

# STATES OF JERSEY

## OFFICIAL REPORT

TUESDAY, 6th OCTOBER 2020

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[9:32]

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

## **COMMUNICATIONS BY THE PRESIDING OFFICER**

**The Bailiff:**

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

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

## **QUESTIONS**

### **2. Written Questions**

#### **2.1 Deputy J.H. Perchard of St. Saviour of the Minister for Education regarding the levels of reading, writing and maths in Key Stages 1 and 2 (WQ342/2020)**

#### **Question**

Will the Minister state what percentage of (a) Key Stage 1, and (b) Key Stage 2, students were assessed as 'secure' in reading, in writing and in maths at the end of the following school years –

- (i) 2018-2019; and
- (ii) 2019-2020?

#### **Answer**

The assessment of primary school pupils was considerably hampered by the lockdown of schools in response to the Covid-19 pandemic. As schools closed to the overwhelming majority of children, teaching moved to various online and hard copy methods. This endured from 20<sup>th</sup> March, until the phased return on June. The focus on the return of children was on their well-being and safe re-introduction under the principles of the Recovery Curriculum. Significant learning time in the core areas of reading, writing and mathematics was lost, as were the means of assessing achievement in these and wider areas of learning. The normal methodology for assessing children at the end of both Key Stage 1 and Key Stage 2 is through moderated teacher assessment under the Jersey Primary Assessment Framework. Under this model, experienced serving teachers from across the education service are appointed and trained as moderators, working with Senior Advisors to moderate the working of teachers in Year 2 and Year 6 classes. In addition, the Department has used the DfE's Year 6 Curriculum tests to support consistency across the Island's system as these new assessment approaches under the Jersey Curriculum are developed.

In the summer 2020, teacher moderation could not happen, and the Curriculum tests were cancelled. Both of these decisions (in the UK and Jersey) were directly due to the impact of the Covid-19 pandemic.

Schools hold data on all of their pupils. In this most unusual year, the Department focused on the assessment of primary children as the most useful factor to support transition, specifically the primary-secondary transition. This is the held data, only for Key Stage 2. Therefore, the 2020 data cannot be compared directly with that collected in earlier years. Our normal publication regime of the data requested is here: <https://www.gov.je/Government/Pages/StatesReports.aspx?ReportID=5102>). In 2020, the data collected and currently held is only from mainstream Government of Jersey schools i.e. this does not

include the two special schools, Mont à l'Abbé and La Sente, nor the non-provided ('private') schools.

To assist with this question, we have recalculated the 2018/19 Key Stage 2 figures to make a comparison with 2020 possible, mindful that the two years cannot be directly compared.

Year Group	Subject	2018/2019	2019/2020
6	Reading	63%	62%
6	Writing	54%	52%
6	Mathematics	56%	55%
6	All three	47%	45%

## **2.2 Deputy J.H. Perchard of St. Saviour of the Minister for Education regarding the Reading, Recovery Plan (WQ.343/2020)**

### **Question**

Will the Minister provide the following information with regards to the budget allocated to the Reading Recovery Plan –

- (a) a breakdown of how the £196,000 allocated to the Plan in 2020 has been spent to date;
- (b) how the remainder of the money allocated to reading recovery in 2020 is due to be spent; and
- (c) what plans, if any, exist for spending the money allocated for reading recovery in the remaining years of the Government Plan 2020-23?

### **Answer**

- (a) £137,054 to cover the staff costs, including mileage reimbursement payments  
£1,216 spent on IT devices to continue teaching during school closure
- (b) The forecast cost of salaries and mileage for the rest of the year is included in the figures at (a)

Due to Covid-19 challenges and leadership changes there was a delay in the recruitment/availability of the third Reading Recovery teacher, there is a forecast underspend of £57,746. The remaining balance of the 2020 budget has been re-allocated to cover departmental Covid-19 costs as it was not possible to complete the recruitment process for a 3<sup>rd</sup> Reading Recovery teacher during lockdown.

- (c) The following plans are proposed for 2020-2023:
  - A third Reading Recovery (RR) teacher has been seconded initially to bring up the complement of specialist teachers
  - Government Plan money will support three RR teachers in the future



## 2.3 Deputy J.H. Perchard of St. Saviour of the Minister for Education regarding the impact of school closures on disadvantaged and vulnerable children (WQ.344/2020)

### Question

Will the Minister provide the following information regarding the impact of the school closures due to the Covid-19 pandemic –

- (a) what assessments, if any, have been made of the impact of such closures on the educational outcomes of disadvantaged and vulnerable children;
- (b) in light of the loss of contact time during school closures, what interventions, if any, are planned over the next 6 months for disadvantaged and vulnerable children who need immediate educational support in order to negate any negative impact of the pandemic on their educational outcomes; and
- (c) what learning interventions, if any, were implemented by the Department over the period of school closures and the summer to support disadvantaged and vulnerable children who were identified as most in need of them?

### Answer

- (a) Following the school closures due to the Covid-19 pandemic the focus on the return of children was on their well-being and safe re-introduction to school under the principles of the Recovery Curriculum. The risk of learning loss affects all children, with some evidence of a greater impact on some vulnerable children and those from more disadvantaged backgrounds. This noted, some vulnerable children were able to attend school physically throughout the lockdown, alongside the children of critical workers, so benefited from small class groupings and more focus of their teachers.

The normal methodology for assessing children at the end of both Key Stage 1 and Key Stage 2, through moderated teacher assessment under the Jersey Primary Assessment Framework, was not possible on the children's return. Moreover, as noted, the focus was on well-being. As the children returned to schools in September were advised to assess pupils on their return, and to do so no later than October half-term. Assessments are internal to the school, but the focus is consistent. This is based on teacher assessments, supported by age-appropriate reading tests and mathematics tests. Schools used a range of assessments, with the most prevalent assessment tools used including PIRA, PUMA and 'Rising Stars'. Assessments have been used to identify possible gaps in knowledge; on this basis teachers have been planning accordingly.

- (b) The latest draft report, *A Report Investigating the Impact of 'Learning at Home' on Jersey pupils as a result of COVID-19 School Closures: March to July 2020*, recognises the impact of COVID-19 on our most disadvantaged and vulnerable pupils.

A Business Case has been submitted that intends to address the impact on specific groups of pupils and covers:

- Additional training and support for teachers which focuses on enhancing teaching skills, mathematics knowledge and reading strategies.

- 1:1 and small group tuition and support. The School Improvement and Advisory Service (SIAS) have devised and prepared a 12-week intensive programme of support for pupils, should the Business Case be successful. If successful these programmes will commence as soon as possible and run until July 2021.

(c) Interventions

- The Department piloted two intervention programmes at Janvrin and Rouge Bouillon School in the summer 2020.
- The findings will be collated and shared with headteachers. The proposal will be to offer a refined model for children in 2021 in an increased number of schools based on the evidence from the pilot.

## **2.4 Deputy L.M.C. Doublet of St. Saviour of the Chief Minister regarding Children’s Rights Impact Assessments (WQ.345/2020)**

### **Question**

Will the Chief Minister state, in respect of Child Right’s Impact Assessments (C.R.I.A.s) –

- (a) how many C.R.I.A.s have been trialled to date, including any related specifically to policy decisions regarding Covid-19;
- (b) which Departments have trialled C.R.I.A.s in terms of policy development to date; and
- (c) when he intends to publish any C.R.I.A.s undertaken for Covid-related policies, in line with the commitment made during Questions without notice on 22nd September 2020?

### **Answer**

We are expecting to introduce a Jersey Children’s Rights Impact Assessment (CRIA) process in 2021, as part of the indirect incorporation law which will require Ministers, Assembly Members and named public authorities to have ‘due regard’ to the United Nations Convention of the Rights of the Child (UNCRC) in 2021. CRIA will become mandatory for Ministers and States Members when developing policy, legislation and propositions or amendments for debate in the Assembly but will otherwise be considered the best-practice option for demonstrating due regard.

Jersey’s CRIA process will commence with an initial ‘screening’ step to quickly establish if the policy area in question has any potential positive or negative impacts on children. If the likelihood of impacts is identified, this step will be followed by detailed assessment and prediction of the way in which the identified policy options are expected to impact children and children’s rights; thus allowing potential enhancements or mitigations to be devised. A full CRIA process should include consultation with children and other stakeholders including the Children’s Commissioner.

The template and guidance for the Jersey CRIA process is currently under development, with plans for a pilot programme to run within the Government of Jersey and States Assembly ahead of the legislation’s expected enactment next year. Details of the pilot programme will be published shortly.

- (a) & (b) To date, we are aware of two CRIA ‘Initial Assessments’ that have been trialled. The first of these was undertaken by CYPES in relation to the reopening of schools during the summer term. This can be found on the “[Guidance for education and childcare: coronavirus \(COVID-19\)](#)” page of Gov.je.

A second CRIA was started by officers from IHE in conjunction with the draft Public Health and Safety (rented Dwellings) (Licensing) (Jersey) Regulations.

- (c) The publication of the CRIA undertaken by CYPES is a matter for the Education Minister to determine. The partial CRIA undertaken by IHE is not a Covid-related policy.

**2.5 Deputy of St. John of the Minister for Health and Social Services regarding the doctors and surgeons employed within the Department of Health and Community Services (WQ.346/2020)**

**Question**

Will the Minister provide detailed lists of the doctors and surgeons employed within the Department of Health and Community Services, indicating –

- (a) employment grade;
- (b) whether the contract is temporary or permanent; and
- (c) the length of time in post; and

will the Minister state how many medical personnel employed by the Department are at present suspended from practice, indicating the length of suspension in any such case?

**Answer**

- (a) employment grade;

Below is a list of the post descriptions showing the grades of the doctors and surgeons in HCS.

