they have missed during the COVID situation?

[12:00]

Senator J.A.N. Le Fondré:

I think the crucial thing here was the point was that we rapidly identified the pupils who would be most affected and that is well-targeted. But the funding has been aimed at all teachers, I believe, and they have benefited from, effectively, what we are calling the Jersey tutoring programme. That has benefited all teachers, which, ultimately, will then start mitigating the wider impacts that the Deputy has referred to. But I would emphasise that this is an ongoing position of see if we need to address further matters we will do so.

Deputy R.J. Ward:

Can I just ask for clarification there? The Minister said teachers --

The Bailiff:

You will have the final supplementary question, Deputy.

3.14.2 Senator K.L. Moore:

Given the delay in providing and delivering the assistance to pupils who identified as having needs with regards to information technology and access to it during lockdown, how will the Acting Minister for Children and Education ensure that delivery in this area is swift?

Senator J.A.N. Le Fondré:

I am slightly puzzled there because what we have said is that the additional that was done for the I.T. devices ...

The Bailiff:

I am afraid you have frozen, Chief Minister, we cannot hear you and your picture is no longer moving.

Senator J.A.N. Le Fondré:

Sir, I have frozen, I am just trying to sort out some tech stuff.

The Bailiff:

Yes.

Deputy R.J. Ward:

Does the Minister need some catch-up funding just ... sorry.

The Bailiff:

We need him to catch-up, not the funding. I can allow a short period for this and I will add some injury time at the end of the question period.

Senator J.A.N. Le Fondré:

Sir, can you hear me?

The Bailiff:

Yes, we can hear you, Chief Minister.

Senator J.A.N. Le Fondré:

If you have heard that for some reason my laptop decided to go completely haywire. Right, I believe I was trying to answer Senator Moore's question and, essentially, my understanding is that the devices that we certainly announced in April are being distributed or have been distributed to the schools and, therefore, there should not be any delays on that matter.

3.14.3 Senator K.L. Moore:

The delivery of those devices was a year after the need had been identified in March and April the previous year, therefore, I ask the same question, how will the Minister ensure swift delivery of catch-

up at a time for all pupils who have experienced detriment during the past 18 months of their education?

Senator J.A.N. Le Fondré:

Perhaps the 2 points, the devices I refer to are additional and ... sorry, was I ...

The Bailiff:

We can still hear you, Chief Minister. It is not particularly a good line but we can still hear you.

Senator J.A.N. Le Fondré:

Apologies, Sir, I thought I was in danger of speaking over you. Okay, so in terms of the delivery of the catch-up funding, as I have said, the programme started last year. It has started swiftly and it continues. It is being delivered, it is not proposed to be delivered, it is happening. Therefore, on that basis it is being delivered swiftly and to those children who are in need of it and most need it.

3.14.4 Deputy R.J. Ward:

From a calculation per child in 2021): it is £69 per student for catch-up; that is just a rough calculation. Does the Chief Minister believe that given that putting children first is a common strategic priority that this is enough and it is not enough? Why is it not more?

Senator J.A.N. Le Fondré:

I am going to disagree. It is the trouble with an oral question of this nature. It is just over £500 for affected people and on that basis I believe that is sufficient and obviously, as we have said, we will continue. I think it is being reviewed mid-year, I think in June or later this month, and therefore we will continue to assess. Obviously, as we come out of the COVID pandemic there is almost certainly and there will be provisions for what I will call the social welfare impact and well-being impact of COVID going forward.

3.15 Senator S.W. Pallett of the Chief Minister regarding Schools Mental Health Audits. (OQ.132/2021):

Further to Written Question 230/2021):, will the Chief Minister state when all primary, secondary and special schools in Jersey will be subject to a schools mental health audit to assist with improving the understanding of the mental health and behavioural needs of all schools and the development of individual school action plans? Will he advise who will undertake any such audit and whether they will be independent of government?

Deputy S.M. Wickenden of St. Helier (Assistant Chief Minister - rapporteur):

I will be answering the question on behalf of the Chief Minister if that is okay.

The Bailiff:

Very well, yes.

Deputy S.M. Wickenden:

All schools are currently undergoing a full, independent review of inclusion by N.A.S.E.N., the National Association for Special Educational Needs. Part of the review will focus on the S.E.M.H., the social, emotional and mental health curriculum, and linked behaviours. The review includes an assessment of policy, practices, data and the voices of practitioners, parents, carers, pupils and charities supporting young people. The specification in relation to the schools mental health audit is currently being written and is in addition to the work N.A.S.E.N. is undertaking with the inclusion review. As this piece of work will be under the £100,000 threshold, there is a requirement to obtain 3 quotations. The opportunity to tender will be published on the States of Jersey tender portal within the next few weeks and will be openly advertised for 4 weeks, which is to ensure fairness and value

for money. The audit provider will be independent of government and we plan for the audit to commence early in the autumn term. The outcome of the independent inclusion review by N.A.S.E.N. and the additional independent mental health school audit will enable the training and development of multi-agency practitioners, both in schools and the wider community, in developing greater understanding of mental health, thus supporting the individual school action planning.

3.15.1 Senator S.W. Pallett:

Can I thank the Assistant Chief Minister for his answer, which was, I have to say, very thorough? But could he give us some indication as to when this review will be complete and the findings will be available?

Deputy S.M. Wickenden:

I do not have the date of when we will finish that. We know we want to start in the early autumn term. I think once we have the people in, whoever wins the tender, to come and have a look at the breadth of what needs to be done, they will be able to give us a better understanding of delivery and I will update the Senator when that has happened.

3.15.2 Deputy R.J. Ward:

On completion, whenever that date may be, is the Minister confident that there will be the resources to address the issues that will be uncovered by such an audit? Because if that is not the case, not only have we wasted money on an audit but we have not addressed the issues that will arise.

Deputy S.M. Wickenden:

I could not possibly know what resources will be required before the audit is completed, so I am afraid I cannot answer that question due to the fact that without the information from the audit I will not know what resources are required.

3.15.3 Deputy R.J. Ward:

Is the Minister aware of the current needs which we all know are growing, particularly following COVID, in terms of mental health, not just anecdotally but because of the number of referrals that have been happening to C.A.M.H.S. (Child and Adolescent Mental Health Services), et cetera? Does he believe that resources are currently adequate, and after an audit which would suggest that these would increase will he be pushing for the adequate resource or will there be a limit to the amount of money that he is willing to spend on this area?

Deputy S.M. Wickenden:

I thank the Deputy for his question on this. We have made great strides in providing and recruiting more people into the area of mental health to look after not just children but the Island. We are still recruiting. Do I think resources are enough? I think that we are getting in the right direction and we are continuing to try and recruit and bolster that area, which is showing greater and greater need all the time. I will, on the second part of the question, definitely be fighting for all the correct resources after the audit is finished.

3.15.4 Senator T.A. Vallois:

Can I ask the Assistant Minister how this audit and the inclusion review will fit in with the current consultation on mental health for young people?

Deputy S.M. Wickenden:

I think this audit will be more around the schools and what is required in there. The mental health review looks at the wider picture of the Island and what is required, so I see them working alongside each other to give us a better picture overall holistically of what is required for Jersey.

3.15.5 Senator S.W. Pallett:

I think most of us would agree that there is an issue with young people's mental health at the current time. I am not going to use the word "crisis" but there are issues. I certainly understand the need for an audit, but in terms of the now and while we are waiting for this audit, could the Assistant Chief Minister give us some idea of how he is going to achieve some consistency, especially within secondary schools, about support for mental health for young people?

Deputy S.M. Wickenden:

We have been working on that through C.A.M.H.S. and through the family hub to make sure that we have the resources. I am very proud of the team and how much we have managed to bring forward support and help for young people in mental health provision. I believe that the team are doing a fantastic job and we are trying to deliver on the mental health action plan right now to make sure that we have the right people in the right place at the right time and that we are listening to the children to find out what their needs are through services like Kooth and Y.E.S. (Youth Enquiry Service).

The Bailiff:

Very well, adding a little bit for injury time, there is time for one further question before the period for questions with notice comes to an end.

3.16 Deputy K.F. Morel of the Minister for the Environment regarding the anticipated building waste arising from the development of the south-west of St. Helier. (OQ.119/2021):

What assessment, if any, has been made of the quantity of building waste that would need to be removed from the site if the States of Jersey Development Company's current plans for the south-west of St. Helier came to fruition and how much of any such waste is estimated that it would be toxic?

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

The officers of the Infrastructure, Housing and Environment Department have been involved in some pre-application discussions with the S.o.J.D.C. on the content of what S.o.J.D.C. call their emerging visionary framework. This is obviously a very early stage set of proposals and is out for pre-consultation as the S.P.G. (supplementary planning guidance) that I issued requires. A lot of the information is just not there and, of course, the quantities of excavation are not known. It will be for the applicant to put that information in as part of the outline planning application, which they submit will be later on this year. Of course, it will be subject to a robust waste management plan and regulatory checks and measures to avoid pollution.

3.16.1 Deputy K.F. Morel:

Given that a great deal of the site in question is known to contain toxic materials and while appreciating it is early days and it is only a vision at the moment, does the Minister not think it is suitable and, indeed, preferable that he has a strategic view of Jersey's waste demands and particularly toxic waste demands and is he not questioning why he has not been consulted on this sooner?

Deputy J.H. Young:

I think the Deputy does make some very valid questions. Obviously, as Minister who has the planning regulation to deal with, it has not been appropriate for me to be involved with what the S.o.J.D.C. are preparing, but I am quite clear in my mind, and I state this clearly: when that application comes I will be asking for a planning inquiry on it because there are lots of implications here. Now, the waste management is certainly one aspect to be looked at and, of course, that was covered in the strategy. So I think that will be an element of the various matters that will have to be taken into account in any planning decisions on what we do for this very, very important area. It is going to have big effects on everybody.

The Bailiff:

That brings this question to an end and the time for the question period also to a close. Before moving on to questions to Ministers without notice, Chief Minister, I have noted with the help of the Greffe that there has been no formal announcement of the resignation of Deputy Maçon.

[12:15]

That is a requirement to instigate any further election, so do you wish to make that announcement now?

Deputy M. Tadier:

Can I ask a point of order? It is Deputy Tadier.

The Bailiff:

Yes, Deputy.

Deputy M. Tadier:

It is just to ask if this announcement constitutes a formal statement ...

The Bailiff:

No, it is not a formal statement. It is simply ...

Deputy M. Tadier:

... it would also follow that there will be questions.

The Bailiff:

No. It is merely a formal announcement needs to be made, even though I know an informal announcement has been made. A formal announcement needs to be made to trigger the process for the ability to elect a replacement Minister. It is simply a formality but it does have to be done. But no, it is not a statement and, therefore, it does not give rise to a question period at the end of it. Very well, as I have said, then that brings the question period to an end.

[THE STATES noted that, in accordance with Standing Order 63(9), a written response would be provided to each of the following oral questions that had not been asked during the time allowed at the meeting –]

3.17 Senator S.Y. Mézec to the Minister for Children and Education regarding amendments to the Children (Jersey) Law 2002. (OQ.127/2021):

Question

Will the Minister advise members what progress to date, if any, has been made in implementing amendments to the Children (Jersey) Law 2002 as part of the Children's Legislation Transformation Programme?

Answer

The 2018 Children's Legislation Transformation Programme (or C.L.T.P.) bought together a wide range of areas of Government policy and legislation for development to improve outcomes for children and families. A number of these were planned as amendments to the Children Law 2002.

Firstly, in April 2020 a change to the Children Law established Jersey as the first jurisdiction in the British Isles to implement the prohibition of all forms of corporal punishment against children. This gave children the same protection from assault as adults in line with the United Nations Convention on the Rights of the Child. The legislative change was supported by an awareness campaign and positive parenting guidance.

The C.L.T.P. proposed amendments to the Children Law in a range of key areas which have been combined as a new draft Children and Young People (Jersey) Law. I will bring this forward to the Assembly for debate in early Autumn.

3.18 Deputy G.P. Southern of St. Helier to the Minister for Social Security regarding the Jersey Dental Fitness Scheme. (OQ.129/2021):

Question

Will the Minister provide her assessment of recent take-up by children and young people of the Jersey Dental Fitness Scheme and state whether she has any plans either to re-invigorate the Scheme or to replace it; and, if so, when will steps be taken to improve or replace the current Scheme?

Answer

There were around 750 children enrolled on the scheme in 2019, down to 623 in 2020, which was probably affected by Covid. These numbers have been decreasing over recent years.

The Assembly might recall when the scheme was reviewed in 2015 there were problems with it. It doesn't reach many children, or the most disadvantaged children and the way it is designed is heavy in administration. We think there are better ways of doing things.

A new Dental Strategy is being developed as we speak, and the future role of the Dental Fitness Scheme will form part of that review

As the Deputy will know, having met with officers yesterday, there is a lot of work going on right now to create a Dental Strategy and to take some immediate action to improve access to dental services for children, especially those who might have missed out during 2020 when most dental services were suspended.

We have more work to do before any announcements can be made.

3.19 Deputy M.R. Higgins of St. Helier to the Minister for Treasury and Resources regarding the de minimis level on the Goods and Services Tax (G.S.T.). (OQ.125/2021):

Question

In order to keep inflation down in the post-Brexit, post-pandemic period, will the Minister agree to delay reducing the G.S.T. *de minimis* level on goods imported into the Island until measures have been implemented to prevent Islanders being charged Value Added Tax (V.A.T.) either directly by U.K. and other international exporters, or indirectly by local traders charging U.K. prices which include V.A.T. and, if not, why not?

Answer

As I have said recently, it is my intention to further reduce the *de minimis* threshold in line with the action taken by the U.K. (from 1st January 2021) and the E.U. (from 1st July 2021) to significantly reduce this type of relief. Jersey will be a fast-follower of this initiative.

It is even more important now, in a post-Covid environment, that we provide this support to our local retail community, and one of my main reasons for proposing that the *de minimis* threshold is further reduced is to help level the playing field between offshore and local retailers.

The measures I addressed in my previous question – to require large offshore retailers to register for G.S.T. and account for it directly – should also help.

I do not believe it is possible to dictate the prices charged by local traders. Customers are of course free to shop where they think they will find the best value.

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

The Bailiff:

We move on to questions to Ministers without notice. The first question is for the Minister for Economic Development, Tourism, Sport and Culture. Does anyone have any questions for that Minister?

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

It would appear the building cost indices are increasing at an alarming rate. Is the Deputy Chief Minister still confident that our new hospital build budget and the contingencies contained within will withstand such inflationary pressures?

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

Currently, the answer to that is yes. There was significant margin built in for contingencies but, of course, we continue to monitor the situation very closely. As Members will know, there has been significant inflationary pressure put in certain distributive chains, including construction costs. So currently we are working within budget and that is the expectation but, of course, this is something that could be out of our hands as time progresses. But we are monitoring it very closely.

4.2 Senator S.W. Pallett:

At the recent quarterly hearing held on Friday, the 28th, it was stated that the planning application for the skate park at Les Quennevais sports centre would be in by the end of the week, and I presume that was last Friday. Would the Minister confirm that this planning application is now on the planning website as stated at the public hearing?

Senator L.J. Farnham:

I am sorry, Sir, could the Senator repeat which application?

Senator S.W. Pallett:

Les Quennevais sports centre skate park planning application.

Senator L.J. Farnham:

I cannot confirm that right now, but I will find out and let the Senator know. It is my understanding that it has but I would like to just seek clarification from the officers.

4.3 Senator K.L. Moore:

Could the Minister describe how he proposes to respond to the Economic Council's report, which was published in December of last year?

Senator L.J. Farnham:

Members will have seen the Economic Council's very good report, which has 5 key themes to it. I met, together with Assistant Ministers and officers, with the Economic Council 2 weeks ago to put in place a delivery plan for their report entitled *New Perspectives*. Officers and members of the Economic Council were charged with working out the logistics of that and reporting back to the oversight group in due course. I am expecting to be having a further meeting on that imminently, certainly within the next 2 weeks.

4.3.1 Senator K.L. Moore:

One of the recommendations of the Economic Council is to define an inspiring and clear vision for the economic development with the 20-year horizon. When does the Minister intend to share his vision for the economic future of the Island with the Island?

Senator L.J. Farnham:

That is a work in progress. What we are doing is blending the *New Perspectives* report with the economic work that is currently in place. The current economic work is focusing on productivity improvement and is a more short to medium-term focus. On the timing, I would expect that we would be in a position to share a much broader and long-term economic vision later this year. I cannot give an exact date at the moment, but I would like to reassure Members that it is work ongoing and a lot of work is being put into that.

4.4 Deputy M. Tadier:

I understand that the Minister has today met with the young patient Billy, who is from the U.K. with his mother and has been doing some fundraising and to raise awareness of medicinal cannabis. Does the Minister acknowledge the profoundly positive effect that medicinal cannabis has had on this young individual in coping with and managing his epilepsy symptoms? Does he also note that we need to get to a position in Jersey where we do not just have a medicinal cannabis industry but that our own local patients, who currently have to pay for this, should be in a position to have it funded like any other medicine and access Jersey-grown cannabis where possible and it not be detrimental? Will the Minister give his support as Minister for Economic Development, Tourism, Sport and Culture but also as Deputy Chief Minister to push for these changes to not only have a successful industry but to allow these patients to access what they need free on our health service?

Senator L.J. Farnham:

I am pleased to address that question. Yesterday I met with Charlotte Caldwell and Billy Caldwell to learn first-hand of the astounding benefit and positive impact that the use of medicinal cannabis has had on Billy's life. Of course, we know now through evidence that medicinal cannabis is having a very positive impact and bringing relief to many thousands of people suffering from a range of conditions. The "I am Billy" programme was in Jersey as part of a tour around the U.K., not only to raise awareness of the benefits of medicinal cannabis but also to raise funds for expediting clinical research, to bring more confidence to society on its use and to raise funds to improve affordability. Because that is an issue for a lot of people benefiting from medicinal cannabis is the cost. So I was very pleased to meet with them and fully and wholeheartedly support what they are trying to do. In relation to the Deputy's question about should medicinal cannabis be available free of charge as other medicines, I think the short answer to that is yes. I certainly would support that. If as clinical trials develop the benefits and uses of medicinal cannabis become more apparent, I think we need to move to that position very quickly or as quickly as we possibly can. Ultimately, I think that is a matter for the ...

The Bailiff:

A supplementary question, Deputy Tadier?

Deputy M. Tadier:

No, thank you. It is a full answer and I will let other people ask questions.

4.5 Deputy S.M. Ahier:

A Q.C. (Queen's Counsel) has been appointed to lead the U.K. Government's review into the collapse of BetIndex. Will the Minister be holding an inquiry into the Jersey Gambling Commission's decision to give Football Index a licence?

Senator L.J. Farnham:

We have not made that decision yet. The Jersey authorities are currently working with the U.K. on this matter and we, I think, will wait to see some preliminary outcomes of that. I am certainly not ruling it out, but we have not made that decision as yet.

4.5.1 Deputy S.M. Ahier:

The Jersey Gambling Commission's first core aim is to protect customers, something that it has failed to do. Does the Minister still have confidence in the Jersey Gambling Commission?

Senator L.J. Farnham:

Yes, I do have confidence in the Jersey Gambling Commission. Like I said, I am waiting with keen interest to start receiving some further detail on exactly what went wrong with the BetIndex situation. But currently the Jersey Gambling Commission does retain my full confidence.

4.6 Senator S.C. Ferguson:

With regard to the hospital, why do we not put the parking underground and build essential employee housing on the site as well as the hospital? It is quite stupid to have a totally spread out parking area.

Senator L.J. Farnham:

The Senator raises an important question about the hospital site because, of course, sustainable transport, access and car parking has been a big part or big challenge for the designers and the developers. The car park is not that spread out and the area is curtailed somewhat by the proposal for a multi-storey car park, which reduces the square footage of parking, well, the spread of the parking significantly. That is over 4 floors, with the biodiverse roof, which is a green roof, which is part of the natural environment and habitat. There is no provision for staff housing on the hospital campus because all of the useful space is used up as part of the health provision, but I can assure Members that the Health Department is dealing with staff accommodation and housing as a separate project. Of course, part of the rationale behind our new hospital is being able to attract the very best medical professionals in the future and, of course, we need to be able to offer good housing to underpin that.

4.7 Deputy R.J. Ward:

May I ask the Minister: the £10 million that was spent on the £100 spend cards, did that spend mean that cuts in other services were required elsewhere and, if so, what services did it affect?

Senator L.J. Farnham:

As far as I am concerned the answer to that is no.

4.7.1 Deputy R.J. Ward:

Can I ask the Minister how that was possible when obviously an extra expenditure is made by Government and where the money came from?

Senator L.J. Farnham:

As I understand it, this was part of the support that was put in place as part of the overall budget for support to business and Islanders as part of the COVID response. I cannot recall off the top of my head whether it was from part of the budget that the States approved last year or from some other form, but Members will know that the States agreed to essentially borrow the money to support the Island through the pandemic. I understand it came from that budget.

4.8 Deputy G.P. Southern:

What progress, if any, has the Minister made on a productivity plan or, better still, some action for low-paid sectors of the economy as promised in the last Government Plan?

Senator L.J. Farnham:

I am pleased to report that a pilot productivity scheme was launched yesterday. That scheme is a pilot scheme. It is being borne on the back of some economic work we have been carrying out last year and, of course, the 2018 report into productivity, and that scheme aims to offer up to £30,000

per business on a match funding basis to improve productivity. That funding will assist businesses to invest in infrastructure, logistics or technology which will enable them to produce more output with less resource. So we have not done a public announcement on that just yet. That is coming later in the week, but details are available on gov.je and I am pleased to say that scheme was launched yesterday.

4.9 Deputy D. Johnson of St. Mary:

At a recent public hearing the Minister and his Assistant Minister advised that they had not yet had the opportunity to make submissions in relation to the bridging Island Plan. Is he able now, please, to identify what areas he might raise questions in respect of?

[12:30]

Senator L.J. Farnham:

We have had quite a lot of interaction with the bridging Island Plan in its early stages, but we are, as I understand it, meeting as a ministerial team this coming Friday to go through certain aspects with a fine-toothed comb to see if we need to amend anything from the perspective of our portfolio. My initial views are I do not think we do, but I know both Deputy Morel and Deputy Raymond, who represent and have delegated responsibility for a number of areas, wish to have a deeper look as well. It has been a little bit constrained by time but that is still a work in progress.

4.9.1 The Deputy of St. Mary:

If there are areas he identifies, would he undertake to advise the Scrutiny Panel of them?

Senator L.J. Farnham:

Yes, absolutely.

The Bailiff:

Very well, I think that brings the period of questions to this Minister to an end.

5. Questions to Ministers without notice - The Minister for Infrastructure

The Bailiff:

The next period is the Minister for Infrastructure. Does anyone have any questions for the Minister for Infrastructure?

5.1 Deputy G.J. Truscott:

Our energy from waste incinerator is now over 10 years old. Could the Minister advise how reliable the unit is proving to be and, importantly, is it still burning efficiently and operating with E.U. emission safety guidelines?

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

I thank the Deputy for the question. The answer is yes, it is. It is no longer classed as an incinerator. It is classed as an energy from waste plant, which does conform to all E.U. specifications. We do have a minor problem inasmuch as it does need specialist maintenance from off-Island contractors, so getting those contractors on-Island obviously during COVID has proved problematic. So maintenance schedules have been put back a little to account for this, but the unit is performing well and burning refuse and it puts I think about 7.5 per cent of the Island's electricity into the J.E.C. through its turbines.

5.1.1 Deputy G.J. Truscott:

Could the Minister advise what is the life expectancy of such a unit?

Deputy K.C. Lewis:

I believe before we do any work it is about 25 years from commissioning but there are things that can be done to extend its life. For instance, the concrete bunker which when it was constructed was the largest concrete pour in Jersey's history. We had literally dozens of cement mixers lining up on the road waiting for the concrete pour. So the internals can be replaced leaving the main structure in place should it be desirable in years to come to recommission as an energy from waste plant or whether we decide to go down another road regarding recycling off-Island or whatever. That is for the future.

5.2 The Deputy of St. Martin:

The number one recommendation from the citizens assembly on climate change says that we should decarbonise the public transport system in Jersey by 2025 and make it more accessible and affordable. Is the Minister committed to that?

Deputy K.C. Lewis:

Indeed. We have officers, as mentioned previously, communicating with LibertyBus regarding biodiesel. I have illustrated the problems previously regarding authentication and cost, but I am quite happy to pursue that as soon as possible. In the not-too-distant future electrification will come in or it may be hydrogen. I am not sure what the future holds in regard to technology but, as I say, LibertyBus are a very forward-thinking company. They are our partners in transport and I am more than happy to work closely with them.

5.2.1 The Deputy of St. Martin:

Many of the Minister's answers in question time this morning have not really confirmed that. His use of biodiesel, that is not decarbonising the fleet. Will he assure the Assembly that he will come forward with plans to turn public transport electric before 2025?

Deputy K.C. Lewis:

Biodiesel or RD100 is certainly a step in the right direction regarding pollution, et cetera. I cannot commit to electric. I can commit to as much sustainable transport as we can on-Island. As I say, hydrogen buses may be the in thing in years to come, so I cannot commit to electricity. But we want to have a clean, green Island and I am more than happy to commit to doing whatever it takes to obtain that.

5.3 Senator S.W. Pallett:

Could I ask the Minister: does the Island have an updated current road action safety plan and, if not, why not?

Deputy K.C. Lewis:

That is in the planning stages. Officers are working on that as we speak. I do not have an actual date for that but in the near future.

5.3.1 Senator S.W. Pallett:

In the actual plan itself, it said it is a continuing process and that the Ministers for Infrastructure and Home Affairs, Constables and States Honorary Police will meet annually. Has that happened and is that part of updating the plan?

Deputy K.C. Lewis:

I am not sure about liaison with police, Honorary Police and others, but I believe that everyone is being consulted on this. Officers are leading and it is going to be with us in the not-too-distant future, I am informed.

Senator S.W. Pallett:

Could I just ask that the Minister provides the evidence for those meetings, please?

Deputy K.C. Lewis:

I did not say the word “meet.” The Senator told me there were meetings. As I say, the officers are leading on this but it will be with us in the not-too-distant future.

5.4 The Connétable of St. Brelade:

Picking up from previous questioning regarding buses, would the Minister agree to ask LibertyBus for a quotation for providing a range of options, one being purely electric buses, maybe hybrid buses, so that we can plan what infrastructure may be needed in the Island for future electric bus or hybrid bus provision?

Deputy K.C. Lewis:

Yes, more than happy to do that. I know that officers are in discussions with LibertyBus regarding this. We do not know what is coming down the line regarding technology, but as stated in a previous question, and as the Constable is well aware, obtaining buses that fit Jersey roads is extremely difficult. It gets more and more difficult every year because of the width of normal buses that come from the U.K. and other jurisdictions that can provide right-hand-drive vehicles. It is very difficult getting the width right, plus there is always a compromise with getting the correct buses suitable for disabled and young mothers to climb aboard. So it is all a bit of a compromise but I know the team are working on this and I am more than happy to speak to LibertyBus again on that.

5.4.1 The Connétable of St. Brelade:

Could I ask the Minister to give the Members a timeline on these proposals as to when we might receive this information?

Deputy K.C. Lewis:

I cannot commit to a timeline because it is a moving feast at the moment, as I stated earlier on. We are just getting the infrastructure and transport team back together. Across the whole spectrum of the Transport Department I think we have about 24 vacancies, not just in the office but throughout the team, that we are trying to recruit to fill those important posts. Plus obviously I would love to say post-COVID but we are not out of the woods yet. We are getting the team back together again that have been put on to other projects, COVID-related projects, so I want to get everything moving as soon as possible.

5.5 The Connétable of St. John:

Does the Minister think it is appropriate that in 2021): teachers are still parking cars in active school playground areas throughout the school day?

Deputy K.C. Lewis:

An excellent question, slightly outside of my remit. That would be more a question for Education, but I would love to see more and more people use the bus service wherever possible and possibly - I do not think the teachers would really approve of it - exemptions for teachers to travel on school buses would be good and use cycles to get to school wherever possible. I think school playgrounds should be for children. I know that parking near or in schools is at a premium, so I understand the Constable’s question and agree with him on that.

5.5.1 The Connétable of St. John:

Is the Minister not responsible for the property that Education occupy and, therefore, what plans does he have to separate cars from active playground areas?

Deputy K.C. Lewis:

It does not really form part of my remit. We make sure the buildings are wind and waterproof. How they are run and administered would be a matter for the Education Department. But I take on board the Constable's comments.

5.6 Deputy M.R. Higgins:

Further to my written question regarding use of consultants by the department, can the Minister confirm whether or not the former director-general was employed in a consultancy capacity after he left the department?

Deputy K.C. Lewis:

Not to my knowledge.

Deputy G.C. Guida:

Yes, but in a completely different ...

The Bailiff:

I am afraid we had an interjection into that. Could you ask the question again, please? If you could answer it again, Minister?

Deputy K.C. Lewis:

Certainly, Sir.

Deputy M.R. Higgins:

Okay, the question was: was the former director-general of the Infrastructure Department employed in any capacity as a consultant after he left the department?

Deputy K.C. Lewis:

No, I believe he may have done some work with a subcontractor but other than that I have no knowledge.

5.6.1 Deputy M.R. Higgins:

Would the Minister agree to tell us what the subcontractor was and what he was employed to do?

Deputy K.C. Lewis:

I need to clarify if that was the case before I commit to that, but I am more than happy to get back to the Deputy on that just to confirm that my information is correct.

5.7 Deputy R.J. Ward:

I am pleased that the Minister is saying that schools are wind and waterproof. That is reassurance for primary schools in the centre of St. Helier. My question is about P.79/2020 on designated lanes, that states that the Minister will work with the Comité to update current road signs and markings for green lanes in order to show that priority is given to the use of green lanes to pedestrians, cyclists and horse riders. Can I ask the Minister what move forward has happened on that since the vote which was passed by this Assembly?

Deputy K.C. Lewis:

I am not totally sure where we are. I need to get back to the Deputy on that, but I know that the officers are working on that with Constables. I am more than happy to get back to the Deputy on that.

5.7.1 Deputy R.J. Ward:

Can the Minister reassure that the fact that he voted against that proposition is not getting in the way of him acting on that proposition?

Deputy K.C. Lewis:

Absolutely not. I work to the direction of the States Assembly.

5.8 Deputy I. Gardiner:

It is a good continuation from a previous question. The States adopted the ban of single use bags and the Minister should have brought legislation back to the Assembly in February. Today we are 8th June. When will the legislation be lodged?

Deputy K.C. Lewis:

I think about 2 hours ago I signed it off and it should be with the Greffier as we speak.

Deputy I. Gardiner:

Great news, thank you.

5.9 Deputy K.F. Morel:

With the price of copper now around 10,000 dollars per tonne, is the Minister satisfied that Jersey's recycling system ensures that the Government itself captures the value of copper sent for recycling out of the Island?

Deputy K.C. Lewis:

Yes, we have a great recycling plant. We collect everything down at La Collette and things are searched out, not just the copper cables but also components from computers, I believe. Everything is sent away to the U.K. and recycled, and obviously we get money back from that.

5.9.1 Deputy K.F. Morel:

In which case how much money per tonne does the Jersey Government benefit from for the recycling efforts?

Deputy K.C. Lewis:

I do not have that figure with me.

Deputy K.F. Morel:

Would the Minister please endeavour to get that figure and return it to the Assembly?

Deputy K.C. Lewis:

I will endeavour to do that.

[12:45]

5.10 Senator S.W. Pallett:

In the same vein as Deputy Ward, I just wondered if the Minister could provide an update on where he currently is in regards to P.33/2019, the port car park in regards to campervan parking and what progress he has made on parts (a) to (c) of that proposition?

Deputy K.C. Lewis:

I know that is very much in hand and we have been in communication with officers recently with the Comité des Connétables. I need to get back to the Constable on exactly what ... I have it in my faxing here, trying to find it might be something else. But I know things are moving forward with that.

5.10.1 Senator S.W. Pallett:

I wonder if the Minister could just provide me with what progress he has made because I have not heard anything since the proposition was passed.

Deputy K.C. Lewis:

Yes, indeed. It has been quite fruitful. Meetings have been had with the Comité des Connétables. I attended the first one myself and there is basic agreement on certain things going forward. It might be a limited amount of vehicles at the ports for safety reasons but things are in progress. There will need to be changes in the law, both with myself and the Minister for the Environment possibly, but things are moving forward. It has not been very fast, I know, but due to circumstances we have already illustrated this morning we have been delayed. But things are moving forward. I agree it is not very fast.

Senator S.W. Pallett:

I asked him if he will update me. Will he update me?

Deputy K.C. Lewis:

Absolutely.

The Bailiff:

Very well, that brings the period for questions to this Minister to an end and before moving on ...

Senator J.A.N. Le Fondré:

May I propose the adjournment?

The Bailiff:

The adjournment is just about to be proposed but, Chief Minister, did you wish to make the announcement that I suggested earlier?

Senator J.A.N. Le Fondré:

Apologies, Sir, hang on a moment.

The Bailiff:

Did you wish to make the announcement that I suggested earlier?

Senator J.A.N. Le Fondré:

Yes, please. I was just adjusting the text ... the tech, rather. Yes, I would like to. As Members will know, I circulated an email last night to formally note the resignation of Deputy Maçon as Minister for Children and Education.

The Bailiff:

Thank you very much, Chief Minister. That is now formally noted within the Assembly.

LUNCHEON ADJOURNMENT PROPOSED

The Bailiff:

The Assembly stands adjourned until 2.15 p.m.

[12:48]

LUNCHEON ADJOURNMENT

[14:15]

6. Questions to Ministers without notice - The Chief Minister

The Bailiff:

We come on to the next period of questions which are questions for the Chief Minister. I see people have already noted.

6.1 Senator S.Y. Mézec:

Can I ask the Chief Minister, having had the report from the Housing Policy Development Board in his possession for 8 months now, can he confirm whether he accepts or rejects its recommendations?

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

We have considered a number of the recommendations; some are being accepted, some are not being accepted and some require further work. I think that has been laid out and partially referred to in the action plan that Deputy Labey has issued more recently.

6.1.1 Senator S.Y. Mézec:

That is most certainly not the case. The housing talking plan, for that is what it is, not an action plan, does not say in it in any clear terms which recommendations are accepted or rejected. The Chief Minister has just said that some are rejected so perhaps he can list which ones for us?

The Bailiff:

Chief Minister, can you offer more detail?

Senator J.A.N. Le Fondré:

I do not have the full list of the Housing Policy Development Board recommendations with me. I would also challenge the Senator's obviously political view of the *Creating better homes: an action plan for housing in Jersey* title and I think we should be commending the Minister for Housing and Communities.

6.2 Deputy G.J. Truscott:

There were concerns the COVID vaccine supplies to the Island might run short. Could the Chief Minister advise if any such shortage ever materialised, and is he confident that all forward orders will be met in full?