Post Description	
Consultant in Respiratory Medicine	Consultant in Paediatrics
Consultant Orthopaedics and Trauma	Consultant in Cardiology
Consultant in Diabetes	Consultant in Haematology
Dental Consultant - Oral Surgery	Consultant Histopath. and Cytopath.
Acute Physician Consultant	Consultant
Consultant in Radiology	Consultant in Anaesthetics
Consultant in Ophthalmic Surgery	Medical Director
Consultant in Restorative Dentistry	Consultant in Cardiology
Consultant in ENT	Clinical Advisor
Acute Physician Consultant	Consultant in Microbiology

Consultant Accident and Emergency	Consultant Obstetrics and Gynaecology
Head of Secondary Unscheduled Care	Consultant in Gastroenterology
Consultant Accident and Emergency	Consultant Accident and Emergency
Consultant in Dermatology	Consultant in Paediatrics
Consultant in Radiology	Consultant Accident and Emergency
Consultant in ENT	Consultant Histopath. and Cytopath.
Consultant in Radiology	Consultant in Oncology
Consultant in Gastroenterology	Consultant in Care of the Elderly
Consultant Orthopaedics and Trauma	Consultant in Anaesthetics
Consultant Alcohol and Drug Dual Diag.	Consultant
Consultant Obstetrics and Gynaecology	Consultant in Respiratory Medicine
Consultant	Consultant in Radiology
Consultant Neurology and Rehabilitation	Consultant in Ophthalmic Surgery
Consultant Obstetrics and Gynaecology	Consultant in ENT
Consultant in Oncology	Consultant
Consultant Histopath. and Cytopath.	Consultant in Oncology
Consultant in Paediatrics	Corporate Governance Lead
Consultant Accident and Emergency	Consultant in Ophthalmic Surgery
Consultant Orthopaedics and Trauma	Consultant in General Surgery
Consultant in Radiology	Consultant in Pain Medicine
Consultant Urologist	Consultant in Old Age Psychiatry
Consultant in Anaesthetics	Consultant in Anaesthetics
Consultant in Paediatrics	Locum Consultant - Radiology
Consultant in Anaesthetics	Consultant in General Surgery
Consultant Obstetrics and Gynaecology	Consultant in Radiology
Consultant in Oncology	Consultant in Anaesthetics
Consultant in General Surgery	Consultant in Radiology
Consultant	Locum Consultant Oncology
Consultant Child and Adolescent MH	Locum Consultant Orthodontist
Dental Consultant - Oral Surgery	Locum Consultant
Consultant	Locum Consultant - Radiology

Consultant in Renal Medicine	Locum Consultant - Radiology
F1 - Elderly Care	Locum Consultant Orthodontist
F1 - Respiratory	Locum Consultant - Dermatology
F1 - General Surgery	Locum Consultant - Child Adoles Mntl Hlt
F1 - Neurology	Locum Consultant – Dermatology
F1 - General Surgery	Locum Staff Grade Emergency Medicine
F1 - General Surgery	Locum Staff Grade Emergency Medicine
F1 - General Surgery	Locum Staff Grade Emergency Medicine
F1 - Cardiology	Locum Staff Grade Emergency Medicine
F1 - General Surgery	Locum Staff Grade Emergency Medicine
Junior Doctor - F1	Staff Grade - Paediatrics
F1 - Gastroenterology	Staff Grade - General Surgery
F1 Orthopaedic and Trauma	Staff Grade Accident and Emergency
F1 Orthopaedic and Trauma	Staff Grade - Anaesthetics
F1 Orthopaedic and Trauma	Staff Grade - Cardiology
F1 - General Surgery	Staff Grade Orthopaedics and Trauma
F2 Obstetrics and Gynaecology	Staff Grade in Medicine
F2 - Accident and Emergency	Staff Grade - Anaesthetics
F2 - General Surgery	Staff Grade Orthopaedics and Trauma
F2 Obstetrics and Gynaecology	Staff Grade Orthopaedics and Trauma
F2 Orthopaedic and Trauma	Staff Grade - Paediatrics
Locum F2 equivalent - Gen Medicine	Staff Grade Obstetrics and Gynaecology
F2 - Psychiatry	Staff Grade in Psychiatry
F2 Obstetrics and Gynaecology	Staff Grade Accident and Emergency
F2 - Accident and Emergency	Staff Grade in Psychiatry
F2 - Acute Medicine	Staff Grade in Ophthalmology
F2 - Accident and Emergency	Staff Grade - Anaesthetics
F2 - Acute Medicine	Staff Grade - Paediatrics
F2 - Acute Medicine	Staff Grade Accident and Emergency
F2 - Care Of The Elderly	Staff Grade - Paediatrics

F2 - Accident and Emergency	Staff Grade in Psychiatry
SHO Obstetrics and Gynaecology	Staff Grade in Psychiatry
Clinical Fellow in Cardiology	Staff Grade - Paediatrics
Clinical Fellow in Medicine	Staff Grade in Medicine
Clinical Fellow in Medicine	Staff Grade Obstetrics and Gynaecology
SHO Obstetrics and Gynaecology	Staff Grade Obstetrics and Gynaecology
SHO Obstetrics and Gynaecology	Staff Grade in Medicine
Clinical Fellow in Cardiology	Staff Grade - Anaesthetics
SHO Obstetrics and Gynaecology	Staff Grade - Anaesthetics
Clinical Fellow in Medicine	Staff Grade - General Surgery
Clinical Fellow - Accident & Emergency	Staff Grade - Anaesthetics
Clinical Fellow - Accident & Emergency	Staff Grade - Paediatrics
Clinical Fellow in Medicine	Staff Grade - Paediatrics
Clinical Fellow in Medicine	Staff Grade Accident and Emergency
Clinical Fellow - Accident & Emergency	Staff Grade Orthopaedics and Trauma
Clinical Fellow in Medicine	Staff Grade - Anaesthetics
SHO Obstetrics and Gynaecology	Staff Grade Accident and Emergency
Associate Specialist in Palliative Care	Staff Grade Obstetrics and Gynaecology
Associate Specialist In Care Of Elderly	Staff Grade - Anaesthetics
Locum Associate Specialist CAMHS	Locum Staff Grade Anaesthetics
Associate Specialist - Dental/Oral Srgy	Associate Specialist - General Surgery
Associate Specialist - Anaesthetics	Associate Specialist - ENT
Associate Specialist in Cardiology	Associate Specialist in Cardiology
Clinical Simulation Lab Trainer	Associate Specialist Psychiatry
Associate Specialist in Respiratory Care	Associate Specialist - Anaesthetics
Associate Specialist In Acute Medicine	Associate Specialist Ortho and Trauma

Associate Specialist in Emergency Med.	Associate Specialist - General Surgery
Associate Specialist in Emergency Med.	
Associate Specialist in Emergency Med.	
Associate Specialist - Ophthalmology	
Associate Specialist in Neurology	
Locum F2 2 Accident and Emergency	
Locum F2 2 Accident and Emergency	

The total numbers in each grade are shown below

Grade	Number
Consultant	91
Foundation 1	15
Foundation 2	15
Staff Grade	46
Associate Specialist	21
Clinical Fellow	17

(b) whether the contract is temporary or permanent;

Permanent contract	Temporary rotational contracts (Junior Doctors)	Temporary locum and bank contracts (Consultants, Associate Specialists and Staff Grades)
123	47	35

(c) the length of time in post

Time in post(years)	Consultant	Staff Grade	Associate Specialists	Junior Doctors (F1)	Junior Doctors (F2)	Clinical Fellows
21- 22	1					
15-16	1					
12-13	11					
11-12	1					
10-11	1					

9-10	1	8	5			
8-9	1	1				
7-8	4	6	2			
6-7	4	1	1			
5-6	2	4	1			
4-5	4	3	1			
3-4	6	2	2			
2-3	22	2	2			
1-2	18	16	5	1	1	3
Less than 1 year	14	3	2	14	14	14

Will the Minister state how many medical personnel employed by the Department are at present suspended from practice, indicating the length of suspension in any such case?

We do not believe it is appropriate to share this information as, given the small number of medical personnel on suspension, it may be possible to identify individuals. However, we can confirm there are less than 5 medical personnel currently suspended.

**2.6 Deputy L.M.C. Doublet of St. Saviour of the Minister for Health and Social Services regarding the Maternity Voices Partnership (WQ.347/2020)**

**Question**

Will the Minister provide an update on progress to introduce a Maternity Voices Partnership, including –

- (a) details of any terms of reference that have been put in place;
- (b) confirmation of how members of the public may engage with this group;
- (c) dates of any meetings already held; and

if there has been no progress on any such actions, will the Minister state why not?

**Answer**

- a) A draft terms of reference is being worked up which will be reviewed at the next meeting of the Jersey Maternity Voices Partnership (MVP).
- b) The next meeting of the Partnership will involve the core group of 11 women who attended the inaugural meeting. The intention is that they will confirm the terms of reference and the vision and goals of the MVP. Thereafter, once the MVP is formally established, all women accessing maternity services will be made aware of the group and invited to attend its meetings and input to the Partnership.
- c) The launch of the MVP in February 2020 was attended by 11 service users. They had responded to a social media post on the government of Jersey Facebook page inviting



expressions of interest. There was good discussion and excellent feedback. There was general support for the idea that a MVP would provide a centralised, robust support mechanism for ongoing feedback and service improvement.

The planned quarterly meetings have had to be postponed due to Covid-19, but attention is now turning to setting up a meeting to build on the enthusiasm and interest shown at the inaugural event earlier this year.