Senator J.A.N. Le Fondré:

Firstly I hope the Deputy joins me in absolutely commending the fantastic programme we have had. We as Islanders and Government and as politicians should be really proud of the success we have had. Essentially I am not aware of any issues in terms of the supply to date. As we have said all the way through, it is constrained but we receive a proportion of what the U.K. receives and obviously that supply fluctuates week by week but that is part of the planning process. In terms of looking ahead, again I am unaware of any delays outside of those changes in the delivery of vaccines to the U.K. or production of vaccines within the U.K. and then the onward supply to us.

6.2.1 Deputy G.J. Truscott:

I do totally concur with the Chief Minister; I think the service at Fort Regent has been exemplary. Can the Chief Minister confirm that we are on course to have the majority of Islanders fully vaccinated by the middle of August as planned?

Senator J.A.N. Le Fondré:

Certainly, to the best of my knowledge, we remain on track and in fact there was a press release, I think it was last week or the week before, which confirmed that. So to date we remain on track as far as I am aware for the middle of August for all adult Islanders to be vaccinated. Again I think we should absolutely commend the team or everybody across the Island who has helped us challenge and tackle the pandemic to date, but particularly with the vaccination programme. We should be very pleased at where we are.

6.3 Deputy M. Tadier:

I would like to ask the Chief Minister about the wording that he chose when he made an announcement on 25th March to the media and, in his words, he spoke of the former Minister for Education being not currently capable of fulfilling his ministerial duties and of having an incapacity to fulfil his role. Does the Chief Minister accept that at best the choice of wording here is misleading and at worst it is untrue because the then Minister was not at all incapacitated, it is simply that the Chief Minister had removed his functions for whatever reason from him?

Senator J.A.N. Le Fondré:

I think we are probably entering into what I would call legal territory. As far as I am aware, or certainly from my perspective, the term "incapacitated" is the term that is referred to I think under the States of Jersey Law. I think it is the law on the Standing Order and it is used in that wider context and has been implied in a variety of circumstances during the lives of both this Assembly and previous Assembly.

6.3.1 Deputy M. Tadier:

I do not ever recall it being used in these kinds of circumstances. I recall it maybe being used and would expect it to be used where somebody is ill, hospitalised, and is not capable of fulfilling their role. But can he confirm that in this case Deputy Maçon was capable of fulfilling that role physically and that it was a political decision on behalf of the Chief Minister to remove the duties from him. Could the Minister just confirm the facts around that?

Senator J.A.N. Le Fondré:

I am somewhat hesitant to get drawn into a discussion of what as I understand is an ongoing matter, but I made the statement at the time, it was an expression that was used in relation to the terminology that was used within the law - I do not think it is in Standing Orders - but also it is in reference to an incapacity to be able to fulfil the ministerial duties. I think that is quite a wide definition.

6.4 Senator T.A. Vallois:

Could the Chief Minister confirm who is responsible and, therefore, accountable for the Public Employees Pension Scheme?

Senator J.A.N. Le Fondré:

I cannot recall the exact title but there is in essence a committee of management which is responsible for the management of the fund.

6.4.1 Senator T.A. Vallois:

Could I ask the Chief Minister to please expand? There is a committee of management but, therefore, who is politically accountable for ensuring that that fund is managed through the policies that come under the 3 different regulations that are required?

Senator J.A.N. Le Fondré:

I also hesitate to go into facts with the Senator because I know she has a very good memory so she has read it somewhere, she will probably know it far more than me. So I would wish to refer and come back to the Senator. My suggestion - and I would wish to verify that - is that I would have thought as a fund it would come under either Treasury or Social Security and I would think it was from Treasury. But I will go back and verify that.

6.5 Deputy L.M.C. Doublet of St. Saviour:

Could the Chief Minister give some details around the 14th June date and what impact it will have on schools please? Will all current restrictions and mitigations that are in place in schools be lifted,

including bubbles, mask wearing, children being able to play with different year groups in the playground, and I think staggered start and finish times?

Senator J.A.N. Le Fondré:

I cannot give that detail at this stage. We are holding another competent authority meeting this evening just to do an update as to exactly where we are, so I cannot give the full details as to what is happening within the school sphere until after that meeting.

6.5.1 Deputy L.M.C. Doublet:

Can the Chief Minister confirm that the questions I have asked will be considered at the meeting that he has mentioned?

Senator J.A.N. Le Fondré:

We always evaluate matters so I would expect that to be considered and, as I said, I will refer back to Members in due course.

6.6 Deputy R.J. Ward:

Following the climate change citizens' assembly report does the Chief Minister support the findings and recommendations of that report? Are there any in particular that he would strongly support us to get on with as soon as possible?

Senator J.A.N. Le Fondré:

Obviously Members had an update in the reasonably recent past, as did Council Ministers. I think we are still digesting the full implications of those recommendations. I do have to say that from a personal perspective I do support mechanisms that would encourage a switch from commuter car usage to more sustainable forms of transport. That is a personal view and I have referred to that previously.

6.6.1 Deputy R.J. Ward:

Will the Chief Minister be encouraging his Council of Ministers and the Assistant Ministers to be supporting the findings of the report so that they can be implemented as quickly as possible?

Senator J.A.N. Le Fondré:

I will be very clear; an intention is that the recommendations will be ... as the Ministers have had an initial briefing, with a further discussion to follow I believe, at that point we will then get down to the details of the recommendations. I believe in addition there is an intention for a further debate to be happening on the matter.

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

Can the Chief Minister inform us on what day the Indian variant, now called Delta, was picked up on and from which zone those who tested positive for it came from?

Senator J.A.N. Le Fondré:

I do not have that level of detail with me. I would have to just go back and get that detailed information and then I can very happily circulate that to Members later on this afternoon.

6.7.1 Deputy C.S. Alves:

Can the Chief Minister inform us how does or will the travel policy reflect the changes with the Indian, now Delta, variant in the U.K. and now in Jersey, and also given the recent statistics of the number of positive cases increasing, including one from the community?

Senator J.A.N. Le Fondré:

So just to address the latter point first; I think we have got to be very careful and keep things in proportion. Obviously the numbers that were reported over the weekend was the result of 7,000 tests, so again the number of positive cases that came out of that were very, very, very low and it, therefore, goes back to that point all the way through about maintaining a balance of risk. It is about suppressing the virus and making sure that services do not get overwhelmed, in conjunction with what has been an exceptionally successful vaccination programme. But we are monitoring the position; as we know, that is why we have put the emergency brake in place. But equally we have to make sure - and I think we are getting closer to that point - of almost moving to living with COVID in the context of low numbers and in the context particularly of the vaccination programme and where it is. As we said, the wider impacts of well-being as well as economic well-being. So within all those contexts we continue to evaluate. As I said, we have got a competent authority meeting later this evening and if there is anything that comes out of that we will make sure Members are obviously briefed as swiftly as we possibly can.

6.8 Deputy K.F. Morel:

I fear there may have been some selective quoting of law previously. Given that Article 28.2 of the States of Jersey Law says that the Chief Minister may, during the temporary absence or incapacity of a Minister, personally discharge the functions of that Minister, would the Chief Minister agree that rather than incapacity being the reason for being able to take over those functions it was actually the temporary absence of the former Minister for Education that allowed him to take over those functions?

The Bailiff:

Are you able to offer an answer to that, Chief Minister?

Senator J.A.N. Le Fondré:

Yes, Sir, sorry, I was trying to rapidly reach for the relevant part of the law, but to be honest I do not think I can add very much more other than to say certainly the advice we took at the time was that the position of the then Minister was that he was incapacitated, he was incapacitated from the point of view of not being able to at that point temporarily fulfil his duties as a Minister and that is why the declaration as such was relevant. I am very happy to have that discussion with the Deputy separately.

[14:30]

6.9 Senator S.Y. Mézec:

Could the Chief Minister confirm whether it is his view that reports which are due to be laid before the States Assembly ought to be shown to States Members before they are briefed to the media?

Senator J.A.N. Le Fondré:

Ordinarily that should be the case. I am not too sure what the Senator is referring to, if he could elucidate?

6.9.1 Senator S.Y. Mézec:

While I am glad he asks me to do that I was in fact referring to the housing talking plan. I had asked questions on this behind the scenes and been ignored.

The Bailiff:

I am afraid that brings time available for questions to the Chief Minister to an end. The next item on the Order Paper is under K, a statement from the Minister for Treasury and Resources regarding a response to the Complaints Board report. I am not sure if this has been circulated to Members yet, Minister, has it? It is going to be posted in the chat pretty well immediately. There we are.

STATEMENT ON A MATTER OF OFFICIAL RESPONSIBILITY

7. The Minister for Treasury and Resources will make a statement regarding the findings of a States of Jersey Complaints Board in relation to a complaint against the Treasury and Exchequer Department

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

Following the publication of the Complaints Board's findings relating to a complaint made by Mr. Newman against the Treasury I am making this statement to the Assembly. The Complaints Board have given considerable time and effort in hearing Mr. Newman's complaint regarding the calculation of pension entitlements from the Public Employees Pension Fund, P.E.P.F., and I thank them for considering the complaint. As administrator for the Public Employees Pension Fund the Treasury and Exchequer Department is required to administer the scheme in accordance with the scheme regulations on behalf of the P.E.P.F. Committee of Management as the governing body of the scheme. The Committee of Management is made up of 6 employer and 6 member representatives and an independent chair. There is a stage 4 complaints process through which any complaints are processed. Stage 1 is an internal review by the Public Employees Pension team, stage 2 is considered by the head of service, stage 3 is considered by the scheme secretary, and the final stage 4 goes to the Committee of Management. At the Complaints Board hearing it was highlighted that the complaint had already been through this 4 stage P.E.P.F. complaints process. The complaint was considered and not upheld by Treasury and Exchequer at stages 1 and 2 before being passed to the secretary for the Committee of Management. The Treasury and Exchequer Department provided all available evidence requested by the Committee of Management to consider the stage 4 complaint. In August 2018 the chair of the Committee of Management set up a working group to investigate a small number of transfer out complaints and made recommendations to the full committee. The working group, which comprised both an employer and member representatives, reported its findings to the Committee of Management meeting on 27th September 2018 where employer and member representatives were in attendance. The committee agreed the recommendation of the working group that quotes would be provided on the old terms for any member who had made contact with the P.E.P.F. before 1st May 2018. The Treasury and Exchequer Department provided all available evidence requested by the Committee of Management to consider this particular complaint and at the final stage the complaint was not upheld by the committee. The committee were provided with phone records, copies of emails, and other correspondence. The committee were provided with all correspondence received before and after the outcome of the stage 4 complaint was notified to the complainant. Following publication of the Complaints Board report by the Privileges and Procedures Committee in December 2020 the report was passed to the chair of P.E.P.F. Committee of Management for consideration. A further working group was set up to review findings. The group, comprising of employer and member representatives, concluded that no new or material evidence was brought to the committee as part of the report. The Committee of Management met on 18th February 2021): and agreed that the committee's decision in respect of the stage 4 complaint is unchanged, primarily because there is no new or material evidence which would cause the committee to alter its original decision. The committee has a duty to ensure the scheme is administered fairly and consistently for all of its membership, and its duties are owed to the membership. The committee, comprising of employer and member representatives, have determined it would be unfair to the membership as a whole to pay additional benefits in respect to the complainant in circumstances where there is no evidence other than verbal assurances that a request was made on his behalf in the relevant timeframe. As administrator for the Public Employees Pension Fund, Treasury and Exchequer are required to administer scheme benefits in accordance with the scheme regulations on behalf of the committee. While I appreciate the time and effort that has been spent in hearing the complaint, the committee and, therefore Treasury and Exchequer as administrator, are unable to make a higher payment. However, I have noted concerns raised by the Complaints Board regarding the independent oversight of the appeal process. I have, therefore, asked for the P.E.P.F. complaints procedure to be reviewed to ensure that it is consistent with modern best practice for pension

complaints. Treasury and Exchequer are liaising with the financial services and the P.E.P.F. Committee of Management about future proposals for the creation of an independent final stage to the member appeal process through the Channel Islands Financial Ombudsman who is independent of government. Thank you.

The Bailiff:

Thank you very much, Minister. There is a question period of 15 minutes available for questions to this Minister on this matter. Does anyone have any questions?

7.1.1 Senator T.A. Vallois:

Can I ask the Minister, who advised the Committee of Management that the board did not have jurisdiction over this complaint?

Deputy S.J. Pinel:

Sorry, I did not quite understand the question? I went through the process of stages 1 to 4. I am not quite sure what the Senator is asking.

The Bailiff:

Well, as I just heard the question, it was did anyone, and if so who, advise the board they had no jurisdiction to hear the complaint. Was that a misunderstanding of what you said, Minister?

Deputy S.J. Pinel:

I am sorry I do not understand, who advised the board? The Committee of Management?

The Bailiff:

Senator Vallois, are you able to expand on your question a little bit?

Senator T.A. Vallois:

Yes. For the benefit of the Minister there was a letter sent to the Treasury on 19th February this year from the Committee of Management that stated: "The committee is advised that the board does not have jurisdiction over decisions made by the committee." I am asking the Minister who advised the committee that that was the case.

Deputy S.J. Pinel:

I cannot answer the question. I do not know who advised the committee if that was the case. From what I have described it is a Committee of Management that oversees all this with the independent financial ombudsman as the independent representative. I can list the members of the Committee of Management if that is any help.

The Bailiff:

Do you have a supplemental question, Senator Vallois?

Senator T.A. Vallois:

Can I ask a different question then if that is the case that the Minister is not able to answer?

The Bailiff:

Well I think what you can do is come back with a second question but I must move on to the next questioner at this stage.

7.1.2 The Deputy of St. Martin:

The Minister said that she is asking for the P.E.P.F. complaints procedure to be reviewed. Is she aware of any other complaints of this type of nature?

Deputy S.J. Pinel:

Yes, there are a few, very few, complaints and I think it was the change of the timing of transferring out of one pension fund, the one that we are talking about, into another pension fund and that was going to change in March so the end of April was the last date to be able to transfer out on those current terms before the terms changed in May. Therein lies the problem inasmuch as the transfer out notification was not made until May.

7.1.3 The Deputy of St. Martin:

Can I ask the Minister if those other cases are also of a nature where a verbal assurance has been given but cannot be verified?

Deputy S.J. Pinel:

No, the verbal assurances cannot be verified. Obviously each case is very different. This one is being taken to the highest stage of the Complaints Board, to stage 4, inasmuch as the ... obviously I have got to be very careful because it is a personal situation, but the money pays out ... bearing in mind the option to transfer out is voluntary; nobody has to do it, it is a voluntary transfer. The person in question received less money on the basis of the May audit and pension contribution than he would have done had it been effected in April, but there was no evidence whatsoever that anybody could find that the request had been made in April.

7.1.4 Senator K.L. Moore:

Does the Minister consider that it is an opportune moment to review the Public Finances Manual, particularly in relation to special payments, given the comments of the Treasurer of the States to the Public Accounts Committee yesterday when it was identified that he did not agree to the special payment that was made to the former chief executive?

Deputy S.J. Pinel:

I think we are going slightly off course but, yes, as I said at the end of my opening remarks that we are going to review the independence of this, and that will be happening. But in this particular case it was the complete lack of any form of evidence which has caused the problem with the pension paid out.

7.1.5 Senator K.L. Moore:

My question relates to the report of the Complaints Board which identifies that the Treasurer of the States is not satisfied there was a proper legal basis to make such a payment in these circumstances, and that is why I was asking the question in relation to the Public Finances Manual, which is a living document that the Minister has the liberty to update if she feels there is a need to do so. I would like her to respond to that part of the question.

Deputy S.J. Pinel:

Yes, the Public Finances Manual is constantly being updated and of course this, as I said before, was going to be reviewed as to all aspects of it brought forward by this case and the Public Finances Manual will be updated accordingly if there is found something to be missing.

The Bailiff:

A point of order is raised by Deputy Young.

Deputy J.H. Young:

Sorry to raise this but this matter has caught me by surprise. Obviously issues to do with pensions we have both the Minister for Treasury and Resources making a statement now and answering questions and also S.E.B. My question is whether or not the entitlement to raise questions in these individual pension cases should go under the rules to the Treasury or S.E.B. I ask that because I

know there are outstanding historic complaints with pension matters which are within S.E.B.'s brief. Could I please have some guidance on that? The problem is that I cannot ask questions of Ministers but I can ask a question of S.E.B. you see.

The Bailiff:

Although I think I understand your question, Deputy, the fact is that the Minister for Treasury and Resources is entitled to make this statement. She has made it and she is entitled, therefore, to be questioned on it, and I do not think I can take the point any further than that. I think that is the most that I can say and the most assistance I can give in the context of this particular question and answer session. Second question, Senator Vallois?

7.1.6 Senator T.A. Vallois:

In the statement the Minister mentions the duty of the Committee of Management to all members. Can I ask the Minister then what duty the Committee of Management has to notify employees that there is a suspension of a valuation going on?

Deputy S.J. Pinel:

Well, under the legislation referred to, the P.E.P.F. Committee of Management is the governing body for the P.E.P.F. The committee is, as I said before, made up of 6 employer and 6 member representatives with an independent chair, and the committee has a judiciary responsibility for the management of the funds.

[14:45]

To clarify, under the pensions law, it was a question somebody asked, it is the Chief Minister who appoints the committee of management but their actions and decisions are taken of their own accord with the 6 Members representatives and 6 employee representatives.

7.1.7 Senator T.A. Vallois:

On the basis that I understand it is a governing body and I understand how many Members there are on the committee of management, what challenge does the Minister for Treasury and Resources provide when agreeing the funding strategy statement required to overarch the valuations process of the committee of management?

Deputy S.J. Pinel:

The Minister for Treasury and Resources, as Minister for Treasury and Exchequer, is ultimately responsible, but Treasury and Exchequer administer the pensions scheme.

PUBLIC BUSINESS

8. Public Health and Safety (Rented Dwellings): Request for new Licensing Regulations (P.20/2021):)

The Bailiff:

If no-one else has any questions for this Minister, then I draw this question period to a close and we now move on with the Order Paper to Public Business. I remind Members at this stage that we are applying the agreed timing for speeches so the Greffier will ring a bell when the time is up and there will be a clock on your screen running to show the elapsed time. The first item is the Public Health and Safety (Rented Dwellings): Request for new Licensing Regulations, P.20, launched by Deputy Ward. The main respondent will be the Minister for the Environment and I ask the Greffier to read the proposition.

The Greffier of the States:

The States are asked to decide whether they are of opinion – to request the Minister for the Environment to lodge the Draft Public Health and Safety (Rented Dwellings) (Licensing) Jersey Regulations 202-, taking into account the following amendments from the draft lodged as P.106/2019: (i). inclusion of a longer time frame for expiration of rental licence, through the inclusion of the word fifth in Regulation 3(2), to read “A licence commences on 1st January following the date on which it is granted, unless the Minister specifies another date of commencement in the licence, and expires on the fifth anniversary of the date of commencement”; (ii). the replacement of the words “inspect the dwelling” within Regulation 3(3)(a) with the words “require that the dwelling is inspected” in order to read “Before issuing a new licence the Minister must – (a)require that the dwelling be inspected”; (iii). the replacement of the words “and if such charges are imposed they must be published” within Regulation 3(5) with the words “provided that the charges are first agreed by the Assembly” in order to read “The Minister may impose charges for the issue of a licence provided that the charges are first agreed by the States Assembly”; (iv). the replacement of the Transitional Provisions date of “31st March 2020” within Regulation 6(1) with the date “30th June 2022”; (v). the amendment of the date within Regulation 7, detailing when the Regulations would come into force, from “1st December 2019” to “1st March 2022.”

Deputy G.P. Southern:

Before we start this debate could I ask whether you think it is appropriate that all landlords in this debate make a declaration to that end if they are landlords?

The Bailiff:

No, I do not think it is necessary in this particular case. There is no direct pecuniary advantage as a result of this proposition. It is a request for the Minister to go away and bring back something else. It is procedural to that extent. Obviously, if something else comes back that could have a direct pecuniary effect on somebody then it would be a different matter and particular things will need to be declared at that point, in my judgment.

8.1 Deputy R.J. Ward:

I will stop my choking fit and see if I can speak without coughing. Please forgive me if I do start. I would like to open the debate with a context to bring in this proposition at this time rather than 3 sittings ago, and with a summary of the information around what this proposition addresses, to frame the debate around the actualities of a licensing scheme. I am now at a point where I bring the proposition as time is running out to bring action before the next election and within the timeframe of this proposition. In addition, I am afraid I cannot trust the Minister’s regulations to be brought forward. I lodged this proposition for initial debate on 20th April 2021):. I was very careful to consult with the Minister before this action. I postponed the debate following assurances that the Minister would bring the regulations detailed in my proposition himself. I waited, I trusted and postponed twice. I was pleased to see the regulations lodged with plenty of time for the Council of Ministers and Scrutiny to respond. But instead, despite several attempts to contact the Minister, it was just last Wednesday, 3 working days before the sitting, that I had an appointment made to meet with the Minister, Assistant Minister and several officers. It became clear that the Minister would not bring the regulations to the Assembly today. Why is it important to debate this proposition today? To put it simply, we urgently need a system to license landlords for many reasons I will mention shortly. This is about the introduction of a licensing scheme. It is not a register. A licensing scheme is much more structured and expectant process. Registration is someone putting themselves on a list. They are telling the Government they are doing something. It does not require any inspection before it happens, seldom is anyone prosecuted for not registering as it is usually deemed not in the public interest, and it is difficult to find someone who just does not bother. It is hardly even reactive. Licensing is Government giving permission for something to happen. It can be a prosecutable offence not to be licensed, for example, driving a car, and minimum standards must be imposed

before a licence is granted, for example, competent to drive demonstrated through a driving test. We license fishermen to regulate fishing in our waters, or we attempt to do so. We need to regulate our waters to ensure conservation of our stocks, as the Assistant Minister said. We want to protect the habitat, the homes, if you like, of the marine species. In this way, trusted fishermen are supported and others are excluded. We license the sale of ice creams from mobile premises. That way, our Environmental Health team knows who is selling what and from where. They can plan and carry out necessary checks to ensure the ice cream is safe to eat. We do not just wait for someone to be made ill; we act proactively. Prevention is always better than cure. We license people to drive vehicles and we hold them to minimum standards. Should we just put them on a register and trust they can drive? No, of course not. We need to protect others. We license the sale of alcohol for public order and public health reasons. We license the finance industry. Despite this, it thrives. Indeed, one might argue that regulation is one of its strong points. Yet, when it comes to people's homes, the place where they should feel safe, the place where they should feel secure, we do nothing. A register is not an answer; licensing is. I believe that even Guernsey is proposing licensing. It seems all the attention has been given to landlords and reasons to oppose have been generated. Let us have a look at some of these in turn. The first one is the process is too onerous. That is hardly the case. It is a simple licence application. It will be too expensive. It costs nothing. The licence is free; a very important point. The notion that the States has insufficient staff is untrue. Licensing will allow better, more efficient use of staff, and if the Government cannot keep the people of Jersey safe, that would be a serious failing of Government. It is said that people will leave the industry, but if they are poor landlords with accommodation that does not meet legal standards that is not a bad thing. There are examples of this happening and when properties, homes, being brought up to a minimum standard and being put on to the rental market, there is a churn in any industry. When it comes down to it, some landlords, like the French fishermen, do not want to be regulated and we can see why. Since taking over the inspections of lodging houses, places we know about, just a couple of years ago, Environmental Health has served 179 notices for failure to meet minimum standards, despite being hampered by COVID-19 restrictions. They have unearthed many examples of landlords ripping off their tenants by overcharging for electricity and water. Some landlords are worried that the inadequacies of their properties and practices will be found out. That, fortunately, is exactly the purpose of a licence, but good landlords have nothing to fear. The competition from bad landlords will be removed incrementally as they are exposed and brought to task. Hopefully, some will be convinced to become good landlords. Indeed, errors that have been made, overpricing of utilities, for example, will be sorted in advance and avoid embarrassment for landlords, should we make the step to a licensing scheme. What of our commitment to put the children first? The Children's Commissioner has done a children's impact assessment that I hope you all have read. It is at the back of the proposition. It details why licensing will be good for our children. She references United Nations conventions we as Jersey purport to uphold, so do we and will we do that? What are the potential costs to the Government of Jersey in dealing with the concerns raised by the Children's Commissioner about vulnerable children in poor quality housing? What are the cost implications for the Government of Jersey to deal with the vulnerable elderly in poor quality private rented accommodation? I do not see this dichotomy between the young and the old. I just see it as stages of the same failure to provide and we need to consider it as such. By having a clear expectation that every landlord, be they public or private, will hold a licence, we make clear the need to meet the regulations of tenancy law that already exist and were passed by this Assembly, namely the Public Health and Safety (Rented Dwelling) Jersey Law 2018, that this iteration of the Assembly voted on, I believe. This is important because it changes the dynamic of the importance of these agreed standards. Tenants can expect every home to have reached when there is a requirement to be licensed to act as landlord and we must remember that homes are very expensive to rent from Jersey. I thought very carefully about the last time we debated these regulations and made changes to address the issues that led to a very narrow defeat at that time. I believe it was just 3 votes. There are differences here. The licence is free and the table of charges is removed. This removes the concerns about passing the

charge on to tenants. The licence has a lifespan of 5 years. Initial licences can be applied for from 30th June 2021): with regulations in force by March 2022. Inspections are only necessary for renewal of licences after this period. The system I propose for the new regulations is simple. It does not incur an extra expense and enables a landlord to gain accreditation on a level playing field. The emphasis is on supply of good housing. It means that good landlords are recognised and landlords with homes that are not of decent standard have a clear expectation from the Government, from this Assembly, that they will be improved. Tenants no longer carry the burden of having to complain. This too often makes the relationship with the landlord more difficult than it should be and means the expensive service being paid for becomes less effective. The simplicity of the system is the key. I could have gone for an extension to the Rent Safe scheme making it compulsory, but this does not mean the same as formal licensing. The Rent Safe scheme does not cover the same scope as a licensing scheme. The only way tenants could know that properties have failed to meet minimum standards or legal requirements would be if the names of landlords who have failed to meet standards were published alongside the Rent Safe scheme. This would be one way to discourage landlords who break the law by failing to meet minimum standards or overcharging on electricity meters, but that is not the most constructive and productive way to do it. I was not going to refer to the Scrutiny report that was the original regulation but I think it is relevant because everyone has seen it. I see no reference in that to the Jersey Tenants Forum or any input from tenants. There were landlords on the panel and they could have always asked their own tenants, for example. Some panel members were supportive. The real crux of it is there is a suggestion made that future Ministers may change things. Of course, that is the case. It is the convention that one Assembly does not tie the hands of successor Assemblies.

[15:00]

But that has to come to an Assembly vote. If you look at the proposition, there is a specific part in that proposition that says if we want to introduce charges the Minister has to come to the Assembly and win the vote. If the Assembly is opposed to it because of that reason, it will oppose those charges and therefore they will not be administered. What about tenants, the majority of people involved in this? The Jersey Tenants Forum supports the scheme on the grounds of tenants' safety and that it protects the human rights of some of the most vulnerable on the Island. The Scrutiny Panel should have produced a risk report on the cost of not protecting tenants' safety by not implementing the scheme. I mention again the cost of not dealing with the concerns raised by the Children's Commissioner there of vulnerable children and elderly people in poor quality housing. This expands not just to the most vulnerable in our society. We all know couples and I know friends who are both working, have good jobs, are renting and cannot afford a deposit. I helped them move out of their home and the damp that was in their own home was extraordinary. I said: "Why have you not done anything about this?" and all I was told was: "If we did, we would have a problem with the landlord and it was not worth it so we just moved out and we have to pay a little bit more." That is not the way to deal with our housing issues in this Island. There is no income generated. The scheme is not about income generation. The panel has misunderstood the nature of the scheme. Those who rent in the private sector need to be assured that their housing meets the required standard. If you go to a seasonal restaurant, you expect the same standards as one that runs throughout the year. There is no inflationary impact because there are no fees. I would remind Members that any landlord who if, on inspection, fails to meet existing minimum standards would be breaking the existing 2018 laws. Their tenants are not living in safe housing conditions. Surely, as an Assembly, we cannot support that. The current inflationary pressures on the private sector are from landlords and agents increasing the cost of rents. A typical increase at the moment on a 2-bedroom property is £200 a month. Some rents are going up by 25 per cent or more. A free licensing scheme is not the cause of this. Much of the documentation required and requested by tenants when they take out a tenancy is encapsulated in the 2018 minimum standards. The Jersey Tenants Forum recommends tenants ask agents and landlords for documents pertaining to boiler inspections, et cetera, and to change the contract if it

does not meet the 2018 regulations. The Government of Jersey website already contains this information, as does the Citizens Advice website. Good landlords already meet these standards. There is no extra red tape for those who already meet the legally required standards. I will finish here and the debate can start. All of us use restaurants, cafés, food outlets and many more organisations we expect to be licensed and we know have levels of safety built into this licence. I even paid £10 for a licence for my dog and in Jersey we have no such system for the major outgoing of most people's incomes and necessity of life, the cost of a home to live in. It is time we make this change and I make the proposition.

The Bailiff:

Is the proposition seconded? [**Seconded**] Before I open the debate, I have given further consideration to Deputy Southern's point of order relating to declarations of interest. It seems to me that in this debate we are not dealing with any matter relating to a direct or, indeed, an indirect financial interest. But, nonetheless, there is an interest in a more general sense and Standing Order 106, not perhaps the happiest worded Standing Order in the book, says: "A Member of the States who has or whose spouse or civil partner or cohabitee has an interest in the subject matter of the proposition must (c) if it is an interest which is not financial, declare the interest." It does not require a Member to disqualify themselves or not to vote but it does, in my view, mean that Members should consider whether they have an interest they should declare in connection with this debate. For the purposes of transparency, although in the past we have declared interests in chat, if a Member is going to declare an interest they should do so by voice. Alternatively, if in the chat we will read the name out so it can go on to Hansard and be recorded in those circumstances. Do you have a point of order before we go any further, Deputy Tadier?

Deputy M. Tadier:

I understand your point that you do not consider it to be a financial interest, but there is an inherent problem here because a lot of the landlord in the States who are opposing the introduction are saying it is inflationary and it will affect the landlords' income and therefore push the price of properties up. It is difficult. They clearly see it as having a financial interest on landlords by putting forward that argument.

The Bailiff:

Thank you, Deputy. My ruling on this is that this proposition of itself does not have a direct financial interest and therefore will not cause people any difficulty or disqualification. I assume Members who are declaring an interest but not saying they are a tenant are declaring an interest as a landlord. Senator Moore declares an interest as a landlord. Deputy Martin declares an interest as a tenant. The Connétable of St. Helier declares an interest as a landlord. I am unable to read because I am receiving various messages that I cannot read behind, so this may take a short while. Deputy Truscott makes a declaration as a landlord. The Deputy of St. Ouen makes the same declaration. Deputy Young makes a declaration as a landlord, and Deputy Guida makes the same declaration. Senator Mézec indicates he is a tenant. Deputy Tadier indicates an interest through a spouse to be, which is not, I think, covered by Standing Orders. The Deputy of St. Mary makes a declaration as a landlord. Deputy Pinel makes a declaration as a landlord. The Deputy of St. Peter makes a declaration as a landlord, and the Deputy of Grouville makes the same declaration. The Connétable of St. Mary makes the same declaration and the Connétable of Grouville makes the same declaration.

Deputy I. Gardiner:

I could not access the chat, I would declare that my husband is a landlord.

The Bailiff:

Thank you, Deputy Gardiner.

Male Speaker:

The same, Sir.

The Bailiff:

Thank you very much.

Male Speaker:

Sorry, my husband is a landlord.

The Bailiff:

Are you declaring that you or your spouse is a landlord?

Male Speaker:

Correct.

The Bailiff:

Which?

Male Speaker:

Both.

The Bailiff:

Both. Thank you very much indeed. With those declarations made we can open the debate.

Connétable R.A. Buchanan of St. Ouen:

I only put my name down to speak because I wanted to declare an interest and, as Members will know, that interest is very pertinent because I referred myself to the Commissioner of Standards over a matter related to charging for electricity, which is very pertinent to these regulations. I wanted to make sure that was on Hansard.

The Bailiff:

Thank you very much. That I think that deals with declarations of interest. The debate is open. Does any Member wish to speak on the proposition? If nobody wishes to speak on the proposition it will go straight to the vote.

8.1.1 Deputy J.H. Young:

I was waiting to hear the debate. It looks likely to end very quickly so I will do as people probably expect me to do. I believe I, as a Minister, and the proposer of this proposition share absolutely the same objective of ensuring we have a system of regulation in place that is effective and helps us to ensure there is a high level of compliance with the minimum standards for rented dwellings. The principal point is that people who rent properties generally do not get the opportunity to carry out remedial works to those properties and generally speaking have to take them as they are, particularly in such serious matters as electrical installations and heating appliances that are potential sources of danger if not looked after and maintained and installed properly installed. Why are we doing this? The law was passed in 2017 in the previous Council of Ministers and it was my role to put the law into place in an Appointed Day Act in 2018, and the technical detail of what the minimum standards are was signed at that time. Then the officers went into the implementation of the power in the law for a licensing scheme for regulations to enable us to achieve those objectives. In an ideal States procedure, we would not have to have a discussion on a Back-Bench Member, and I do not mean that disrespectfully. The proposal is also a senior member of the Scrutiny Panel but effectively from a non-ministerial we would not be having this debate; we would be having it from a Minister. We all know we have had that before and look what happened. I will let you pause there and think that

through. When Deputy Ward approached me we had serious disruption with COVID-19. We have had so many other priorities to deal with, but it is essential that we do anything we can, in my view, to fulfil the obligations we had as an Assembly in approving the whole approach to having minimum standards in place before the next elections. At that time, when I saw Deputy Ward's proposition we discussed it and although I was advised by the officers that there were some technical problems with the various parts of it that would mean we would have to go back and amend some of the details, important technicalities to do with the dates and the process of charging and inspections and so on, then I could have done an amendment at that stage. But no, I thought it was far better that we made those corrections in effect in a proposition and with the Environmental Health officers who are highly experienced people. I have to tell you one of the main inspectors is experienced in Glasgow and has had experience of this and has probably spent more years than the rest of us can think about in trying to deal with this difficult issue of housing standards. He believed that the proposals that are still lodged will effectively work to enable implementation. But then, up until late last week when Deputy Ward spoke of the conversation he had with me on Wednesday, and he was aware I was out of the Island for the last few weeks and was able to get a break with the amount of work I have, but nonetheless I sought to deal with that. At that very time on the Wednesday, I was astonished, quite taken aback, so see the 9-page Scrutiny report that basically much of it seemed to re-raise issues that had been raised times before, issues of cost, notwithstanding the issue that I was opposing no charges. The points at length that the Scrutiny Panel report goes into, numerous technicalities on this issue of charges, frankly I could not deal with that adequately at a distance, being out of the Island, within a few days. Members might need to know this and I will tell you the situation about charging here. Personally, I would have never got into this arrangement of raising charges for this particular regulatory service but I inherited it.