## **2.7 Deputy K.G. Pamplin of St. Saviour of the Chief Minister regarding the use of external consultants by the Government of Jersey (WQ.348/2020)**

### **Question**

Will the Chief Minister provide a breakdown of the costs to the Government of Jersey, if any, of recruiting and engaging any outside consultants for the purposes of preparing or drafting publications, reports, publicity materials, press releases and any other Government publications (including in respect of the Government Plan) for the period 1st January to 26th September 2020?

### **Answer**

The current state of Government records, with no central record of procurement information, makes both the collation of this report and detailing consultancy costs in any other way, such as that requested above, difficult within the time available to answer this question.

Additionally, the preparation of reports, press releases or publications will cross the entire Government and isolating those consultants who may have had an input into one of these would be a manual process and therefore this information also cannot be produced in the timeframe available.

Details of consultants are however published every six months under Proposition 59 which details the work they are undertaking. The next publication will be issued in December, if not sooner, for January to June 2020.

The ITS programme includes a requirement for timesheet capability which will allow assignment of individuals' time to projects which will eventually allow more detailed reporting on consultants' time.

## **2.8 Deputy K.G. Pamplin of St. Saviour of the Minister for Infrastructure regarding the sale of the J4 Registration Plate (WQ.349/2020)**

### **Question**

In relation to the sale of the J4 registration number, will the Minister advise –

- (a) who was the owner of the registration plate prior to the sale;
- (b) whether the sale of the registration plate was requested by the Department and, if not, by whom the sale was requested or offered;
- (c) how much money generated by the sale of the registration plate will be contributed to the cost of purchasing an electric vehicle; and

- (d) a breakdown of the costs to the States of the auction, including any payments to external businesses involved in the sale?

**Answer**

- (a) The Government of Jersey owns all registration marks.
- (b) The sale of the registration plate was proposed by Government House who approached DVS in the first instance.
- (c) As yet, the amount has to be confirmed, however circa £60,000 will be allocated towards the purchase of a replacement vehicle to include any modifications required to make it suitable for official use. The replacement vehicle will remain under the ownership of the Government of Jersey and will be a fleet vehicle, in this case for the use of His Excellency, the Lieutenant Governor.
- (d) J4 was part of 51 lots in this year's auction which raised £592,300 in total. The breakdown of the costs to the Government of Jersey are as follows:

Item	Cost
Marquee	£450
Advertising JEP	£650
Advertising Channel 103	£750
Advertising Social Media	£200
Advertising Banners	£160
Total	£2,210

No commission costs were incurred by the Government of Jersey as they are paid for by the successful bidder.

**2.9 Deputy K.G. Pamplin of St. Saviour of the Minister for Health and Social Services regarding the budget for healthcare (WQ.350/2020)**

**Question**

Will the Minister provide a breakdown of his Department's budget to show in particular the current overall cost of healthcare to the Island (including the impact of Covid-19 on such costs), the level of debt (if any) owed by the Department, and the budget available for outstanding maintenance on the Department's buildings?

**Answer**

The latest available budget that shows the current cost of healthcare identifies net expenditure to the 30<sup>th</sup> August on healthcare within HCS as £165.8m, including the impact of Covid-19. This splits into pay of £111m and non-pay of £71.6m, offset by income of £16.8m. Within this, Covid-19 is estimated at £19.4m.

As with all other departments, HCS has creditors which vary throughout the year and which are paid monthly, but those due as at the end of August total £13.9m.

The annual budget for maintenance is £7m.

**2.10 Deputy K.G. Pamplin of St. Saviour of the Chief Minister regarding States employees working from home of from the U.K. (WQ.351/2020)**

**Question**

For the period from 1st March 2020 to date, will the Chief Minister provide a breakdown of –

- (a) the number and proportion of States employees and consultants either working from home in Jersey or who were working from the U.K.;
- (b) the number of days worked by employees and consultants from the U.K. during this period; and
- (c) the cost of any travel required from workers or consultants to travel to, and from, the U.K. for work purposes?

**Answer**

- a) Given the general state of HR records and the current manual processes that have to be used, it is not possible to provide an accurate number or proportion of days worked from home (in Jersey) or from the UK for employees and consultants. It should be noted however, that due to the small numbers of individuals who were working from the UK at the time, we were able to identify those figures in WQ155/2020.

The following information may also be of assistance:

During Level 4 of the Safe Exit Framework which ran from 30/03/20 until 10/05/20, only essential workers were coming into their workplace. There were approximately 1,800 government workers designated as essential, this figure excludes HCS colleagues.

The number working from home decreased over the subsequent months and weeks to the position we are in now, where approximately:

- During the outbreak, roughly 2,000 office-based staff worked from home – roughly 25% of the total.
- Currently, an estimated 15% of public sector workers are working from home on either a full-time or part-time basis.

Level 3 applied in Jersey from 11 May to 11 June. Non-Essential businesses were able to reopen, however working from home remained the default position within GoJ.

Level 2 applied in Jersey from 12 June to 7 August. Working from home remained the default position within GoJ wherever possible, at this time more staff would have returned to the workplace.

The current position is different across all departments dependent on the nature of the work involved, and the ability to perform that work from home.

b) The number of days worked by employees and consultants from the U.K. during this period is not held. As previously stated, [WQ.155/2020](#) confirmed the small number of employees and contractors working from the UK at the end of April.

c) During this period work travel would have only been taken where necessary. Due to the fact that travel may have been incurred in different ways e.g. booked centrally, included in consultants' charges, added as agreed expenses to invoices it is not possible to detail the total cost of travel for work during this period within the time available. If the Deputy has any further, specific queries, we would be more than happy to arrange a briefing with the relevant officials within Human Resources.

## **2.11 Deputy K.G. Pamplin of St. Saviour of the Chair of the Privileges and Procedures Committee regarding the financial impact of Covid-19 on the operation of the States Assembly (WQ.352/2020)**

### **Question**

Will the Chair provide a breakdown of the costs of the impact of the Covid-19 pandemic on the continued operation of the States Assembly, covering the period from 1st March to 25th September 2020, including –

- (a) any additional staffing required at the States Greffe;
- (b) any overtime or sickness absence days incurred by States Greffe staff;
- (c) technical support from Digital Jersey or any digital broadcasting company to enable remote and hybrid States sittings to take place;
- (d) any additional technical equipment required to enable remote or hybrid States sittings; and
- (e) the hiring of Fort Regent?

### **Answer**

- (a) There was no additional staffing required at the States Greffe in the time period from 1st March 2020 to 25th September 2020 because of Covid-19.
- (b) In the period from 1st March 2020 to 25th September 2020 there was:
  - i. no overtime paid to States Greffe staff; and
  - ii. no Covid related absence recorded.
- (c) Costs incurred in connexion with technical support from companies assisting with the digital broadcasting:
  - i. £1,404.78 to Ports of Jersey (for the recording set up at Fort Regent and in the States Chamber); and
  - ii. £9,567.80 to Delta Production Services (for the hire of equipment, set-up, and staff at Fort Regent);
  - iii. £2,225.00 to ALX (for the support for Chamber sitting and Members training); and
  - iv. The assistance received from Digital Jersey to set up and run virtual sittings of the Assembly was not charged for.

- (d) Costs incurred for technical equipment required to enable remote or hybrid States sittings:
  - i. £471.90 to Zoom (Hybrid Meeting Trial);
  - ii. £127.00 for a monitor for the States Chamber; and
  - iii. £2,378.79 for 3 laptops for the States Chamber (at a cost of £792.93 each).
- (e) No direct cost was incurred for the hire of Fort Regent, however (as per section (c) (ii) above) there was £9,567.80 paid to Delta Production Services for associated equipment hire, set up, and staff costs.

## **2.12 Deputy S.M. Ahier of St. Helier of the Minister of Health and Social Services regarding Court appeals submitted by his Department (WQ.353/2020)**

### **Question**

Will the Minister state –

- (a) the total number of appeals to Court decisions, if any, submitted by his Department in the last 5 years;
- (b) the total cost to the taxpayer of any such appeals in the last 5 years; and
- (c) the total number of any successful appeals submitted by his Department in the last 5 years?

### **Answer**

- (a) One appeal has been lodged on behalf of the Minister for Health and Social Services in the last five years and this case has not been concluded.
- (b) and (c) Given the answer to a), it is not possible to answer parts b) and c)

## **2.13 Deputy K.F. Morel of St. Lawrence of the Chief Minister regarding the rules in respect of minute-taking used by Government staff (WQ.354/2020)**

### **Question**

Will the Chief Minister state what rules, if any, the Government of Jersey uses to inform staff as to when they should take and keep minutes and records of a meeting; and if such rules exist, will he provide the Assembly with a copy?

### **Answer**

Specific, formal meetings, such as the Council of Ministers have set processes for minute taking and record keeping. For example, the [States of Jersey Law 2005](#) prescribes in Article 18 how minutes for the Council of Ministers are to be taken and kept.

For these significant groups, formal minutes are taken and recorded by the States Greffe, for which the Chief Minister thanks the ongoing professionalism of the Clerks, particularly for the increased number of meetings during the pandemic due to the meetings of the Emergencies Council and the Competent Authorities Ministers, which have been recorded.

Other specific groups, such as Policy Development Boards maintain terms of reference, which would generally include requirements for minute taking and keeping records of those meetings. Details of requirements for PDBs can be found [here](#), which includes a requirement that “*minutes of meetings will be taken to ensure an auditable record is maintained.*”

Whilst there are no written “rules” for the recording of minutes in one-off or more informal meetings, staff are expected to use professional judgment as to when a record should be kept. The Public Records (Jersey) Law 2002 specifies the retention process for any records that are kept.

#### **2.14 Deputy G.P. Southern of St. Helier of the Chief Minister regarding the Income Distribution Survey (WQ.355/2020)**

##### **Question**

Will the Chief Minister state what confirmation, if any, he has had from the Chief Statistician of when in Quarter 4 of 2020 the States Assembly will receive figures from the pre-Covid-19-period Income Distribution Survey; and if such figures are available, when will he share them with the Assembly?