[15:15]

I inherited a situation where the previous Council of Ministers had made a decision to strike £1 million of budget out of the Environment team to save money, out of the Environmental Health team, so that team now is still without the budget. Notwithstanding the fact that proposals have gone forward through the convoluted system we have for approving funding these days to restore that budget pending future decisions, at the moment the service is running at a serious budgetary shortfall and, therefore, that threatens our work in all sorts of way. That money has not been restored. It is a reality that there are very mixed views about whether we should be charging for this service or not. I have to resolve those properly because the Environmental Health team has been critical. We would not have got through this COVID process without their work and their team was reduced down by 50 per cent of people and we need to build it up. We need to deal with so much, we need to deal with nuisance laws, so many things we have learnt. We should understand that environmental health is crucial. Therefore, I am not prepared to take risks with this. I need to make sure I get a robust solution to the points that the Scrutiny Panel have raised because it is more than just a minor matter. As Minister, I have to make sure that we have a properly resourced Environmental Health team, so I have decided to postpone. I accept Deputy Ward is upset and also I am upset that he does not have a choice because Standing Orders do not allow him to postpone any more, but my proposal, the regulations are lodged and I have asked for the debate at the next opportunity, which will give us time to deal with this properly. Of course, now obviously I am back in Jersey and I need to do that to be present today, because otherwise I could not have spoken. What do I do today? Well, frankly, I have told Deputy Ward I am going to support this because the States have an opportunity today to clear the air and let us get this principle out in the open about having effective regulation in place for minimum standards. I will discount the technicalities. I think it would be sort of churlish to vote against because of some of those details in points 1 to 5 there. I am going to support it. I see that I am being asked for clarification, so I will stop there but I think the States do have an opportunity to clear the decks on this. Let us get a workable arrangement in place, please.

The Bailiff:

Deputy, is that the end of your speech? Deputy Tadier wants clarification but only when you have finished speaking.

Deputy J.H. Young:

Yes, Sir, I will stop now. I have run out of gas, as it were.

The Bailiff:

What is your point of clarification then, Deputy Tadier?

Deputy M. Tadier:

I was going to suggest, I presume the Minister is the main responder and so he ... maybe he does not want to end his speech just in case. The question really for the Minister was to clarify. I am glad he is supporting this. Obviously I put my clarification in before he said that. He is saying that his proposition would come later once he has had a chance to look at Scrutiny's comments, but he is saying he is arguing for charges to be made. Can he clarify that if this does not go through today he will be coming back with a similar scheme but it may involve a fee for licences as opposed to what we have today, which does not? Is that what he is saying?

The Bailiff:

Are you able to clarify that?

Deputy J.H. Young:

I think I would, yes. I probably do need to clarify. My intention in saying what I said was to indicate that even though I am going to support because this is the direction of travel, I am going to be on listening mode today and if this is defeated I shall be listening to the rationale. I said my personal view is that I would not have brought the whole business into charges in this but I know that there are divided views among Ministers even about charging, and clearly the Scrutiny Panel made it plain that they want that clearer. So I think I shall be in listening mode, if that helps. I cannot give a commitment as to what I would do. I am going to be listening.

The Bailiff:

There is a further point of clarification from the Connétable of St. Ouen. Connétable, what is your point of clarification?

The Connétable of St. Ouen:

I am suffering from serious brain fade on this debate. I wonder if the Minister could clarify that if Deputy Ward's proposition is accepted he will then be required by the proposition to bring back the regulations. Could he clarify that in doing that he will consider the recommendations of the Scrutiny Panel in perhaps rewriting those regulations when he brings them back to the Assembly? I am confused about how this is going to work, if I am really honest, and I am sure other Members are feeling much the same.

The Bailiff:

Can you clarify, Deputy Young, how it is likely to work?

Deputy J.H. Young:

To answer, the clarification does give one brain ache, as it were. As I said, I certainly will go on the States intention and I think that my proposition, the regulations that I have are still lodged. I have to deal with the Scrutiny Panel questions and obviously the Scrutiny Panel questions are going to have to be answered in the context of what the States decide today. It might be helpful if the proposer gives thought to whether or not they wish to push or pursue all the detailed points under 1 to 5, which kind of bind the States in how I respond. That is a matter for the proposer, how far they are going

there, but I am going on the basis that the opening line in the preamble says to request to lodge the regulations and so on. Yes, and just to clarify point 1, I think it does need to be a longer period. Originally it was annual licences. That does not work. I think it does not need to be annual licences in order to be able to do the regulation effectively. The dates there need to be, I think, a bit longer. The grandfather period needs to be a bit longer to allow those existing properties to be able to have a longer period to take up the grandfathering arrangements. I think this question about inspecting the dwelling, there was never an intention that it would be mandatory for an inspector to physically inspect every dwelling. The issue of charges, in hindsight it would have been better if the original law, the primary law, had said that charges would be agreed by order, because that is the way all regulatory charges are set in a proper structured manner. It did not and, therefore, what I would have to do under point 3 on there, I would have to go back and amend the primary law, which of course will take time. I put that out there for information. I still maintain that I am going to be supporting this but I think the proposer does need to think about those detailed points. The procedure is not ideal but the proposer is fully entitled to proceed today rather than withdraw, as he would have to, and wait for the debate in July on the regulations that are already lodged. So I think we are where we are. It is not a good situation but we should make the best we can of this.

8.1.2 Senator S.Y. Mézec:

I am very pleased with the conclusion that the Minister for the Environment has reached to vote in favour of this proposition. I think the fundamental reason that he will have reached that conclusion is because landlord licensing is the right thing to do. He knows that because of his experience as Minister for the Environment, working with the Environmental Health Department, going over previous propositions of this nature, which he was mandated to do because of earlier decisions by the States Assembly on introducing minimum standards. For those who have had to pay close attention to that work and that detail, this is simply a no-brainer, having a proactive system to protect tenants from landlords who are either not maintaining their properties in the way that they ought to according to the law as it currently is or who may be totally well-meaning but are making mistakes that with a little bit of help they could be pointed in the right direction on. This sort of system is the right thing to do. To apply a proactive system where landlords are required to be licensed before they can rent out a property makes sense. It brings it into line with lot of other areas in Jersey's economy. Restaurants, for example, are required to be licensed.

The Bailiff:

Senator, we have lost you. I am not sure why that is the case. Unless we can find a way of re-engaging with Senator Mézec for him to continue his speech, I will have to move on to another speaker. I am not averse to taking a short break to see if we can clarify the problem. As it has gone dead and we have no reason why it has gone dead and clearly the Senator was in mid-flow, I propose to adjourn for 5 minutes for the purposes of seeing if we can get the Senator back online.

[15:26]

ADJOURNMENT

[15:35]

The Bailiff:

Senator, you have joined us, I think?

Senator S.Y. Mézec:

Yes, I am back, Sir.

The Bailiff:

Would you like to continue with your speech, in that case?

Senator S.Y. Mézec:

Can I apologise for that and thank you and Members for your indulgence there? I went and turned my router off and on again and that has done the trick, so thank you for that. I think the gist of the point I was making before my internet malfunction was that a licensing scheme is necessary and when applied to private rental housing in this way will bring it into line with other areas in our economy where health and safety is a major concern. When I say bring it into line, let us be honest, bringing it into line with favourable conditions. We are not asking for an annual licensing scheme and not asking for a fee to be paid for the licence, which certainly puts landlords renting out private residential accommodation in a better position than many other people. People who are running a restaurant, people who are running a stall selling sausage rolls will have more red tape and more fees to abide by than a landlord who is making substantially larger amounts of money renting out many, many properties to tenants. So it is still favourable conditions and I am pleased that the Minister for the Environment is supporting this. I think we cannot lose sight of the name of these regulations. The name of these regulations has in its title the words “health and safety” because that is what this is about. It is about the health and safety of tenants and any other issue is a peripheral issue there. It is not at the heart of what this is about. This is about making sure that the minimum legal standards we have for rental housing are real standards and not just theoretical ones or ones which can only be applied once something has gone disastrously wrong. That is what this is about and so it is extra frustrating that a debate about things that are not proposed is what stands the biggest chance of derailing this. These issues about whether fees are brought forward in the future or not is, frankly, bizarre and I will say, despite being pleased with the conclusion the Minister for the Environment has made, I am still disappointed that he considers this next point to be one worth considering when I do not think it is legitimate. Having to look at fees as a potential thing in the future really is a ridiculous reason to derail this because any future Assembly could decide to insert a clause into the regulations. If a clause is taken out this time round related to fees, any future Assembly can choose to put it straight back in. Any future Assembly can choose to charge a fee of £1 million a day if it wants; it can choose to raise taxes to 99 per cent; it can choose to provide landlords with a £1,000 rebate every time they get licensed if that is what a future Assembly wanted to do. Whether that is in these regulations as a theoretical thing to do in the future is neither here nor there. To want to delay this so that that clause can be taken out really is, I think, not a good use of time. I think it panders to a lobby that is just against everything. That is the next point I wanted to make, is that I think any move away from what Deputy Ward is proposing is to attempt to compromise with people who are not interested in compromise and simply want to oppose everything. In the last debate we had on the licensing scheme, the issue about the fee and the issue about what inflation that may cause and how horrible it would be for that to be passed on to tenants was a reason that some Members gave for voting against it. I did not agree with them at the time because the fee proposed amounted to about 70p a week, but taking that point that was made then as being sincere and well-meaning, this proposal deals with that by not having it proposed that there is a fee as part of this. So these arguments about inflation I think are illegitimate now, which is why it is really disappointing to read the Scrutiny Panel’s comments to the Minister for the Environment’s version of these regulations but of course they are still relevant here, which is largely parroting what an industry lobby group is saying. They have not identified any issues to raise at this point with the central purpose of the regulations, which is about health and safety; no comment at all on that or whether this is an effective means of delivering that. A large part of those comments are simply parroting what the Jersey Landlords Association have said and appear to be parroting it uncritically, which is, I think, odd given that a large amount of what they have said in their submissions is nonsense. So I have got the Scrutiny comments up in front of me and their summary of the J.L.A.’s (Jersey Landlords Association) submissions starts at the bottom of page 6. You can go through pretty much every one of these bullet points and contradict it fairly easily. Their first reason for opposing is that this is virtually no different from the previous regulations, which were not adopted by the Assembly. That is nonsense. This is for a longer licensing

period and it is for a free licence. That deals with 2 of the key criticisms that were made about the last one. It accepts those criticisms and it tries to deal with it but apparently that is not good enough. The next point is about fees and the inflationary impact. There is no fee in this, so that point is not legitimate. This talks about red tape, introducing new red tape and the burdens on landlords and letting agents, which will increase letting fees and, therefore, rents, it says. That really is taking the mickey, that point. To suggest that the bureaucracy that will require landlords once every 5 years to spend maybe 20 minutes filling out a form and maybe making themselves available for half an hour when an inspector is free to get licensed is somehow a massive inconvenience for them really, really, I think, takes the biscuit here. That will not result in extra letting agent fees, that will not result in higher rents. It is a mild inconvenience and one that pales into insignificance compared to all of the forms, all of the bureaucracy and all of the inspections that other types of businesses have to abide by. The next 2 points are about Government already having powers to identify rented dwellings and take action. That is manifestly not true. They refer to the Control of Housing and Work (Jersey) Law as being a way of identifying properties. That shows that they have totally misunderstood what the purpose of these regulations is. It is not about identifying where the rental properties are. It is about identifying where the rental properties are and what quality those properties are. The Control of Housing and Work (Jersey) Law does not give us that information about the quality of those homes and whether they are safe or not, so they are just wrong to say that we already have powers to identify them. They talk about the power to enforce legislation that already exists. We have reactive power not proactive power. That is what the point of these regulations is to address. They go on to say that a better way forward would be one that involves tenant empowerment and the Scrutiny report says that the J.L.A. believes that a register of all property in Jersey would fulfil the aims without introducing inflationary red tape. I have already explained why it is not inflationary. They go on to say, further down in this report, that having some sort of option so that tenants can pursue complaints without facing reprisals from their landlords ought to be pursued. It simply is laughable that that alternative suggestion is still treated seriously and still on the table. If a tenant has an ability to make some sort of confidential complaint or whatever, I think the landlord will probably figure out what has gone on when the inspectors show up. They will figure it out very quickly that their tenant has taken action against them and that offers no protection whatsoever against reprisals, whether that may be a landlord acting in a way to make a tenant feel uncomfortable or choosing not to renew a tenancy for no good reason and not offer them an extension or renewal. It does not prevent that whatsoever, so it is bizarre that that is something that is still considered.

[15:45]

But what is most telling about the Scrutiny comments is what they do not include, which is any source of evaluation of what the costs to society and to the Government are of not doing this, of allowing people to continue to live in homes that are unsafe, of the cost to our health system, having to treat people who end up with health problems because they are living in homes that are not watertight, they have got damp up and down walls and all the breathing problems that comes along with that or the education impacts there are from young people living in homes that are not good for their well-being as well. The cost to society by not giving people decent homes to live in is huge and that has not been explored at all by those who oppose this. I commend Deputy Ward for bringing this proposition to the Assembly in this format. He has attempted to find a compromise with those who had disagreements last time round that we may not have shared with them but may well have been well meaning in terms of their concerns about inflation and the rest of it. This deals with that. It deals with any concern about the requirements on landlords being too overbearing by it being too frequent, that they have to abide by this by extending the period of time that the licence lasts for. This deals with those major concerns. What it does not do is deal with the illegitimate concerns that have been made by those who I think are quite clearly arguing for no action whatsoever. I hope Members will see the argument Deputy Ward is making that action is necessary. The Minister for the Environment is supporting this because he knows that action is necessary and doing nothing is

not an option and there are not adequate alternatives to ensure that minimum standards are applied properly in private residential housing. I hope that those Members who voted for this last time will stay on board for that and those whose concerns will hopefully have been dealt with by the changes proposed in this can vote for it now and let us get on with it. Try to do at least something to improve the housing situation of the Island because there are not particularly good signs that we are likely to do anything else in the rest of this term of office. So at least let us get this done. I ask Members to support the proposition.

The Connétable of St. Ouen:

I inadvertently put down I wanted to speak but actually my point of clarification at the moment has satisfied my concerns. Can I take my name off the list and come back later?

The Bailiff:

Yes, if that was intended to be a point of clarification then I will take that off the list and you can list yourself to speak later on, if you wish to do so.

8.1.3 Senator J.A.N. Le Fondré:

I will try and keep fairly short on this. Deputy Ward was very clear in his opening speech that as far as he is concerned this is about having a licensing scheme. I think that is where, as I understand matters, a number of Members and external stakeholders really had some problems with the proposals that were being proposed however many months ago it was now. Also, I think the Deputy made the comment that it was “free for now”. I think the “for now” bit also picks up on the comments made in the Scrutiny report. Where there is agreement, is that we, I think, agree as to what the desired outcome is; in other words trying to improve the lot of tenants. But also to do it, I would hope, in as less bureaucratic way as possible. That is why I think some Members, and certainly last time round the majority of Members, had an issue around the solution. What I would just like to say, is that we are committed to achieving a solution; there is no question on that. I will say, without putting words into anybody else’s mouth, I certainly had a very positive discussion a few weeks ago on a possible alternative way forward. All I will say, on a personal perspective, that I have to say my leaning, having considered this for a period of time, would very much be towards the registration way of doing things rather than having a licensing system. Because ultimately this is about data. It is about getting the information together into the right place and then essentially, from Environmental Health, being able to use that data to then effectively randomly test and investigate and follow up on poor accommodation. For me, the reason I am attracted to a registration system, I am putting this out there, in the position of Ministers, for example, the Minister for the Environment taking soundings and obviously the Minister for the Environment does know my view already, it then makes it consistent with things that we should be doing around the population controls. We have got existing decisions of the Assembly on registers as well and therefore this would then be consistent across the board and hopefully ultimately would make a system feasible. That is far less cumbersome, far less bureaucratic and, on that basis, less onerous but achieving the same outcome. I am always slightly alarmed when other Members guarantee - I think was the word used - that a such-and-such system will not result in an increase, for example, in rents or an increase in bureaucracy. I do rather consider, certainly from hard-won experience, that that tends to be a somewhat naïve view. There will always be an increase in costs somewhere down the line. But I think that is a different argument for a different day. This proposition you have already said is an in principle. It is to give directions to the Minister. But I do say that, in my view, and I will not be supporting this proposition, that it will be better to obviously give the feedback to the Minister that the Minister is seeking. For me, to reject the proposition but then allow the Minister to take away the feedback and to work with various stakeholders, and that work has started. As I said, I was party to a very positive discussion not so long ago, which I think will achieve the outcome we are looking for even though Deputy Ward, for example, may not particularly support the actual solution. But that is probably enough from me. I

will not be supporting this proposition but I do think there is a positive way forward, which we give the Minister the ability to follow up. He be given the time to do it, I think we can come back with something the majority of the Assembly can support.

The Bailiff:

Chief Minister, do you give way for a point of clarification?

Senator J.A.N. Le Fondré:

I think the risk is becoming second and third speeches, so no.

8.1.4 Connétable J. Le Bailly of St. Mary:

I have already declared my interest as a landlord. The way to deal with housing standards long term is to provide more choice of rental accommodation. This would greatly benefit the tenant as standards would automatically improve in order to gain a tenant if there was a competitive climate. Hopefully price hikes would be prevented and there may be rent stabilisation or even reductions. The answer is not just more regulation but the necessity to provide more rental housing as standards would improve greatly. The important issue here though is safety, so a basic minimum standard should exist in order to safeguard tenants who may be intimidated into accepting unacceptable accommodation due to having no alternative. A simple registry of landlords would be sufficient to ensure that there was some accountability. I will be supporting the proposition.