##### **Answer**

The Chief Minister is scheduled to meet with the Chief Statistician on the 5<sup>th</sup> October and will update the Assembly as soon as practicably possible after the meeting has concluded.

#### **2.15 Connétable of St. Martin of the Minister for Health and Social Services regarding the funding available to families seeking access to I.V.F. (WQ.356/2020)**

##### **Question**

Will the Minister outline what work, if any, has been conducted on increasing the level of funding available to families seeking access to I.V.F. (in vitro fertilisation), including – but not limited to – raising the household income cap from £34,000?

##### **Answer**

HCS has committed to undertaking a strategic review of the Assisted Reproductive Service in Jersey, which will incorporate current policy and how this impacts on access to the service and off-island pathways. The current financial threshold for services will be part of this review which commenced in July and is due for completion by Jan 2021. The review seeks to ensure there is a long-term sustainable Assisted Reproductive service established for Jersey.

#### **2.16 Deputy M.R. Higgins of St. Helier of the Chief Minister regarding the work of the Housing Policy Development Board (WQ.357/2020)**

##### **Question**

Will the Chief Minister state what research, if any, has been undertaken by the Housing Policy Development Board, or any Government department, into –

- (a) foreign direct investment in the housing market;
- (b) domestic investment in the housing market;
- (c) the share transfer and flying freehold markets; and

will he agree to the immediate publication of any such research that exists?

## **Answer**

There has not been any research undertaken by the Housing Policy Development Board in relation to parts (b) and (c) of the question, nor is it believed by any other Department.

Regarding part (a) of the question, the publicly available minutes of the Housing Policy Development Board of the 19 September 2019 state that:

*“Foreign ownership of property: The Board was informed that the work undertaken to date in relation to foreign ownership of property has been provided to Altair and the Chair so that the issue can be included in the solutions phase. A summary of the work was discussed setting out the likely positive and negative effects of foreign ownership on the local property market in relation to supply and demand. The work to date has considered the policy interventions used across a wide range of jurisdictions and identified that the size of the issue is not satisfactorily understood locally due to the way in which the information is captured. Changes underway in the Tax Department mean that future data capture will provide for better accuracy as to the size and nature of the foreign buy to let market in Jersey.”*

As reflected in the minutes, the Board has been addressing this matter and is currently in the process of producing its final report, which will be submitted to me before the end of the year. A decision will then be made as to whether any additional information should be published alongside the publication of the report itself.

## **2.17 Deputy M.R. Higgins of St. Helier of the Chair of the States Employment Board regarding the use of non-disclosure and compromise agreements (WQ.358/2020)**

### **Question**

Will the Chair state –

- (a) the names given to the different types of non-disclosure and compromise agreements used within the States and describe any differences that exist between them and their use; and
- (b) who is able to enter into any such compromise agreements and non-disclosure agreements on behalf of the States of Jersey, outlining any checks and balances that exist on those who are allowed to do so?”

### **Answer**

- a. The names given to the different types of agreements used within the Government of Jersey are Compromise and Severance Agreements. 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.
- a. Employees who have delegated authority are able to enter into these agreements. Advice is normally sought from the Law Officers’ Department and an approval process is entered into prior to the agreement being signed.

The approval process includes the Director General responsible for the Department, the HR Business Partner and the HR Director. Audits are carried out to ensure checks and balances are in place. The signed approval form must be saved with all agreements for audit purposes.

For those involving senior officers or potentially a high liability, the Group Director for People and Corporate Services must agree before discussions are entered into with the employee or their representative and sets the parameters for such discussions.

The Treasurer will be notified of any high value agreements who in turn will seek his own assurance about the level of potential liability from the Law Officers' Department.

The States Employment Board has oversight of any arrangements with Tier One or Tier Two officers.

Financial Regulations require the Government not to enter into any ultra vires agreement through sums that exceed the potential liability. Should a commercial settlement in excess of these terms be preferable, the States Employment Board must agree to the terms in advance.

**2.18 Deputy M.R. Higgins of St. Helier of the Chair of the States Employment Board regarding the case of social workers and health professionals whose pay has been incorrectly increased in 2017 (WQ.359/2020)**

**Question**

Will the Chair provide an update on how the States Employment Board dealt with the case of 126 social workers and health professionals whose pay was incorrectly increased in 2017 through wrongful regrading, including any financial consequences of that act?

**Answer**

All the involved roles have now been evaluated and the full scope of the project has been fulfilled. The project has received positive feedback from senior members of HCS, Probation and CYPES in terms of how this work has been managed, the outcomes that have been communicated to individuals and their managers, and the mainly positive impact on their teams. Civil Service Staff Side were kept fully appraised throughout the project, enabling them to advise and support their members of each stage of the process. They have positively supported the process including the appeal process.

The overall cost of the project, including the cost of job evaluations and the cost of pay protection for those downgraded as a result of it, amounts to £892,200.

**2.19 Deputy K.F. Morel of St. Lawrence of the Minister for the Environment regarding the protection of trees (WQ.260/2020)**

**Question**

Will the Minister provide the number and details of enforcement actions, if any, that have been taken in regard to protecting trees under the Planning (Jersey) Law 2002 for each year since 2015?

**Answer**

Undertaking work to a tree is not currently defined as 'development' under the Planning and Building (Jersey) Law 2002. On this basis, the need to take enforcement action would only arise where work is undertaken to a tree(s) that enjoys some form of protection without the necessary permission being sought.



Trees can be protected where they have high amenity value and where they make a valuable and important contribution to the local environment by adding them to the list of protected trees or protecting them with a planning condition.

The Minister for the Environment is advised that there has been no enforcement action taken, since 2015, for unauthorised work to trees that are on the list of protected trees; or which are protected by planning condition.

There have, however, been 67 applications to remove or undertake works to trees on the list of protected trees during that time; one of which has been refused; two of which have been withdrawn; and the remainder approved.

The Minister for the Environment is concerned at the loss of trees in the island and is seeking to make changes to the law to provide greater control over works to them; and to ensure greater rigour in the assessment of proposals to remove or manage them.

## **2.20 Deputy G.P. Southern of St. Helier of the Minister for Health and Social Services regarding negotiations with G.P.s (WQ.361/2020)**

### **Question**

Will the Minister state what negotiations, if any, have taken place between his Department and the representatives of G.P.s over the terms of any future contract for their services, and advise what agreement, if any, there has been over the figures of G.P. salaries contained in tables 2.14 and 2.15 of the report attached to ‘Jersey Care Model’ (P.114/2020)

### **Answer**

Work has been undertaken with GPs in relation to future funding models, however, there have been no negotiations to date over the terms of any future contracts for their services.

As the document states “Table 2.14 below describes the sources of income for GPs for 2019 (based on GP funding data for 2018)”. These are estimated figures used to produce the model – not a negotiated position with GP agreement.

## **2.21 Deputy M.R. Higgins of St. Helier of the Minister for Health and Social Services regarding the ability of hospital consultants to offer private polymerase chain reaction (P.C.R.) tests for Covid-19 (WQ.362/2020)**

### **Question**

Will the Minister advise whether hospital consultants are allowed to offer private patients polymerase chain reaction (P.C.R.) tests for Coronavirus; and if so, whether any such tests are processed through the Hospital and Airport laboratories or in the U.K., what charge there is for doing so and whether there is a fixed fee for the patient?

### **Answer**

Covid PCR tests have now been added to the repertoire of hospital-agreed tests administered through pathology services to private patients. Others would be blood tests or tissue biopsies, for example. The vast majority receiving such Covid PCR tests are pre-operative private patients. Such screening tests would need to be done before surgery or on admission whether the patient having the operation is private or public. Such tests are not performed just because someone may be curious about whether they are positive or not. The tests are processed in the normal way ie through public facilities and, as always, only urgent samples are being done on-Island. The charge for the test of £113 is split between the hospital and the consultant with the cost of the test fully met. The number of such tests is relatively small and does not detract from the non-private response.

**2.22 Deputy R.J. Ward of St. Helier of the Chief Minister regarding the provision of office facilities and administrative support for Ministers and Assistant Ministers (WQ.363/2020)**

**Question**

Will the Chief Minister provide a full breakdown of costs for the period May 2018 to the present for the following –

- (a) administrative support for the 21 members of the Government (Ministers and Assistant Ministers); and
- (b) provision of office facilities for the 21 members of the Government?

**Answer**

In order to answer the Deputy's question, it is important to understand the rationale for the structural changes made in June 2018. Following the findings of both C&AG, PAC and Scrutiny over the last five years and the due diligence work that was carried out between October 2017 and January 2018, Ministerial support has now been consolidated and/or centralised as part of the Office of the Chief Executive to address these issues.

Past reviews found that Ministers were not always served well due to a lack of coordinated support and advice across the government.

In particular it was identified that there was:

- Lack of dedicated support to improve the timeliness of Ministers decision making and joint working
- Outdated infrastructure and governance arrangements to support a performance driven organisation
- Outdated working practices in terms of decision making, priority setting and forward planning
- More specifically the due diligence found that there was not a culture of serving ministers well
- Insufficient clarity between officers and Ministers
- No dedicated Ministerial support to build alignment between Ministers, their departments and their Senior Management Teams

However to date, the Chief of Staff Office and Ministerial Support Unit (MSU) has been funded to date by temporary funding sources, even though staffing has been in place since 2018. A settled structure has now been established. This was originally discussed and agreed as part of the 2020

Government Planning arrangements with an agreement to bring forward in the 2021 Plan (once the Target Operating Model arrangements had been settled).

The underlying rationale for the improvements made by the formation of the MSU were set out on pages 106 and 107 of the [Government Plan 2020 - 2023](#), as part of closer working between Government and the States Greffe. This also included an additional £2.3m of expenditure on [“States Greffe extended services”](#) to facilitate these improvements.

The total costs for the provision of administrative support to the 21 Ministers and Assistant Ministers are given below. This support, provided by the staff of the MSU, enables a range of functions, beyond just administration. These functions were previously provided to Ministers from budgets and teams across the different Departments within the organisation. The centralised MSU has meant that a more coordinated, joined-up support service is being provided.

The services provided by the MSU include:

- Enabling the efficient and coordinated flow of information between Government Departments and Ministers.
- Supporting Ministers in preparation for the States Assembly and for Scrutiny hearings and briefings.
- Acting as the Scrutiny Liaison between Ministers, their Departments and Scrutiny, ensuring queries are fielded and information provided in as timely manner as possible.
- Facilitate and coordinate the Council of Ministers and other significant ministerial meetings, most recently including the Emergencies Council and Competent Authorities Ministers meetings.
- Provision of a research service for Ministers and Assistant Ministers.
- Response to public queries and correspondence directed to the Ministers.
- Diary and travel management.
- Liaison with the Communications directorate for press queries, briefings and interviews.
- Coordination of Members’ briefings.
- Record keeping and filing.
- Provision of procedural advice.

2018 (May – Dec)	2019	2020 (9 months Jan - Sept)	Comments
259,083	612,886	1,017,147	As part of the One Government organisational changes, the Ministerial Office was created during 2018, and continued to develop in 2019. The figure for 2020 reflects the full costs of the team.

(b) Whilst it is hard to isolate costs for the provision of physical office facilities within the wider Broad Street building for the 21 Ministers and Assistant Ministers, the MSU consists of an office for the Chief Minister, a shared office for the Deputy Chief Minister and Minister for External Relations and a shared hot desking facility for the remaining 18 Ministers and Assistant Ministers. The estimated cost of providing this, including the office space for the members of staff of the MSU, is £247,124. The breakdown for this estimate is as follows:

	May – Dec 2018	2019	Jan – Sept 2020
Printing and Stationery	12,907	12,213	10,881
Telephones	12,440	6,605	8,768
Fuel and Power	15,483	13,539	0
Facilities Management	59,400	94,888	0

It should be noted that it is presently envisaged that better facilities for States Members might arise out of the office accommodation strategy. More information on this will be forthcoming in the next few months.

### **2.23 Deputy R.J. Ward of St. Helier of the Minister for Health and Social Services regarding overpayments of Social Security benefits (WQ.364/2020)**

#### **Question**

Will the Minister state how many people of pensionable age are currently re-paying legacy overpayments from Social Security benefits?

#### **Answer**

Overpayments of Social Security benefits may occur for a number of reasons and are not categorised as “legacy.” It is not clear from the question what this term refers to.

There are 194 recorded overpayments across 157 Income Support (IS) claims containing a pensioner. There are 1886 IS claims with at least one participant of pensionable age, so this figure means that approximately 8 % of IS claims which include participants of pensioner age have an overpayment that is currently being repaid via an IS claim. These figures do not differentiate between claims where the overpayment was in respect of a pensioner participant or a working age participant who is part of a claim that also includes a pensioner.

The IS 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 change to their household income. A system that makes payments in advance will always require adjustments where household income has increased after a payment has been made. These adjustments will often cause small overpayments that are repaid by weekly adjustments.

Where overpayments are larger these are usually caused by a household failing to notify IS of a change in circumstances, such as an increased income. For pensioners this might be the award of a foreign or private pension. The best way to prevent significant overpayments is for households to notify the Department of any changes that would affect the rate of benefit. This policy is stated in every letter sent to an IS household. Where this policy is followed the levels of overpayment will in most cases be small and the recovery of them will have little impact on the household.

**2.24 Deputy R.J. Ward of St. Helier of the Minister for Infrastructure regarding the financial return received from LibertyBus (WQ.365/2020)**

**Question**

Will the Minister advise, in respect of Liberty Bus –

- (a) the total financial return made from on-Island operations to the parent company, HCT Group, since the commencement of the Liberty Bus contract with the States of Jersey; and
- (b) whether he holds any information to show how this return compares with the financial returns made by HCT Group-run services in other jurisdictions?

**Answer**

- (a) As with the previous contract dating from 2002 and awarded to Connex Bus UK, the 2013 Bus Operating Contract was competitively tendered under Treasury procurement rules. As such, the financial information submitted as part of that tender process was and remains commercially confidential. Information about financial returns is included within HCT Group's own published accounts.
- (b) HCT Group's stated aim is to use the profits they make from operating commercial contracts to fund charitable activities and community reinvestment in the local authority areas where their subsidiaries are based. No information on other HCT Group subsidiaries is held as this is not relevant to the performance of the Jersey Bus Operating Contract.

**2.25 Deputy R.J. Ward of St. Helier of the Chair of the States Employment Board regarding the Education Partnership agreement (WQ.366/2020)**

**Question**

Will the Minister advise what the current status is of the Education Partnership agreement between the States of Jersey and the National Association of Schoolmasters Union of Women Teachers (N.A.S.U.W.T.) that was agreed in September 2014?

**Answer**

The States Employment Board and the National Association of Schoolmasters Union of Women Teachers both confirmed their commitment to partnership working as part of the resolution of the 2018/19/20 pay negotiations. Joint working between SEB, officers and NASUWT through the many schools-related issues arising from Covid has provided excellent outcomes for parents and carers,

children and young people, and teachers. Officers and NASUWT are seeking to meet within the next few weeks to explore ways to strengthen partnership working in line with the agreement.

## **2.26 Deputy R.J. Ward of St. Helier of the Minister for Economic Development, Tourism, Sport and Culture regarding the Economic Council (WQ.367/2020)**

### **Question**

Will the Minister state, in respect of the work of the Economic Council since its formation in July 2020 –

- (a) what recommendations have been made by the Council to date;
- (b) what actions, if any, have been taken based on these recommendations;
- (c) when the Council has met, and whether the minutes from these meetings have been published; and
- (d) whether it is the Minister's intention to ensure these minutes are accessible by the public?

### **Answer**

- a) The Economic Council has not delivered its formal recommendations as yet. A report is being concluded by the Economic Council membership with a view to publication by the end of October 2020.
- b) The Economic Council will make recommendations which will subsequently be considered by the Economic Recovery Political Oversight Group. A number of actions from the Government Plan 2020-23 remain relevant and will continue in the Government Plan 2021-24 that will be lodged shortly.
- c) The Economic Council has met on 8 occasions. A further meeting is scheduled for 21<sup>st</sup> October 2020 for the Economic Council to sign-off on their interim report and recommendations.  
Minutes for the Economic Council have not been published.
- d) There is no intention to publish the minutes of Economic Council meetings at this stage although they have been provided to Scrutiny. The report and recommendations will be published and will reflect the work undertaken to date.

## **2.27 Senator S.Y. Mezec of the Chair of the Privileges and Procedures Committee regarding the trial 3-weekly meeting cycle of the States Assembly (WQ.368/2020)**

### **Question**

Will the Chair state, in relation to the trial 3-weekly sitting cycle of the States Assembly starting in January 2021 –

- (a) what the criteria are for measuring the relative success or failure of the 3-weekly sitting cycle trial, and how these criteria have been developed;
- (b) how members will be engaged with reviewing the trial, and how the Chair will ensure a balance between the feedback of executive and non-executive members; and
- (c) if the trial is deemed a success, what the proposed timescale is for adopting the 3-weekly sitting cycle permanently?

## Answer

- (a) Criteria for measuring the success or otherwise of the 3-weekly sitting cycle trial are in development. PPC has not had the opportunity to meet and discuss this issue since the Assembly adopted P.106/2020 on Friday, 25th September. Its next scheduled meeting is on Monday 5th October at 2:30pm, after the submission deadline for this written answer.

The trial does provide the Assembly, perhaps for the very first time in its history, with the opportunity to measure any impact on performance during the course of a new model of operation against that which has been operating unchanged for many years.

Starting with elements of our procedures the Assembly traditionally wishes to avoid: last minute or late filing of comments papers or amendments; suspension of standing orders requests to allow debate on propositions not lodged for the requisite time; written answers which avoid the question; protracted adjournment debates at 5.30pm; sitting late; debates held overnight; sitting on unscheduled continuation days and so on. It will not be difficult to measure the frequency of these against those for an equivalent period - though 2019 might be more accurate given the extraordinary circumstances of 2020.

No doubt PPC will consider other indicators in due course from both executive and non-executive/private members' perspectives. As mentioned in the debate, Scrutiny Panels will have their own criteria which may include availability of interviewees and late cancellations.

Comparing and contrasting measurable data is one factor, another is the personal perception of each Member as to the success or otherwise of the trial.

- (b) All members will be individually surveyed at the six-month stage. In addition, collective evaluations will be sought from the Council of Ministers, Scrutiny Panels and other Committees. A balance between the feedback of executive and non-executive members must be struck for the trial results to achieve validity.
- (c) PPC will lodge a proposition in time for debate in July, before the summer recess, placing before the Assembly data collected and survey results and seeking its view on any continuation on a permanent basis or reversion. The 2022 dates for States sittings will be then be published in accordance with the wishes of the Assembly.

### 3. Oral Questions

#### 3.1 Deputy D. Johnson of St. Mary of the Minister for Economic Development, Tourism, Sport and Culture regarding work on updating the Licensing (Jersey) Law 1974 (OQ.253/2020)

Further to the response to Written Question 123/2020, will the Minister advise what progress, if any, has been made as to the establishment of a joint working party to consider options to update the Licensing (Jersey) Law 1974 and, in particular, will he inform the Assembly as to the membership of any such working party?