8.1.5 The Connétable of St. Brelade:

My panel has considered P.106/2019 and now P.33/2021): and I speak partly to the comments on that in this proposition. We produced this comment paper based on the evidence presented to us and we are grateful that the Jersey Landlords Association took the trouble to communicate their concerns, which we consider helpful and constructive. The panel did approach the Jersey Tenants Forum albeit we know little about that body in terms of the numbers and type of tenant representative. We had not, at the time of issuing our comment, heard from them however States Members have been circulated, I believe on Friday, with a critique of the panel's report. It is regrettable that this tenants forum chose not to get in touch before and any evidence they may have before the panel because Scrutiny, as we all know, is evidence-based and we will consider everything. The cost of licensing is a fundamental matter to not only the profitability of landlords but also the cost of tenants' rent because anyone would be naïve to think it would not be recouped in some way if there were to be a charge. The present Minister for the Environment is a splendid chap and a man of his word. But there is absolutely no guarantee that any future Minister will be of the same mind. The department has to make ends meet and to do that will need to recoup the costs of the staff needed so to do. I gather that the department has no staff to do this work in their present structure so I am curious to know whether the Minister plans to train additional staff, how many will be required, and the level of funding necessary to cover the proposals that are before us today. The Minister alluded to most of his staff having been seconded to COVID duties, and I am pleased that our Government has supported that. But a funding stream will need to be identified if we are to proceed, as the proposition suggests. We have a plethora of existing laws and regulations, which can achieve the management of rented property condition should we wish. Nobody wants to condone the actions of poor landlords, of which there are doubtless some, and no one condones the actions of poor tenants, of which there are likewise some. I am cognisant of the need to encourage the provision of safe, good, standard rented property in the private sector. Freehold prices are beyond the reach of so many at the moment so this cannot be overlooked. The landlord tenant business, if one can refer to it as such, is just like any other business in that it has to stack up financially and if it does not people will pull out. That is not what we should be encouraging. Senator Mézec does not like private landlords. He has made that perfectly clear and we have witnessed his stand and riposte to confirm this earlier. Scrutiny cannot comment on philosophical costs as described. The Senator will know it is evidence-based

and we adhere to that principle. I cannot support this proposition but I am keen to work with the Minister with any tenant and landlord representatives to arrive at an equitable solution. Thank you.

The Bailiff:

Firstly, do you give way for a point of clarification from Deputy Higgins?

The Connétable of St. Brelade:

I have finished my speech, Sir.

The Bailiff:

The answer is no. Senator Mézec, are you asking to make a point of clarification? I do not think aspersions have in fact been cast, it was an expression, perhaps unwelcome and you might view it as entirely inaccurate, but it was an expression relating to, I think, your political views that had been made. But if you wish to clarify that, if the Connétable is prepared to give way for that clarification, that is possible as well.

Senator S.Y. Mézec:

I thought I heard the Constable say that I just do not like landlords. I would like him to clarify that, if that was what he said or what he meant. I would ask him to clarify that on the basis that he will never ever find on record anything I have ever said saying I dislike landlords as a class of people. One of the reasons I would not do that is because my father is a landlord and my grandfather is one and I would take great offence at such an offensive suggestion being made by the Constable. So perhaps he would like to clarify that.

The Bailiff:

Would you wish to make any point of clarification on there, Connétable?

The Connétable of St. Brelade:

I am happy to respond to that. Can I say that the Senator gives the public the impression that he dislikes private landlords? I think it is for those listening to interpret that how they wish.

The Bailiff:

That draws a line under that particular point. Does any other Member wish to speak on this debate?

[16:00]

8.1.6 Deputy J.A. Martin:

I speak as one who did support the 4 regulations when they came forward from the Minister for the Environment probably over a year ago or whenever it was. I thought it was a sensible proposition. I thought it was costed. Lots of people did not like what the cost would be. A lot of people accused that if you charged landlords for a licence, et cetera, it would be passed on to tenants. But I know what I was voting for. Today I have no idea. I think some of the things, parts 1 to 5, tie the hands of the Minister for the Environment when he said in his own speech, the Minister for the Environment: "There are a lot of technical points that were brought up by Scrutiny", is technical points his officers know and we have got ourselves into another fine mess. I just do not know where to go on this one. It is something for the future. If there is a cost, there will be a cost. Everyone heard the Minister for the Environment say he thinks his department is £1 million down on staff costs and this is going to be staff intensive. But if that is right that is what I voted for last time and now it has moved and moved and moved. I think it is too much of a shambles and I would like to invoke Standing Order 85 and move on to the next item, please.

The Bailiff:

If you will bear with me for a moment, please. The normal position taken in connection with an application under Standing Order 85 is that at least 10 Members would have spoken before I will allow that to be an order, otherwise it would be prejudicial to the minority. Accordingly, 10 Members have not spoken and I exclude the proposer, of course, in these circumstances and, therefore, I do not think the application is in order at this point. However, it does not need to be done, application does not need to be done through the course of a speech. Deputy Martin, if you wish to do so later you are entitled to raise that Standing Order but only after another 2 Members have spoken.

Deputy J.A. Martin:

Thank you, Sir, I totally respect that but I thought we were in danger of nobody speaking, so I had to speak then and I will take your words and guidance. Thank you, I have finished.

The Bailiff:

Thank you very much indeed. Connétable of St. Ouen. I will call this Standing Order 85.

The Connétable of St. Ouen:

Am I able to speak now, Sir?

The Bailiff:

Yes, please do.

8.1.7 The Connétable of St. Ouen:

I am in a similar position to Deputy Martin. I think I should start by saying that the principal proposed by Deputy Ward I am in favour of and, similarly, when Deputy Young published his proposal I could see that that was a sensible proposal. Hence my clarification, I am still confused about what the impact of voting on this is going to be. I would also like to make a few remarks about the Scrutiny report. I have a great respect for the Constable of St. Brelade and I think he has done a report based on the evidence that he received. But I have to express some extreme disappointment that the Tenants' Association have refused to engage with the Scrutiny Panel. Their evidence, in my view, is vital to the production of a balanced report on this proposal. They are, after all, the customers of landlords and their views are absolutely vital to the production of a Scrutiny report that has a balanced view of the marketplace. In my mind, until such time as they come forward and express their views and I have read some of their comments online about the Scrutiny Panel is made up by landlords, we will not get a fair hearing, et cetera, et cetera, all I can say is my experience of the Constable of St. Brelade is that nothing could be further from the truth. He is one of the fairest men that I have ever met and he will listen very carefully, as will the Scrutiny Panel, to their comments and they will be included in the report in a balanced way. I would strongly urge them to come forward and contribute to this debate. I do not think, in my mind, until such time as we have a balanced Scrutiny report I feel very reluctant to vote for this because until we see both sides of the argument it is very difficult to know what the Scrutiny's recommendations will be once they have got there. I have great difficulty in supporting this. As an owner of a lodging house, we have regulations, we have licensing schemes and we have to comply with minimum standards. I am not entirely convinced I understand what all the fuss is about. Licensing is not that difficult, you just fill out one form a year, send a cheque off to the States and you get your licence back. Maybe you will have an inspection and they do it on a risk-based approach, so you will get an inspection probably once every 2 or 3 years. If you are running a reasonable, reputable establishment there is nothing to fear from inspections. All the huffing and puffing we have heard today I am confused about. I will wrap it up there but I think more work definitely needs to be done on the Scrutiny report and that is no reflection on the Scrutiny Panel; they can only work with the evidence they are presented with. I repeat my message to the Jersey Tenants' Association. For goodness sake stop sulking, guys, get out there, go and talk to Scrutiny and let us hear what your evidence is, please. Until we have that it is very difficult for us to

understand the whole picture. At the moment I am unclear as to whether I am going to support this or not and I will leave it there.

8.1.8 Deputy M. Tadier:

What comments we have had from the Constable of overcharging for electricity to his private tenants of St. Ouen ...

The Bailiff:

No, I am sorry, Deputy ...

Deputy M. Tadier:

Just stating the facts, Sir.

The Bailiff:

I am sorry, Deputy, you cannot accuse somebody of overcharging for electricity. It is not parliamentary and it is not appropriate within this Assembly. Please, withdraw it.

Deputy M. Tadier:

I am not withdrawing it, Sir. It is on the record, it is public record and the Minister has admitted it ...

The Bailiff:

But to describe someone as the Constable for overcharging electricity to his tenants is completely unparliamentary in my judgment. Please, withdraw it on that basis.

Deputy M. Tadier:

I withdraw it, Sir. I will say to hear that speech, asking the tenants for basically to get their act together and stop sulking and from the Constable who in his capacity as a private landlord, along with another Member of this Assembly, has been found to have overcharged tenants illegally for electricity, I think beggars belief. What we are seeing here today is there is a very simple proposition in front of us and it says that we should be introducing a licensing scheme, along with a register. The problem is we have had a lack of action from the very head of this Government, Senator Le Fondré, who has told us quite openly today that he does not agree ideologically with the licensing scheme. He thinks that a register in itself, a registration scheme where people can be randomly tested and dropped in on would be better. Let us look at that, shall we? First of all, it is not because there is a technical difficulty with this proposition, it is because the Government is divided on it. We have a Minister for the Environment who wants to do it. We have a Chief Minister who, despite the fact that he signed up to putting children first and despite the fact that he has signed up to reducing income inequality, he acts in such a way politically that is completely at odds with those political assertions. Because we know that the biggest expense for people living in this Island is housing; that is whether they are buying their own home or whether they are renting. For people who rent their own homes they have seen increases in rents that far exceeds any inflation rate. We have seen stagnation in wages. But why do rents go up? Rents are going up, despite the fact that we have not got a licensing scheme and we are told that this licensing scheme might push rents up. Let us look at that, shall we? When the deposit scheme was put in because it was seen as necessary to have an independent guardian of that deposit scheme, it was decided that landlords should not be charged for that scheme, the £21 administration fee, presumably because it would have been passed on to the tenant. What did the previous Government do? They charged the £21 to the tenant anyway. These fees have been passed on, even though the tenants are the ones putting up the money for the deposit. If we follow the Chief Minister's logic about only requiring people to register and not actively licensing people, and I can ask the same to all of the Constables, including the Constable of St. Ouen. I do not want to fall out with the Constable of St. Ouen. I fundamentally think that he is a good man but I think

the optics are really important to think about how this comes across to the public. We have got 22 of us in this ... to declare an interest directly or indirectly as some kind of landlord. The public think that this Assembly is made up of loads of landlords who are blocking any legislation to make rental properties safe and accountable. When we come out with comments saying that tenants should get their act together, well I am afraid tenants are not as well organised necessarily as those with a financial interest in keeping the status quo because they are out there working all of the hours that have been sent so that they can pay very high rents and still try and look after their families in an increasingly expensive Island where many of our young people and older people are actively choosing to leave the Island, maybe the Island they were born in because it is no longer affordable or a pleasant place for them to be able to bring up their families. That is the context; that is the wider optics that we are talking about here. If we applied the Chief Minister's logic to dogs, to guns and to driving licences, we could say you do not need to have a driving licence, we could just allow everybody to drive their cars around on the road and just do random tests to see if they could drive or we would just make it retrospective so that when you have a crash that is the point at which they find out whether or not you can drive and you have to do a driving test after you have crashed your car. I was thinking maybe that when I go on holiday I could go into a restaurant and actively seek countries which do not regulate restaurants or find out some black-market food stores where I can buy a sausage roll where the person has not been licensed. Because, as Senator Mézec has reminded us, to sell a sausage roll in Jersey you need a higher level of red tape than a landlord does. I would do that and I would take the risk I think because even though I might get food poisoning from that sausage roll and not know where the sausage roll came from, I think it is worth taking the risk because otherwise if we licensed all people who sold sausage rolls then it might put the price of sausage-roll selling up and it would be passed on to me and I might have to pay extra for my sausage rolls. But we live in a world where we license all sorts of things and we do it because it is fundamental and there is nothing more fundamental than homes. I do thank Deputy Ward for actively trying to always talk about homes rather than properties. When people talk about assets and needing to secure a 6 per cent return on their assets it really makes me sick. It is not because I dislike landlords. I have seen the whole spectrum here; I have been a tenant for many years, I have lived at home with my parents, I am kind of a landlord myself now in the sense that I have to administer my mother's property, who has been required to sell that out to pay for her care, to rent that out. I can see how much of a headache it can be, especially when you initially do not have resources to pay for repairs that need to be done. It is not as simple as pitting landlords against tenants. I have come across in my work people who are tenants in Jersey but they are landlords elsewhere and they might own their own properties but when they come to live in the Island they have seen first-hand what it is like and they want a system that works for everybody. I do not know how long I have got left but this is clearly a subject that I am quite passionate about. I am guessing it is about 5 minutes and so I will try and tailor it to that. The problem is if we only wait to be reactive, first of all, that does not always happen anyway, as we now know; 7 minutes, thank you. I want to make this personal about a case that I have been dealing for somebody, not in my actual constituency but in St. Brelade. It is somebody who lost their home in the case of a fire that happened in December and there were 6 tenants in this block of flats, qualified tenants and they were made homeless overnight because of a fire, through no fault of their own. What was quite clear is that there was very little recourse and the constituent that I have been helping was fortunate enough to have her own insurance.

[16:15]

But she has been left out of pocket, she has had physical and mental stress from this; she would not mind me saying that and talking about her case. There has been very little, if any, duty of care from the agency. The landlord was an absentee landlord, it is a company, an impersonal landlord in Guernsey who, up until the point of court action, had no dealings with the tenant herself. The reason I have been asking these questions of the Minister for Housing and Communities about the Residential Tenancy Law is because it is quite clear that the Residential Tenancy Law, I think when

we voted for it back then, it was supposed to look after both tenants and landlords. It gave the Tenancy Division of the Petty Debts Court the ability to and the very wide jurisdiction to be able to make all sorts of decisions to change tenancies, to do what is fair in all circumstances and to award damages where necessary, even if the damages have not been applied for, it says in Article 16. But when these things come to court, again, you have got an inequality of arms. Landlords are often represented by lawyers, they often send their agents there rather than being there in person and the poor tenant often does not have a leg to stand on, is not eligible for legal aid, as I understand it. If they want to take a McKenzie Friend with them that person does not have the right to address the court, even though many of the workings of the law should be quite easy for people to deal with if they have got the wherewithal; often they do not. The system is stacked against them and then when the court is asked to rule in favour they say: "I am sorry, we do not feel we have got the ability to make that ruling because we do not think that is what the Articles are about." That is where I was getting at this morning with this, we have got an individual who has been left thousands of pounds in debt because of a fire that she did not cause, despite the fact that Article 8 of the law says if a property is uninhabitable you should not be charged for it. But what is the point in not charging somebody for a property if they have to find their own issue? I have been asking to find out whether an electrical inspection took place on that property and I have been blocked from the department. Even after the event where we have had an actual fire that has taken place, the retrospective request to find out whether an inspection took place has been blocked, even though the person in question is still technically and legally on the tenancy. You cannot make this stuff up. It is not a case of being some kind of abstract problem. We have an actual real problem here in Jersey with people too scared to speak up. I think what Deputy Ward is asking for, which the Minister agrees with, is that, yes, have a register. There are so many good reasons to have a register. It would give us so much information about the market and about what we should be doing and social issues as well. But if we want to put children first, if we want to tackle income inequality and if we want to make sure that the quality of housing out there includes being in the future when it comes to insulation and energy efficiency standards, that can all be comprised by the licensing scheme. It is much more user-friendly to have an inspection that everyone knows about, rather than having retrospective applications from people when something goes wrong. You do that with cars, we started it with mopeds. You take your moped in for an inspection, the guy says or the woman says: "Yes, you can ride this bike on the road, you have passed the test or, no, you cannot, you need to do this to it. Come back and once you have done that you can ride it." We are going to do that with cars. Why is housing such a stumbling block in Jersey? This is not the kind of issue that we should be divided on. We should all be getting back behind the Minister on this, supporting Deputy Ward and allowing the Minister to come back with something meaningful. Last comment is that I really think it was a mistake that the last Government pursued an austerity programme, cut so much from the Environment Department's budget when they do such good work. It was something I certainly raised on Scrutiny and challenged the former Minister, who seemed to be signing up to these cuts. Because we know that department needs to be better resourced anyway and as soon as you conflate and link the need for fees to be charged for this to pay for a scheme which is fundamentally so necessary, to make it about the fees, I think, was an error. I think that, to a large extent, is what has caused some of the concern. But this is not about fees today, this is a free scheme which will be run and it is up to the Minister to come back and it is something we should all be supporting I think, as conscientious States Members.

The Bailiff:

Thank you, Deputy. Do you give way for a point of clarification from the Deputy of St. Peter?

Deputy M. Tadier:

No, Sir.

8.1.9 The Connétable of St. John:

I arrived here today with an open mind on this debate and I still have an open mind. Good governance is the bedrock of our largest industry on the Island and good governance is the bedrock of all good businesses. I agree with the Constable of St. Ouen that it should not be onerous and landlords should have nothing to be worried about. I still believe that the vast majority of landlords operate to a good standard. Sadly, it is those who do not operate to a good standard that need to be regulated for. I find myself slightly confused inasmuch as the proposition page 6 states: “There are no financial or manpower implications and any inspections carried out will be part of business as usual.” Yet we have heard the Minister speak about the lack of resource. Could I ask the proposer to cover this during his summing up? My colleague from St. Mary is absolutely right about the benefits of competition, however having sufficient stock to improve things is clearly a long way off, much longer off than any additional legislation. As with all things, prevention is better than cure and the proposal seems like a way of preventing poor accommodation being on the market. I will listen very carefully to the summing up.

8.1.10 Deputy G.P. Southern:

I will try and be brief, since some of us here to want to go home. The first thing to state is there is no charge for this licence, absolutely clear if we vote for this proposition there is no charge arises and the licence lasts for 5 years. Ask yourself, where is the bureaucracy? Once every 5 years you are applying for and getting a licence; it is nowhere to be found here. This is not a bureaucratic process; it is about as simple as you can get. People talking about look out for inflation, look out for rents going up; nonsense. If rents go up because the landlord has got to fill in for 20 minutes an application form for a licence, then he must be running some weird business model that I am not aware of. This proposition is about 2 things: it is about standards, quality and it is about safety. I think it was the Constable of St. Ouen said: “There is nothing to fear from licensing.” Absolutely nothing to fear, do not be taken in by people saying “what if”? Not the case. We have got some of the best social housing possibly in the world. Yet in the private sector we do have properties that you look at and you would be ashamed to go in. Certainly to see people living with black mould on their walls, as still happens today when I go round visiting people; that has a health implication. One of the questions I have written down here is we talk a lot about COVID, COVID we could not do this, we could not do that, we could not do that because of COVID and, yes, it did get in the way. The fundamental question, how many deaths did we have from a combination of COVID and poor accommodation? We do not know but we do in the mainland and the correlation was linked. If you are on low pay, you are in poor housing, that is where your victims were in many, many cases. When I go round next time again knocking on doors, speaking to people and I ask them about their problems, I know what I am going to get by response. The problems will be low pay and high rents. If we fail to support this proposition today I know how it will be seen, not by me but I will be attacked for sticking together with those landlords who refuse to do anything about their properties. I will be told: “You are all the same, you politicians.” I know because I have been told and I have to carefully point out the differences or votes where I have managed to separate from the mass. I will also be told: “You are all lining your pockets.” If we fail to vote for this proposition today, to a certain extent one can understand why these voters might be saying such. Again, because some number of landlords have ganged up and tried to wreck this proposition. I will also be told that I have lost my way, I have lost contact with the people. I do not believe that is true. Finally, I will be called a member of a venal bunch because I am a Member of the States. Because like it or not voters have very little respect for us as politicians. They think we, as politicians, are ganging up not to help the poor, not to help the young, not to help the elderly and they think we are ineffective. I want to stop that name-calling and it will happen by voting for the right thing and doing the right thing today and that means voting for this proposition and that is what I will be doing.

8.1.11 Senator T.A. Vallois:

I am pleased to follow the last speaker. I am not going to apologise for my stance with regards to licensing schemes, whether there is a charge or there is not a charge. Quite simply, I believe that this is the appropriate thing to do. The reason why I say that, and I was encouraged to speak because of the Chief Minister's speech, where he talks about naivety. I would push back and question the issue of what we call inflation strategies and the requirements of this Island expecting a Chief Minister to produce a population policy and to have some idea in terms of supply and demand that is required in the Island. But not only that, people expecting to have a safe and healthy environment to live in, whether that be social housing or private housing; that is extremely important. Why is it important and why is it important to me? I have never stated this in the Assembly before but one of the very reasons why I came into the Assembly, my family have historically lived in social housing. My brother passed away at the age of 4 months old from bronchopneumonia and partly due to housing conditions; mould and problems with the mould on the walls and the rooms and the housing that they lived in. At the time many, many years ago it was social housing. But there was an argument about whether that was the case or not and yet a couple of years after he passed away they condemned the building and it now stands as the national archive for Jersey, Jersey Archive. That is why it is important to me and that is why I recognise it is important for everyone. Because we do not have the capacity in our social housing building programme to accommodate everybody that requires rental accommodation and nor does everybody that lives in private rental accommodation want to live in social housing accommodation. Therefore, when we require certain decent standards in our social housing we should also require decent housing standards of our private housing sector, especially when over £10 million of funding from the taxpayer is spent on rents to that private housing sector, to those landlords who should be held to account for ensuring that their properties are up to standard. The data that we receive is important for population but it is also important for our properties. But I would argue back again the point that the Chief Minister made about the increase in prices; £50 a year for a landlord.

[16:30]

Sorry, you only have to breathe in Jersey for the prices of housing to go up because we are not controlling and supporting supply and demand within our economy. Also we only have limited land mass to do so. One thing that I have realised, one thing that I am hearing from many Members, is that they do not want to do this but they do not have a solution on the best way to do this. Or any ideas about the way forward. I question whether there has been of course benefit analysis and the previous speaker mentioned the health implications with regards to licensing schemes not being in place and the problems that come with that in terms of whether that is mould or a variety of other hazardous issues that are found within housing properties across the Island. Is there a cost benefit analysis that has been done? £50 a year, if there was a charge, and I understand this proposition does not have a charge, but then of course the argument could be made, if this proposition was to be passed, then there may be a possibility in the future for a charging mechanism to come in. But of course that is the same for any States department, and there is an ability for the Parliament to or not to agree to that specific recommendation. I would ask that that cost benefit analysis is carried out and recognised in the costing model for our Jersey Care Model, the requirements around asthmatic clinics and support for our asthma sufferers and respiratory sufferers in the Island, particularly identifying through the data analysis that we have around our licensing scheme, should we ever get it up and running, would support us in doing this type of work. So I am fully supportive of this proposition. I was fully supportive of the last proposition. I would like to see a licensing scheme come in and if that is not clear enough for the Ministers - I am sure it is clear enough for the Minister for the Environment who supports this - but I hope that many Members have heard my messaging and my point of view today and will consider supporting Deputy Ward's proposition.

8.1.12 Deputy I. Gardiner:

I will come back to my actual speech in the previous debate where I personally did not support the proposition, and I did not support the proposition for various reasons. Saying this, I do believe we have good standards for accommodation and I said last time, and I am saying now, we need to have a property register now. We have had several debates how we make sure that we know who are our landlords and it is not just the landlords for the lodging houses or private accommodation, also for the landlords that rent a room in their house, which was not included in the previous proposition. I also believe people speak about the costs and even the registration will be free. It will be a cost and it is fine because we do need to support the good level of accommodation and, at the same time, need to be clear what does it mean “good level of accommodation”. It is for example levels on 3 steps that nobody wants; no tenant and not a landlord, which will cost £200 should be required to get the licence. Saying this, I am looking at the proposition in front of us. We do not have a system to inspect the properties. We do have in law but we do not have a system. I do like the proposition that we have a licence for 5 years. The licence can be given for free, and I am not sure if we need to keep it absolutely free going forward because if the landlord is required to make adjustments and repairs and the inspector would need to go 10 times to make sure that it happened, maybe after second or third visit the landlord needs to be charged if he cannot put in place everything from the first time. But there are lots of questions there in the air how it will work. The only thing I do know, we do need to have a system to manage that we know what is happening on our property market. Now, I am looking to the proposition and the proposition asking to request the Minister for the Environment to lodge the draft Public Health and Safety. It is to request the Minister and the only reason that we debate this today is because the Minister did not lodge it a long, long time ... I mean we did not debate. It has been lodged but it was deferred, deferred, deferred. If we would not debate this proposition and if the Minister would withdraw his proposition next time, we will again have nothing to debate. So for me I would like to make sure that we will continue to look into this. We will continue to debate. We will have a proper scrutiny again process with the Tenants Association coming in. This is where I am thinking today - an opposite for the previous one - I would support the proposition.

The Bailiff:

Does any other Member wish to speak on the proposition? No other Member wishes to speak, then I close the debate and call upon Deputy Ward to respond.

8.1.13 Deputy R.J. Ward:

Now is that moment when I have to ... I have tried so hard to write clearly today so I can read my own notes. Again, I apologise to my teacher in primary school who tried to teach me to write correctly - publicly, if I may take this arena - I did not get there. I might have another go. I thank everybody for their contributions to the debate. I want to be clear about a few things before I start. The reason to bring this proposition, and I do feel it is really clear and I really hope I can convince Deputy Martin. I know we do not always see eye to eye but I really hope I can convince her that it is clear. This is asking the Minister to bring back the draft Public Health and Safety (Rented Dwellings), which already exists, already drafted, and nothing else has to happen with them, with the 5 amendments that I have added. In voting for that in this Assembly it is a clear message to the Minister that he will bring these back, and they will be successful if they are successful today. That is the concern of the Minister. I fully understand the concern of the Minister, that we will bring something and he will lose it again. But if we can get this passed today with the amendments, and I will go through the detail in that, that is what is being brought back. So that addresses slightly Deputy Young's concerns. I understand the concerns about his department, he was slightly confusing with what he was saying, but I think he was also saying there that COVID has had an effect on his department. He has lost a number of staff for COVID. COVID is not going to go on for ever, we have to be hopeful of that. A licensing scheme, the first re-registrations will be in a few years' time. By that time that Department will be back on its feet. Just to say to Deputy Gardiner - I was not

going to come to you at all but I will say it now - there is a system in place. Public Health do inspect and one of things that this does, and I am absolutely certain, is it enables Public Health to really target their inspections. I would go as far to say as ... I am not a betting man but I will put my best Jersey 2 pence on the fact that Public Health know where the problems are and can target. At the moment it is very difficult to do that. A licensing system enables that. I want to mention again something I said in the opening speech, the difference between a licence and a register. A licensing scheme is more structured and expectant and we need to be expectant of landlords that are not reaching standards for the law that we have passed. Otherwise we are enabling landlords to not reach the standards that we have said in this Assembly you must reach. That is a complete contradiction for us. It is a failure of duty. A licence of government gives permission for something to happen. This notion of a register, which I believe is what the Chief Minister will be wanting to bring, is a watered-down version and will have no teeth. It is a token gesture towards this and so it is not what is necessary. It will not be any cheaper to administer. In fact it may be even more expensive. It will not be any cheaper to look at, although it may be because not really a lot is going to happen. There is an important distinction there. Let us go through these one at a time. Senator Mézec, he is correct, it is proactive and a good point regarding theoretical future changes. If we are to vote against anything in this Assembly because of theoretical future changes we may as well all just walk away and say: "Let us not bother with the Assembly because it might change in the future." Another interaction of this Assembly could put tax up to who knows what. Could cut tax entirely. Could suggest that we are not going to make any effort on the climate emergency and just go the other way. We know that. That is both the beauty and the failing, one might say, of democracy. Things change. But we cannot sit in this Assembly and have this belief that we debate and we come to the conclusions, and then once you have got a majority the Assembly has spoken and then say: "Oh, but we cannot possibly have that in the future if that is what is wanted." What I would say is if there is a point at which a Minister, any Minister, be it Deputy Young or anyone else in the future, believes that there is a need for a charge, and I say this to Deputy Martin. Perhaps if she was Minister and believed there was a need for a charge she would need, according to this amendment, to come back to the Assembly with a valid detailed argument as to why. If she was to win over the Assembly then that is the way it goes. That is the way our democracy works. We cannot deny it. That argument I think is very flawed. I think it is a flawed argument. The Constable of St. Ouen, he spoke twice - it has completely confused my notes because I made notes on the first thing he said and not the second - I would say to the Constable, if you are erring on the side of caution really think about this. A licensing scheme gives a level playing field to landlords. It says good landlords will just fly through this system. So many people have said: "Fill in an application form, you may have half an hour of your time used up once every 5 years." If they are blocks of flats, for example, such as Andium, one can be inspected and the others can be assumed. There is a very quick way to do it. Good landlords can then say: "I have this licence" and it does not have the same validity as those landlords who are not reaching standards. So they will not be lumped together. I think that is really important for our rental provision on this Island, that we make that distinction between those who are licensed and reach a standard and those who have not. That is vital in terms of public health as well. The other point made by the Constable of St. Mary; I think you said you are supporting it and I thank you for that, that would be great. In terms of improving standards, so I would say to the Constable I really think that the licence over time, and yes it is not going to be overnight, we know it is not going to be overnight, none of these things are going to improve overnight. Let us be realistic about it. Even an idealist like me has to be realistic about this. It is going to take time but over that time we will have a gradual realisation and acceptance of the need for standards, and housing will improve. I completely agree with the Constable that it is such an important thing to have those standards. I am disappointed that the Chief Minister will not support this. I think this is something that really he could support and I would ask him just please, just forget it is me. Forget it is Reform. It is okay, just look at the detail and look at the actual proposition itself because ... and you can take the credit for it. I am absolutely fine with that. Let us just get what is right for people on this Island. That is

what needs to happen. Deputy Martin, I do genuinely believe that the proposition is clear. I will just mention it again. I am asking the Minister to bring the regulations that were brought before with these amendments which address the issues that came up in the last iteration of this debate about the length of the licences, which will now be 5 years, about the charging, which was voted against. I understand what the Minister is saying, but perhaps what will happen, as I say, in the long term is more directed inspections from staff that are already there in Public Health, a more efficient way to do things, and we all talk about efficiency and productivity. This I think will be a very productive way to do things and so I would say to Deputy Martin, I think there are lots of good reasons for you to vote for this again.

[16:45]

Again, just forget it is me. The Constable of St. John, thank you, because what you did is ask the question to address, which, first, made it easier for me to make notes, and, second, it showed that you were engaged in this debate in a way which I really hope people are. The manpower and implications, I understand what you are saying, but with this scheme, because it is going to be some time before those inspections are needed and, as I have mentioned already, I have already addressed your point, I do believe this is much more targeted. This is not going to be an en masse every single inspection, we are going to go one road at a time like the census in order to inspect rental accommodation. Over time, the message will get out, the message will be you have to raise your standards here. It is pretty simple if you get them up there. The vast majority of places are already doing that. The vast majority of landlords are already dealing with this. So I really do not think the manpower implications that you are talking about, and that is why I have not put it as a cost, because they already exist within the department. I genuinely believe that members of the department would agree with that. Deputy Southern, you are absolutely right regards simplicity. There is nothing to fear. It is the opposite. If you are a landlord, this gives you a level playing field. You as a landlord, who have put time into the place that you rent out, the home for a family, you take care, you are concerned that it is a good standard because you are taking a decent amount of money off people. You are now not lumped in with those landlords who just do the minimum they possibly can to just get by in order to let their properties out; sorry, their homes out, I have to correct myself there. That is such an important point and something we need to take into this debate. The question is: what do we have now? What we have now is the need for a tenant to make a complaint, which then has to be dealt with at some time. I am asking we talk about implications for manpower implications, what if all of a sudden tenants did become empowered and 50 or 60 a day were making complaints? We would be in the same position and the Government would stoke up the staff to do it. That is living in a fantasyland and what ifs and maybes is no way to make policy and regulation. I thank Senator Vallois for being so open and honest and it is really difficult. It must be such a difficult thing. Partly I do not know what to say. That should not happen. I would say I firmly believe that if you were to map damp, poor accommodation on this Island with incidences of asthma and incidences of breathing complaints, I think they would just correlate way more than for it to be an accident. This licensing scheme can start to address those inadequacies, so it is very important. The Senator was spot-on regards to licensing. Registering is not the same. A licence is the Government saying: "We expect you to do more because we are going to put children first, we are going to put elderly people first, we are going to put people who live in this accommodation first, and we are going to support them and say we have these rules. We have rental dwellings regulations that we need to impose and we want you to abide by them." That is a clear message from this Assembly and whenever you knock on doors in the next election you can say: "That is the clear message we are sending. You will not be alone." I think that is very positive. Also, Senator Vallois was quite right about the amount of income support that goes to private landlords. At the moment, we do not know who those landlords are most of the time and we have very little impact over whether they are reaching a standard. So, to some extent, we could be subsidising poor accommodation to the tune of millions of pounds. There are a lot of people in this Assembly who have worked in finance and accountancy and so on. That is not an

efficient way to run your business. Come on. We all know that. Deputy Gardiner, I think I have covered most of your points. This does target, which is much more efficient, and I know you like efficiency. This would be a much more efficient system. That system is public health. In terms of once the standard is reached, there is perhaps a leap of faith here. Once a landlord reaches a standard and says: “I am licensed” I do not think what is going to happen then is they just drop that standard. I think they will say: “This is simple, we need now to keep to standard. The licensing system in the future is not a problem. It is better accommodation. I can hold my head up and I can say we are licensed and it is good accommodation.” That is a really important point. It is the opportunity to say the Government is backing you and is recognising the standard that you have reached. That is a very important thing to do. What this does today, if we vote for this, is it gives a clear direction to the Minister to come back with the regulations as amended and it says to him: “You can have the faith that this Assembly has voted for this once and will do so again in a majority, so bring back the regulations.” So the only alternative was for me to bring the regulations as a Back-Bencher and good luck to any Back-Benchers or non-Executive Members who try to do that on their own. It is extremely difficult to do without the support of the law drafters, et cetera. To be quite frank, quite disrespectful to the Minister, and I do not want to do that. So, finally I would say this is an opportunity for us to have a system in place, which is not inflationary, supports good landlords, supports the provision of a developing quality of homes on this Island. It is absolutely doable very quickly, has a timespan. The Minister can bring back the regulations as amended by this proposition and we can move forward and look our constituents in the eye and say: “We support you living in decent accommodation and the Government sets a standard and is only going to license those who reach that standard.” That is a huge step forward for the Island. It values everybody on this Island and I make the proposition.

The Bailiff:

Thank you very much, Deputy. In a moment, the Greffier will add a vote to the chat channel. The link is there. I open the voting and ask Members to vote. Members have had the opportunity of casting their votes. I ask the Greffier to close the voting. Consequently, the proposition has been passed.