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

Senator Pallett will be taking this question.

**Senator S.W. Pallett (Assistant Minister, Economic Development, Tourism, Sport and Culture - rapporteur):**

The proposal to establish a joint working party has now been superseded by a decision of the Council of Ministers to establish a task and finish group with the following members. It will be myself, the Minister for Home Affairs, the Minister for Health and Social Services, and the Assistant Minister for Treasury and Resources, Deputy Ash. This new group has been charged with developing a draft statement of alcohol and licensing policy and either proposing new legislation or amendments to the existing 1974 law, as appropriate to achieve the necessary reform. It will aim to lodge an in-principle policy proposition for debate by the States Assembly in quarter 1 2021, with detailed policy and legislative proposals to be lodged as soon as possible thereafter and no later than December 2021.

**3.1.1 The Deputy of St. Mary:**

I thank the Assistant Minister for his reply. In the written response to which the original question referred to, the statement said that the group then envisaged will be chaired by Senator Pallett with membership including representatives of the Licensing Bench. Are Members to take it from this new initiative that there is no intention to amend the constitution of the Licensing Bench, as now so constituted?

**Senator S.W. Pallett:**

I think at the current stage the working party needs to consider all options. The change to a more political based working party is a decision of the Council of Ministers. We do intend to work closely with the Licensing Bench, as I think all Members would expect. They currently oversee the Licensing Law both from an administrative point of view and policy so it is important that we do involve the Licensing Bench and the court in regards to any future decision-making. But it very much is a decision that we need to take a political lead on this particular issue.

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

Will the Assistant Minister confirm that he has had productive meetings with the St. Helier Shadow Conseil Municipal about the possibility of the Parish of St. Helier taking more of an active role in determining licensing applications in our Parish?

**Senator S.W. Pallett:**

I certainly can confirm that. It was a very interesting meeting that we had with the Shadow Conseil in regards to what options may be available for working more closely with the Parish of St. Helier, and that type of proposal does need further consideration and will be something that the working party will look into.

**3.1.3 Deputy K.F. Morel of St. Lawrence:**

In his answer the Senator referred to a “task and finish group” and in my ignorance I have not heard of a task and finish group before so I was wondering if the Senator would be able to cut through the jargon of the Assembly and explain what a task and finish group is and how it exists from a working party?

**Senator S.W. Pallett:**

We have a set terms of reference in regards to the work that we will be setting out to do. That will be considering issues such as alcohol availability, alcohol pricing, advertising, promotion - something that we will be discussing later today with P.105 - and various other issues, including category models and fee models. Cutting through the jargon, I think we need to consider 2 main issues: one is whether we amend the current law or whether we come forward with a new draft law. The most important



thing for me is around statement of licensing policy that will put policy firmly in the States Assembly where I think Members would prefer it to be.

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

With regards to this task and finish group, the Senator mentioned that it is principally political, is this just another example of the Government retreating from the stakeholders that are involved with the Licensing Law and turning in on itself and not consulting, not getting opinions from elsewhere, and trying to come up with the answers in isolation?

#### **Senator S.W. Pallett:**

I can assure the Deputy that is absolutely not the intention of this group. It will be consulting widely with all stakeholders, as I have already said. We could not do this piece of work without having a close collaboration and consultation with the Licensing Bench, with stakeholders, such as the industry and, in fact, the public more generally, because I think it is important that we have a balanced view of the way forward.

[9:45]

As I have already said, the intention is to have an in-principle debate within the States Assembly so that we can gauge the views of all Members in regards to what they want to see of a new law and a statement of licensing policy.

#### **3.1.5 Connétable R.A. Buchanan of St. Ouen:**

I am sure the Senator, who is a past Constable, will not have forgotten this, but I can just ask him to confirm that he will be consulting with the Comité des Connétables on any new licensing proposals?

#### **Senator S.W. Pallett:**

Absolutely, and I certainly have not forgotten the Constables and the Comité, they are key to, I think, finding a solution to this, as the Constable of St. Helier has already made clear. I think there is a role for the committee and Parishes themselves in finding a solution to some of the issues that we face, but there is no intention to keep anybody out of consultation. It is going to be a wide-ranging. It needs to be wide-ranging because I think the issues are quite complex and we need to get a solution that works for all parties.

#### **3.1.6 Connétable D.W. Mezbourian of St. Lawrence:**

Will the Assistant Minister recognise that there are 12 Parishes in Jersey and that all Parishes should be treated in the same manner? Will he confirm therefore that St. Helier will not be treated differently to the other Parishes?

#### **Senator S.W. Pallett:**

I think the Constable will know that that certainly is not the case. There is no intention to treat any Parish any differently than others but clearly St. Helier do have a ... I think it is 50 per cent of all licences within the Island so they are a key stakeholder, but as are all the other 12 Parishes, whether you have got one pub or whether you have got 50 pubs. It is important to have an understanding from each of those Parishes, what their concerns are and have a holistic view from the Constables as to future solutions.

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

Clearly we are not discussing only pubs in this regard, it is all licensed premises. The Comité has, as the Assistant Minister knows, very full agendas when we meet. Will he commit to giving us as much notice as possible please of his intention to meet with us?

#### **Senator S.W. Pallett:**

Absolutely. When the resource is made available in terms of officer support for this piece of work we will start to engage more closely with all the stakeholders, obviously including the Comité themselves.

### **3.1.8 The Deputy of St. Mary:**

In the Minister's notes or comments to P.105, which is to be debated later today, he concludes that the Scrutiny Panel involved in P.103/2017 supported the general concept of a new law that will provide it for a States approved statement of alcohol licensing policy. Given the measure of agreement that was reached on that occasion would it not be simpler and more expedient to effectively replicate or resurrect P.103 with a view to bringing a new Licensing Law into force as soon as possible?

### **Senator S.W. Pallett:**

Any in-committee debate will probably use that draft piece of work, P.103, as a basis for discussion. I think the Deputy is right. There are elements of that law that are as true now as they were when we lodged it. But there are issues within that draft law that do need some further consultation, certainly with stakeholders, but I think it is key that we fully understand what States Members really want from a new draft law and from a statement of licensing policy before we start that piece of work.

### **3.2 Deputy K.G. Pamplin of St. Saviour of the Minister for Health and Social Services regarding the work of the Mental Health Improvement Board (OQ.261/2020)**

Will the Minister provide the Assembly with an update on the progress of the Mental Health Improvement Board, with particular reference to any proposed mental health service improvements that are currently outstanding in terms of delivery?

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

I will ask my Assistant Minister, Senator Pallett, to also answer this question.

### **Senator S.W. Pallett (Assistant Minister, Health and Social Services - rapporteur):**

I thank the Deputy for his question. Certainly as we head towards World Mental Health Day this coming Saturday, although the question does not specifically mention the mental health improvement plan, which was developed to guide the work of the board, I will briefly update Members on both the board and the plan. The Mental Health Improvement Board has continued to meet throughout the pandemic and has supported mental health service providers to respond to the effects of COVID-19. To ensure its ongoing effectiveness the board is currently reviewing its scope, terms of reference and membership. This review is at an early stage and once complete evidence-based changes will be discussed more widely with a wide range of partners and stakeholders, including with our Scrutiny Panel. Moving on to mental health improvement plan, this was always intended to be a live document. It is rag-rated and updated to show progress on each workstream. The Deputy will no doubt be aware of recent successes that include delivery of the Listening Lounge, the review of Jersey Talking Therapies, that has already seen waiting lists removed for low intensity step 2 support, and completed upgrades at Orchard House and La Chasse. With the mental health care group in place our strong leadership team are working towards closer integration of social care and mental health functions to improve patient care. COVID-19 has had an effect on service delivery delaying the development of the crisis prevention service. As a response to the pandemic, we established our home treatment team in a street triage service, and these are being progressed further, but is now the priority to set up a 24-hour crisis line for Islanders in immediate need. We must continue to improve our collaboration with external partners but also need to build even better relationships with our government colleagues who have important roles to play in supporting the mental health of Islanders. Just to finish, I want to assure the Deputy that many of the recommendations within the Scrutiny Panel report of 2018 have been implemented and I am more than happy to take the Deputy and his

Scrutiny Panel through the mental health improvement plan in more detail, as it is impossible to do it justice in an oral question.

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

I thank the Senator for his answer and equally for working together on Tuesday on the States Assembly Facebook page to talk about mental health services. He is indeed correct, it is World Mental Health Day on Saturday. Mental health is one of the most neglected areas of public health, the World Health Organization ...

#### **The Bailiff:**

Is there a question please, Deputy?

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

Yes, just getting to it as quickly as I can. Is driving this year their theme of investment into the service. Will he champion the continued and improved funding required for the mental health service lacking on this Island?

### **Senator S.W. Pallett:**

As the Deputy knows, the answer to that is absolutely yes. We have within the Government Plan committed a great deal of funding towards supporting mental health services within the Island. I think, as importantly, making sure that the physical infrastructure is modern and fit for purpose. Recently we have updated Orchard House, as he knows, and we have got La Chasse opening very soon, are key parts of the service. So the investment will be there and he is right, we do have to commit to investing in mental health not just now but in the future.

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

Could the Assistant Minister please give some detail of what is within this mental health plan in terms of improvements to perinatal mental health services please?

### **Senator S.W. Pallett:**

In terms of the specifics around perinatal, I am sorry but I am going to have to get back to the Deputy on that. It is a very long and detailed plan. I do have it in front of me but I am going to take time going through it to find it, but I am happy to get back to the Deputy on that particular issue.

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

I thank the Minister for that and I hope he will get back to me. Does he agree with me that perinatal mental health is an extremely important area, given that it affects children's mental health and we have committed to putting children first?