POUR: 25		CONTRE: 19		ABSTAIN: 0
Senator T.A. Vallois		Senator I.J. Gorst		
Senator S.W. Pallett		Senator L.J. Farnham		
Senator S.Y. Mézec		Senator S.C Ferguson		
Connétable of St. Helier		Senator J.A.N. Le Fondré		
Connétable of St. Lawrence		Senator K.L. Moore		
Connétable of St. Saviour		Connétable of St. Brelade		
Connétable of St. Mary		Connétable of Grouville		
Connétable of St. Ouen		Connétable of St. Peter		
Connétable of St. Martin		Deputy J.A. Martin (H)		
Connétable of St. John		Deputy of Grouville		
Deputy G.P. Southern (H)		Deputy S.J. Pinel (C)		
Deputy K.C. Lewis (S)		Deputy S.M. Wickenden (H)		
Deputy M. Tadier (B)		Deputy G.J. Truscott (B)		
Deputy M.R. Higgins (H)		Deputy L.B.E. Ash (C)		
Deputy J.M. Maçon (S)		Deputy K.F. Morel (L)		
Deputy L.M.C. Doublet (S)		Deputy G.C.U. Guida (L)		
Deputy R. Labey (H)		Deputy of St. Peter		

Deputy of St. Mary		Deputy of Trinity		
Deputy J.H. Young (B)		Deputy S.M. Ahier (H)		
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

Deputy R.J. Ward:

May I say thank you to the Assembly for the debate and say to the Minister that he now has the support of the Assembly to bring this forward.

9. Jersey Sea Cadets: Provision of a Permanent Headquarters (P.30/2021):

The Bailiff:

Then the next item of Public Business is the Jersey Sea Cadets: Provision of a Permanent Headquarters, P.30, lodged by the Minister for Home Affairs. The main respondent for the debate is the chair of the Children, Education and Home Affairs Scrutiny Panel. I ask the Greffier to read the proposition.

The Assistant Greffier of the States:

The States are asked to decide whether they are of opinion that an appropriate permanent base of operations should be identified, and a funding solution proposed by the Government of Jersey, for the use of the Jersey Sea Cadets; and to agree that TS Jersey is not released for development or change of use as part of the Fort Regent development plans until such a permanent base has been identified.

The Bailiff:

Who is acting as rapporteur?

9.1 Deputy G.C. Guida (Assistant Minister for Home Affairs - rapporteur):

I will. Today, I ask Members to take this opportunity to reaffirm this Assembly's support for the Jersey Sea Cadets and the valuable work they do with the Island's young people. This proposition was very close the Minister Len Norman's heart and it is a great sadness that he is no longer with us to present this. Members will recall that in December last year we debated an amendment to the Government Plan brought by Deputy Higgins, which sought funds for headquarters for the sea cadets. At that time, we were not able to support the Deputy's amendment but the Minister affirmed his strong support for the sea cadets and promised to bring a proposition to the States if significant progress had not been made to find the cadets a permanent home before the end of the year.

[17:00]

This proposition was, therefore, lodged in order to follow through on that promise and as an expression of our commitment to set right decades of delays and false starts. Before we discuss the specific issue of the headquarters, I would like first to pay tribute to the sea cadets and the really excellent work they do. No matter what their background may be, the children and young people who join the sea cadets are able to access experiences and develop skills which help them flourish and grow into the person they want to be. They are supported by a team of instructors and supporters who volunteer a considerable amount of their time to organise activities and support cadets in their endeavours. Their service and generosity with their time must be commended. The sea cadets

emphasise the key values of teamwork, respect, loyalty, self-confidence, commitment, self-discipline and honesty. Cadets are able to participate in a wide variety of water-based activities as well as attend camps and competition and can work towards earning their Duke of Edinburgh award and qualifications in boating. Their offering is truly diverse and provides opportunities that many of the children and young people involved may otherwise find difficult to access. I have been fortunate to visit the cadets and see first-hand the impressive work that they do delivering for children and young people. The history of the journey to find the Jersey Sea Cadets a headquarters is extensive and it is outlined in the report. I do not propose to repeat this in detail now. Suffice to say it is a poor reflection of the high esteem in which we hold the sea cadets and the valuable work they do in our community. As Deputy Higgins stated during the debate on his amendment to the Government Plan 2021):, broken promises do not get much worse than those given to the sea cadets. I could not put it better myself. Having been asked to vacate their headquarters in 1991, the sea cadets have since been promised further funding and support from Government to find an appropriate new headquarters, but nevertheless found themselves forced to cease operating last year due to the dilapidated state of their headquarters. There have been several schemes that have come close to providing a solution but all have been abandoned for some reason or another. This has left the sea cadets uncertain of their future and justifiably frustrated. Today, Members have the ability to break the cycle of broken promises and inaction which has plagued the sea cadets for many years. This proposition will ensure that in the rush to develop other vitally important Government projects we do not lose sight of the need to accommodate the sea cadets. While they are currently housed in the former police headquarters at Rouge Bouillon due to the terrible state of their Fort Regent headquarters, this can only be temporary. I and the department are committed to finding a new site for headquarters for the sea cadets. This is being actively pursued by the Justice and Home Affairs Department in collaboration with Jersey Property Holdings and the Minister for Infrastructure. Because of the difficult history the sea cadets fear being let down again and left essentially homeless if their former home at Fort Regent is lost and their time at Rouge Bouillon comes to an end. The late Minister and I were clear that this must not be allowed to happen. By making this commitment we can give the sea cadets our assurance that we will provide them the facilities they need to continue to serve our Island's young people long into the future without any of the doubt or uncertainties they have faced for far too long. I ask Members to support the proposition.

The Bailiff:

Thank you very much, Deputy. Is the proposition seconded? **[Seconded]**

9.1.1 Deputy M.R. Higgins:

As Members know, I am committed to supporting the various uniform and non-uniform youth bodies in this Island because of the contribution they make to our society and to making sure these children grow up to be responsible adults. I would like to pay ... I am trying to think of the term. I would like to express my thanks to the late Senator, who has honoured his commitment about bringing forward something to the States to get funding for the sea cadets, and also to the Assistant Minister for bringing it through and arguing the case as it needs to be made. All I would say to all States Members is do not join the queue of people in the past who have made promises and never delivered. This time let us show our commitment to the youth of this Island and to the sea cadets and support this proposition.

9.1.2 Senator T.A. Vallois:

I am going to raise some questions about why the Minister is having to bring this proposition to the Assembly in the first place. We all know Ministers sit around the Council of Ministers' table and have an in and out discussion about what is in or is not in the capital programme and what is required of the Government Plan proceeds. I have to join the previous speaker in all due respect to the Constable of St. Clement, who fought candidly and absolutely rightly for the needs not just of the sea

cadets but the many other areas of his department during the time. The reason why I ask this question now is, of course, we have another proposition coming towards us with regards to other property in the portfolio in terms of the States of Jersey. We get excuses from the Government time and time again about the public estate strategy and the Island Plan and the population, which never seem to appear in terms of fruition or action in any form whatsoever. So, although I fully support the sea cadets and I recognise the absolute turmoil they have had to go through over the last goodness knows how many years, I wonder why the proposition was not succinctly placed in terms of providing a specific area and a specific place that the Minister determined appropriate for the sea cadets so that it was identified in the now published estate strategy and the forward-thinking bridging plan that ultimately we all hope will formulate an Island Plan that is more cross-strategy focused in terms of how we want to achieve the right things for our Island. So, it is not because I do not support the sea cadets that I make this speech. I make this speech because I am absolutely shocked, to be honest, that we have a Minister producing a proposition that they feel is appropriate, that they have had to second a temporary property for the sea cadets, where they have not been able to get that agreement around the Council of Ministers' table in terms of the Government Plan or the capital programme, and yet many other Ministers have to go through the whole rigmarole and what are called "star chambers" to get money for the relevant needs under legislation, and yet now we have a proposition that is being enabled. I wonder what the rest of the Council of Ministers are thinking and how this fits with the estate strategy and whether this is the right thing because when other Members come up and decide to put a proposition, which quite legitimately might be important for other areas of our society in terms of public estates property that we might want to put certain property on, whether that is education, whether that is health, then why should I not support it? Because I think it is important. So I appreciate the proposition, I understand why it is being put forward, I recognise the historic nature of this, but I am a little perplexed, so I will leave my speech there.

9.1.3 The Deputy of St. Mary:

I speak on similar lines to Senator Vallois. I very much support the aims of the sea cadets and believe certainly they should have a permanent home. What puzzles me is that they appear, in accordance with this proposition, to have unlimited tenure of a particular site at Fort Regent. There is meant to be a Fort Regent development policy being framed. The Scrutiny Panel await a review and a briefing on that. Further, we know that to enable that review to be completed, all sports associations have been asked to leave the Fort. Again, I have every sympathy with the sea cadets, but I would ask the Assistant Minister to advise what dialogue has been exchanged with either the Department of Economic Development, Tourism, Sport and Culture or the Assistant Minister there as to the possibility of providing a site there in due course or, more particularly, does he have any indication as to when ... sorry, let me start again. As drawn, this proposition is open-ended. Surely there must be some idea and agreement between Ministers as to how long this is to endure, so would he please enlighten the Assembly in his summing up?

9.1.4 Senator L.J. Farnham:

Very briefly, it is always challenging to agree to something that could possibly hold up a major and necessary development and, of course, I am referring to the rejuvenation of Fort Regent, which a number of Members are involved heavily in. I am pleased to say it is a project that is gaining momentum, but that is counterbalanced by the fact that we have avoided this issue for simply far too long. The sea cadets have been neglected in terms of finding a new headquarters. I am going to support this simply because I fear that if we do not the situation will just continue to fester and there will be no real incentive for action. Regrettably, we have got to the stage now where we are going to have to lay down some rules to force the issue, otherwise I fear that the sea cadets will be not given the priority of the relocation or the production of a new headquarters will not be given the priority it deserves. So, being involved on the oversight group for Fort Regent with Deputy Raymond, I suppose the prudent course would not be to put an obstacle in the way of the development, but given

our commitment to the previous promises to the sea cadets and our commitment to young people, I would urge Members to support this to act as a catalyst to deliver some action.

The Bailiff:

Senator Farnham, Senator Vallois has asked if you would take a point of clarification. Would you give way for a point of clarification?

Senator L.J. Farnham:

Well, I had finished but I am happy to take a point of clarification.

Senator T.A. Vallois:

I just want the Senator to clarify if he can, please, the fact that if the States Assembly support this particular proposition he referred to in his speech that it would give more weight to the ability for them to find a location. Was that exactly what he was saying? That is the interpretation I took from his speech.

Senator L.J. Farnham:

Yes.

9.1.5 Senator S.Y. Mézec:

I do not wish to speak for long on this. Of course, the proposition has my wholehearted support and I agree with everything that the proposer said in his opening speech on this. I am not trying to be overly negative on this. I just want to provide an opportunity for the proposer to perhaps provide a bit more reassurance in his closing speech on this. I read the conclusion in the report to this, which says that it is clear that the sea cadets have been subject to uncertainty and disappointment regarding the future location of their unit over a significant period of time.

[17:15]

That, of course, is absolutely right and we have been here before and the report to this proposition highlights certain examples in the past where they have been let down. I know Members will want to have faith that this will be an occasion where they will not be let down. Can I ask the proposer in his summing up if he can explain if there is any more detail at this point that we ought to be aware of? Because the terms of this proposition and what is put in the financial and manpower implications does not say anything really substantive. It seeks us to give our approval for this being something that is done. I do not think he will struggle to get that approval because it is the right thing to do, but it is not outlining where the long-term solution could be found, what sort of funding we could be looking at for it. I would feel that if there was more detail on that then we may have a bit more confidence that this is not going to be another occasion where the sea cadets are left with more uncertainty and disappointment as they have in the past. So I just want to give him an opportunity to address that in his closing speech, but I, of course, will be supporting this and wish him luck.

9.1.6 Senator S.C. Ferguson:

It is about time the States did do something. It is 27 years since they were promised permanent facilities. Put children first and then we kick them to the bottom of the queue. I do not know whether it is due to the pound signs in the eyes of previous Ministers or civil servants or what. Looking after children, why should they cope with leaking roofs and floods when it rains hard? Despite these problems, they are one of the best units in the U.K., as evidenced by the fact that they have received so many Burgees, basically, denoting their performance. They do, in fact, have a quotation for doing up the current building. The quote has come from people who are involved with the unit so that they are actually getting a discounted quote. The States Assembly promised. It is not time to kick the can down the road again. It is time to fulfil the promise that the States gave so long ago.

9.1.7 Deputy K.C. Lewis:

I will be supporting this proposition. The cadets have been promised good facilities for many, many years and I have been to visit their old premises up at Fort Regent. It certainly was in a very, very sorry state. So they are housed at the moment in the old police headquarters. We have spent money on doing that up to their specifications and they seem very happy to be there. We are looking at maybe 2 years, maybe longer. It depends on what is decided with the Gruyter(?) site. But I will support this proposition. I know it was very close to the late Constable of St. Clement's heart and I will support this in getting new premises. If they have a large drill hall, I do hope it will be called the Len Norman Hall.

9.1.8 Deputy H.C. Raymond of Trinity:

Thank you for allowing me to come in. I am not quite clear where we do stand with it, with the Deputy. I would like to add something else to it, and that is that we are not only looking at the sea cadets but we are also looking at the air cadets and the army cadets. There is the suggestion - it is not firm at the present time - of looking at whether we can put the cadets together in one unit. But the one thing is that we all agree that they need to have a permanent unit which they can all use and use to the ability for all of them. I am just slightly concerned if we approve it, it is the timescale, money and where we are going to find them to go. But I have to say I am totally in support of what is going on. The thing that does worry me again, and this is purely from a perspective of dealing with Fort Regent, is that because the Fort Regent announcement will be made fairly soon with regards to what the intention is to do with Fort Regent, we still have the problem that COVID will still be in Fort Regent, at least until the end of this year. It gets even worse in the sense that that may well follow on into the new year, and again we have to seek housing. What I am really trying to say is there are a lot of imponderables within everything that we move on this particular suggestion. While I will support it and I think they certainly do need it, and having read the history of the sea cadets since around the 1950s, there is no doubt that they have been promised a lot and received very little. But we have to look after our youth and the youth, as I said, with regards to the air cadets, sea cadets and the army cadets, I think is an essential point moving forward. As I said, and I will say, perhaps the Deputy will just confirm. I am just slightly worried. The wording, is if we do not do anything for 2 years we have to do it? I think that there has to be conversations going on with the other 2 cadet forces. There have to be conversations going on after we make the announcement about Fort Regent. But you can rest assured that I will push anything on this sort of nature because I think totally the Island does need it and they do need these groups because they are such an essential part of the Island.

9.1.9 Deputy J.H. Young:

I just want to say that I think this is an important example of States Members setting priorities. That is what we are elected to do. I think we have got ourselves saddled in a lot of complex processes how we go about things, which are very civil servant driven. That is not a criticism, but I think there are times, and this is one, where we have to state our political priorities. There is absolutely no question this is a really important commitment that we have to deliver. I shall be supporting this and I strongly urge others to do so.

The Bailiff:

Thank you very much, Deputy. 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 Deputy Guida to respond.

9.1.10 Deputy G.C. Guida:

I would like to start with the letter from the Fort Regent Development Committee on 3rd February 1971 where they say: "It was the intention of the committee that the headquarters should be available to the Jersey unit of the Sea Cadets Corps for so long as the unit was able to maintain the interest of the youth of the Island." That is 1971. The corps were established in 1949, again with the help of

the Defence Committee at the time, and the help was the provision of that annex in Fort Regent. Now, with this, we should not really be having to ask the Assembly again for its support, but as you all know, the last 30 years have not been very good to the sea cadets. Recently, of course, there was a goal to redevelop Fort Regent and the fact that the accommodation in Fort Regent was really not adequate for what they did with it, when it was literally raining inside. It was unsafe and insalubrious. Now, this happened for a very, very simple and straightforward reason. We asked them to move from Fort Regent because we needed Fort Regent and because it was dangerous for them to stay there. They were really worried about moving into temporary accommodations that they would lose one or 2 years later and then they would find themselves without anything. Again, their past experience with the States did not give them much optimism on what would happen next. So, basically, the Minister, Len Norman, just told them: “Do not worry about this, we are putting you in the police station. We are going to make it completely adequate for your needs for the time being and I will ask the Assembly to guarantee you accommodation when that is over.” This is basically what we needed to tell them to ensure that they would be happy moving. They were happy moving. Infrastructure did a fantastic job in providing them with very, very useful accommodation in the police station. That probably among other things led to an increase of their number of more than 45 per cent, so there are now more than 100 sea cadets in Jersey, which is extraordinary; which is really, really good. As Senator Ferguson put it, they keep winning Burgees left, right and centre. They are very, very good compared to the rest of the U.K. We are close to a solution because we have to, and I hope to have the support of the whole Assembly to make sure that this is one of our priorities. But yes, we are close to a solution which will be satisfactory to them and we are working with all the other corps to make sure that it is something that can be useful to all of them. So, with this, I commend the proposition to the Assembly.

The Bailiff:

Thank you very much, Deputy. I ask the Greffier to place a vote in the link. I open the voting and ask Members to vote. Members have had the opportunity of casting their votes. I ask the Greffier to close the voting.

Deputy R.J. Ward:

Can I just confirm that I voted? In my excitement I may have left the meeting, but I think I am back in.

The Bailiff:

Well, we will not know ... if you think you voted on the link, we will not know until the voting is closed, I am afraid, but presumably you would like to vote pour? You voted, very well. The proposition has been adopted:

POUR: 43		CONTRE: 1		ABSTAIN: 1
Senator I.J. Gorst		Deputy L.M.C. Doublet (S)		Senator T.A. Vallois
Senator L.J. Farnham				
Senator S.C Ferguson				
Senator J.A.N. Le Fondré				
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
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				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy 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.E. 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 R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

Senator K.L. Moore:

May I propose the adjournment, Sir?

The Bailiff:

Yes, I was about to say we are almost by spooky coincidence right at the adjournment time. The adjournment is proposed and, therefore, the Assembly stands adjourned until 9.30 a.m. tomorrow.

ADJOURNMENT

[17:28]