### **Senator S.W. Pallett:**

Absolutely. I think in supporting children from the earliest possible age is absolutely vital. I also include families and parents within that as well. It is absolutely key that we provide the support for new parents and, in fact, parents when they have second and third children, making sure that they get the support that they need at a very difficult time. I can assure the Deputy that we will be putting the investment and the effort into making sure parents and young children get that support.

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

Will the Minister commit to a full range of mental health support beyond initial programmes, such as Talking Therapies and the Listening Lounge, i.e. when referrals are needed beyond those services?

### **Senator S.W. Pallett:**

Absolutely. The Deputy is absolutely right. It is not just about the initial early intervention work, it is very much making sure that those that need more acute support have got that to be able to access. We are currently recruiting people into position to make sure that our trauma pathways are correct and make sure that people do get the support that they need. It has been a difficult time for the mental health team, especially through the COVID period, but we are now getting back to business as usual, our psychology teams are back to full strength. I think the move back to La Chasse, which is really our adult mental health front door and where most of our contacts take place, getting that back in service is going to be really important to providing the care that people need.

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

What would the Minister consider to be an acceptable waiting time for this further help that may be needed?

### **Senator S.W. Pallett:**

To be blunt, I think anybody that needs to wait ... there is no acceptable wait. I would like to see people treated as early as possible but I think under the current restraints we have got in terms of staffing it is difficult to see people sometimes when they are most at risk but we are making all efforts now to try to bring waiting times down in step 3 and step 4 within mental health. Jersey Talking Therapies is back up and running and we are looking at our waiting list for step 3, for example, that currently stands at 167. For me that is too many and people are waiting too long. But we are getting that service back to where it needs to be and we will carry on investing in that service until we have ... I do not want to see any waiting lists for people with mental health issues because for me that is only going to mean they get worse, their condition gets worse and that is clearly not acceptable.

### **3.2.6 Deputy G.P. Southern of St. Helier:**

To what extent are mental health improvements dependent on progress on the Jersey Care Model in 2021 and, in particular, what measures have been prioritised on progress towards, for example, greater G.P. (general practitioner) involvement in mental health issues?

### **Senator S.W. Pallett:**

I pick up on the last point because I think the Jersey Care Model to some degree is based on preventative care, and I think G.P.s have a huge role to play within that service. For many, going to the G.P. will be their first point of contact. We do say to people that are struggling with mental health issues that G.P.s quite often are the right route into the service. So we are working more closely with G.P.s in terms of making sure that they fully understand the issues involved around mental health and know the key pathways to making sure people get the right help that they need. Sometimes it is not always medical help. Quite often it can be other issues and social prescribing where we can provide other sources of help and support for people, quite often can be an answer to those that are in mental health stress. It will be linked closely to the Jersey Care Model. Mental health and physical health do need to be treated as one. I mentioned parity of esteem in the past and it is true. We do need to ensure that mental health is treated in the same way that physical health is treated. It needs to be equal treatment.

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

In particular, how involved have G.P.s been in making primary care in the community, which is the aim of the J.C.M. (Jersey Care Model), making that affordable? To what extent is that happening?

### **Senator S.W. Pallett:**

In terms of affordability, I think it goes into a wider issue that I know the Deputy has close concerns around. Again, I support him. I think there has to be care, it does not matter whether it is physical care or mental health care.

[10:00]

It needs to be affordable and it needs to be accessible to people in the community. I think with the G.P. service we do. There are some decisions we are going to have to make about how we deal with that affordability, as the Deputy is aware. But people need to be able to access it quickly. There are various pathways into our mental health services, some of them are already free, others we may have to consider how we deal with the affordability and accessibility. But I support the Deputy. They do need to be affordable. That is a decision the Assembly are going to have to make in the next few weeks.

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

I thank Members for joining in. Can the Senator update us on the impact of the outstanding strategies, I talk about the carer strategy, dementia strategies, and how they are so important to the ongoing support of mental health services.

### **Senator S.W. Pallett:**

I suppose one of the disappointments I have around the dementia strategy is we have not really progressed in a way we need to. We know that we are going to be dealing with a lot more elderly people - although it does not just affect elderly people - with dementia in coming years. So we do need to have a strategy that deals with that. That is something we do need to put some effort and concentrate on before the end of this political term. As I think the Deputy knows, suicide framework is being moved forward - another key area - in ensuring that we are supporting Islanders through difficult times and they do not end up doing something that is avoidable with the right support. But all areas of mental health need to be dealt with equally but I think some of the strategies that are involved are cross-cutting through Government, and it is important that I think we assess and we take time to reflect before too long on some of the strategies that have not had enough effort put into to date, and dementia strategy is one of those. I have spoken to the dementia charity and they are clear that they want to see some more progress made on this, and I understand where they are coming from.

### **3.3 Deputy S.M. Ahier of St. Helier of the Minister for Home Affairs regarding the measures available to deal with cyclists who injured pedestrians (OQ.252/2020)**

Will the Minister advise of any measures he is able to take to prevent incidents of pedestrians being hospitalised after being hit by a cyclist travelling downhill on the pavement against the flow of traffic?

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

I would not wish to take any measures to prevent incidents of pedestrians being hospitalised after being hit by a cyclist, on a hill or otherwise, against the flow of traffic or otherwise, if the injury justifies such hospitalisation.

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

The person in question had 3 broken ribs, a punctured lung, and a gash to the head, she was detained in hospital for one week. Will the Minister consider introducing legislation to ensure that all cyclists have third party insurance so that those who are injured by cyclists can receive just recompense?

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

I hope the lady concerned has fully recovered. The matter of insurance for vehicles on the roads is a matter for the Road Traffic Law, I think, and it is a matter for the Minister for Infrastructure, not the Minister for Home Affairs.

### **The Bailiff:**

I think that must be right, Deputy Ahier.

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

I would like to ask the Minister, would he consider extra measures to enforce when cyclists are riding on the pavement, as we have increased complaints from the parishioners in St. Helier and the enforcement, from their perspective, does not work well.

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

Normally, riding a bicycle or any other vehicle on a pavement or against the flow of traffic is an offence in any event so such incidents should be reported to the police, and that is the Honorary Police or the States of Jersey Police. I believe that it is an offence. The matter does get a little more complicated as there are some pavements where some cyclists are encouraged to use the pavement. One of them I believe is Beaumont Hill and there are some roads in town where cyclists are also encouraged to drive against the normal flow of traffic.

### **3.3.3 Deputy I. Gardiner:**

Would it be possible for the Minister to provide the statistics of cyclist offences that happened during the last year so we can see what has really been happening and not just anecdotal evidence from parishioners?

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

I will see if I can get that information. I imagine that many such incidents will be dealt with at Parish Hall Inquiry level so I would not have those statistics, but I can find out what statistics are available.

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

I am sure the Minister is intimating that this question should perhaps have been addressed to the Minister for Infrastructure. Does the Minister for Home Affairs believe that the absence of a cycling strategy, which is long overdue, is frustrating the ability of various enforcement agencies to spell out to cyclists what is and is not acceptable as they make their way around the Island?

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

I do not really think so. The law exists. The law is clear. Cyclists should be aware that generally they should not be riding on pavements or being a nuisance or riding dangerously on any road. One of the things which concerns me a little bit is cycles and electric cycles now seem to be going faster and faster, and they are not subjected to speed limits and I would like to see them subject to speed limits in green lanes, for example, where they can go faster than the cars are allowed to do, which not right in my view.

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

The Minister appears to be suggesting that he believes the Road Traffic Law is fit for purpose in this regard. Does he believe there is enough of an understanding out there in the public that cyclists should always give priority to pedestrians? Certainly this is not the case in the currently closed Broad Street, despite my asking the Minister for Infrastructure to make the signage more clear. Will the Minister for Home Affairs undertake to speak to his colleague in the Council of Ministers to see if, together, they can make the situation clearer to all road users?

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

I really cannot speak for my colleague Minister, but I am always happy to talk to him about any issues. But of course the Constable, himself, really has the ability to speak directly to the Minister rather than using me as conduit and a third party.

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

Does the Minister believe that rather than more punitive laws towards those wanting to take sustainable methods of transport, what is necessary is a more informed and understanding of the use of shared space on the Island and that is something that perhaps his police force and other members who are in contact with the community could be absolutely crucial in promoting?

**The Connétable of St. Clement:**

I can assure you that all members of the Home Affairs Department would quite happily work with any agencies to help improve understanding of the regulation and laws regarding cyclists and other road traffic situations. I think perhaps some cyclists should be reminded of the 1956 Cycle Order, which was made by the Minister for Infrastructure regarding the use of cycles and warning devices and so on because I am not quite sure that everyone is abiding by it.

**3.3.7 Deputy R.J. Ward:**

Does the Minister think that introducing a legal requirement for third party insurance will inevitably extend to perhaps those going for a walk because they may jaywalk, or those walking their dog because somebody may trip on it or anyone who owns a pet that may trip somebody over and therefore is unnecessarily punitive?

**The Connétable of St. Clement:**

It is not something which I will consider under my own ministerial remit but of course most individuals who own or rent property will have third party insurance anyway through their property insurance.

**3.3.8 Deputy K.F. Morel:**

The Minister referred to enforcement and people reporting instances of cyclists on pavements. I regularly see cyclists cycling through the Royal Square and on pavements throughout St. Helier. How would the Minister suggest I report those people given that I do not know their names, I do not know their addresses and I have no means of asking them that when they are travelling at 20 miles an hour?

**The Connétable of St. Clement:**

If such incidents are reported to the police or to the Parish Hall, the police and the Parish can eventually work out where the hotspots are and check on them, to keep an eye on particular areas.

**3.3.9 Deputy K.F. Morel:**

Given that one of the hotspots is the Royal Square right outside this building, will the Minister for Home Affairs be asking police officers to monitor that area and enforce the law with regard cycling in that area?

**The Connétable of St. Clement:**

I am quite happy to inform the Parish of St. Helier and the States of Jersey Police that Deputy Morel thinks that the Royal Square is a hotspot for these incidents.

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

Would the Minister support a bicycle registration scheme, both for electrified and otherwise, if it were to be brought forward by the Minister for Infrastructure?

**The Connétable of St. Clement:**

That is a question I would have to give consideration to but I do not think it is ... I am being asked that question as Minister for Home Affairs. When it comes to that debate, if it does occur, I would be dealing with it as an elected Member of the States, the Constable of St. Clement, so I cannot

answer that question because at this present moment I do not know, it would depend on what the proposition exactly was.

**The Bailiff:**

Indeed, Connétable, I would have ruled that question out of order had you not begun to answer it. I do not think that question is in order.

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

I was going to ask whether the Minister thinks we should bring back the death penalty for anyone caught cycling on a pavement but I think I will not do that because it is probably too good for them. He may not have the exact stats to hand but could he confirm whether there are more injuries caused by cars hitting pedestrians in Jersey than there are bikes hitting pedestrians?

**The Connétable of St. Clement:**

As the Deputy implies, I do not know and I am not going to guess. I would suspect that is probably the case but I do not know. He made this comment about me wanting the death penalty for cyclists. I really do not understand what that is about because I am not anti-cycle whatsoever. My comments this morning have indicated that.

**3.3.12 Deputy M. Tadier:**

That comment was not directed at the Minister, maybe just other Members. The supplementary is: does the Minister believe, as far as it impinges on the Home Affairs portfolio, that rather than new legislation to resolve any issues that might exist between cyclists and pedestrians that shared use of space and greater awareness of the built environment and how we might allow the 2 to co-exist is probably a more effective way of avoiding these kind of incidents in future.

**The Connétable of St. Clement:**

I think that is probably right. But the reality is we have all got a part to play in this. Whether we are a motorist, a pedestrian, a cyclist, a horse-rider, a scooter rider, whatever, we have a duty of care to other road users. We should exercise that. We are all responsible.

**3.3.13 Deputy L.M.C. Doublet:**

Could the Minister just outline what the impact of reduced police numbers is on the ability to do proactive policing, such as catching people cycling on pavements?

**The Connétable of St. Clement:**

The police, whatever numbers we have, will prioritise what is important at any particular time. As the Deputy knows, speeding was one which the police had an operation on a few weeks ago in co-operation with the Honorary Police and was very successful. If it is decided between the Honorary Police and States of Jersey Police that a purge on cyclists not having bells, or whatever, is a priority for the Island then I am sure they will do that. But police numbers are not reducing, I would say to the Deputy. Police numbers are increasing and we are nearly up to the maximum that was agreed in the Government Plan last year of 215 officers from 190 we were down to at one point.

**3.3.14 Deputy S.M. Ahier:**

Can the Minister ask the States of Jersey Police to keep a record of each incident of pedestrians being hit by cyclists so that a full understanding of the problem can be evaluated?

**The Connétable of St. Clement:**

I am absolutely sure that such records of all accidents involving injury are maintained. I am pretty sure that is the case.

[10:15]



### **3.4 Deputy G.P. Southern of the Minister for Social Security regarding the Care Needs at Home project (OQ.259/2020)**

Will the Minister explain the rationale behind the decision to defer the implementation of the Care Needs at Home project by one year, in the light of the continuing commitment to increase care at home contained in the Jersey Care Model?

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

I have not announced any plans to defer the Care Needs at Home project by one year.

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

Is there to be any change in the schedule that she has originally come out with over the Carers' Strategy?

**Deputy J.A. Martin:**

This is not a Carers' Strategy. The Deputy may remember we have a very small group of people, I think there are between 80 and 100 people who are very vulnerable and we need officers to literally go into their home and make sure what their care needs are and it may need a bit of money, it may need help in different ways. This is why they are going from one form of benefit to another. I hope that helps the Deputy with who these people are.

### **3.5 Deputy R.J. Ward of the Minister for Treasury and Resources regarding the tax liability of High Value residents (OQ.256/2020)**

When will the next review of the tax liability for High Value Residents be undertaken; and what plans, if any, are there to consult with the wider population of Jersey regarding any changes to that liability?

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

Following the review of the 2011 tax regime element of the High Value Resident Scheme in 2016 the States Assembly agreed a new version of the regime which took effect from 2018. A number of changes of provisions of Article 135A of the Income Tax (Jersey) Law 1961 were made in the 2018 Budget and Finance Law. The new regime included the new minimum tax contribution of £145,000 annually. Subparagraphs (12A)(a) and (12A)(b) oblige me no later than 1st January 2023, and every 5 years thereafter, to consider whether the prescribed limits and rates of the latest version of the scheme are appropriate. Under the 2018 changes no increase may exceed the percentage increase in the retail price index in the same period. In the light of this I do not believe that it would be necessary or appropriate to subject the next review of the current regime to very wide consultation; although we will obviously consult key stakeholders including States Members.

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

Would it not be a good idea for the Minister to undertake an overall cost benefit analysis of the whole scheme before the next review?

**Deputy S.W. Pinel:**

Well, as I said in my opening remarks, in the next review in 2023 there will be wide consultation in advance of that.

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

Does the Minister agree that one of the fundamental tenets of economics is supply and demand and, given that it is widely reported that High Value individuals and families around the world are looking for safe, small islands to live in, that it is time that the Island responds to this increase in demand by raising the price of High Value Residents coming to live in Jersey?

**Deputy S.W. Pinel:**

The last review told us that Jersey's regime remains internationally competitive while expecting individuals to contribute more than they would do so in a number of key competitive jurisdictions. It must be remembered that besides annual tax contribution High Value Residents contribute other monies to the Government, including stamp duty, and many of them are likely contributors to charities, local employment and services.

**3.5.3 Deputy K.F. Morel:**

I also contribute a lot more than just my taxes but I do not get preferential rates. But would the Minister agree that the previous review being certainly before COVID-19 is now out of date and, as such, the world has changed a great deal and it is time for a new review to take place?

**Deputy S.W. Pinel:**

As I again said in my opening remarks, these reviews take place every 5 years. I agree with the Deputy that obviously the world has changed in the last 6 or 7 months but one cannot have a review every time there is a change in the global economy. So it will stay at every 5 years but obviously we will start in advance with consultation.

**3.5.4 Deputy G.P. Southern:**

Given the Minister's commitment and indeed this Assembly's commitment to reducing income inequality, does she not think that an earlier review of the conditions for High Value Residents should take place before 2023?

**Deputy S.W. Pinel:**

I think that is the same question as I have just answered. The reviews are planned for every 5 years, as I have already said, and I do not think there is necessarily going to be one before 2023.

**3.5.5 Deputy G.P. Southern:**

But given the Minister's commitment to reducing income inequality does she not think that 2023 might be rather a long way away and that she should do the review beforehand?

**Deputy S.W. Pinel:**

No, at this stage I do not.

**3.5.6 The Deputy of St. Mary:**

From the figures kindly provided to me by the Minister some 2 weeks ago it appears that the 1 per cent rate charged over and above the minimum for this category of persons produced a total of £1.65 million in the year 2018 which, based on the number of people so contributing represents an average of only £10,000 a year. Given the element of divisiveness which this 2-tier system produces in the eyes of some residents does she not agree that it would be sensible to reconsider whether this 1 per cent rate should continue to be applied, possibly at the expense of increasing the minimum rate for this category?

**Deputy S.W. Pinel:**

Yes, I do. It is quite a difficult one because the tax regime has been reviewed several times since it was first introduced after 2005 for high value residents and the 1 per cent rate was introduced, and it is virtually impossible by law to change retrospective tax regimes. So I agree with the Deputy that to keep with a lower rate of 1 per cent is probably not the way forward, which will obviously be discussed with the 2023 review. But at the moment one cannot by law change a retrospective tax regime.

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

In one of the Minister's earlier answers she referred to charitable contributions made by High Net Worth Residents, which would come under the legal term written in the law as a social benefit category of their contribution; but we do not measure or define social benefit. Does the Minister think that it would be better for us not to rely on the assumption of social benefits coming from high net worth and instead simply up the tax rate?

**Deputy S.W. Pinel:**

I am not quite sure I understood that. Did the Deputy mean put the tax rate up for H.V.R.s (high value residents) or across the board? Everybody makes charitable donations.

**Deputy J.H. Perchard:**

Sorry, I will rephrase. An argument that we have heard repeatedly from previous Governments about not changing the tax rate for H.V.R.s has been the fact that they contribute in a social benefit capacity, but given that we do not define social benefit or measure it should we not get rid of that in law and simply focus on the tax side of it and put the rate up instead of relying upon the idea that they might contribute to charity?

**Deputy S.W. Pinel:**

Thank you to the Deputy for rephrasing the question. We could look at the definition of social benefit again, of course we could, but I think it is broader than just contributing to charities; it is the services, the people that are employed on top of all the benefits to charities. So it is not just a complete contribution into the economy which H.V.R.s pay, and I do not think that you could pick one benefit out of another.

**3.5.8 Deputy R.J. Ward:**

May I thank other Members for their really insightful questioning there. May I ask the Minister finally, are some prospective High Value Residents being encouraged to apply for status to come here and work for an already established business rather than getting businesses to apply for an employment licence so that they would pay the full rate of tax?

**Deputy S.W. Pinel:**

I cannot answer the question directly because I do not have the information on what each High Value Resident does with their business, whether they have businesses to run here, how many people they employ; so it is a very broad question. Out of the 177 high value residents it is very difficult to give a definitive answer to that.

**3.6 Deputy M. Tadier of the States of Jersey Trustee of the Jersey Community Relations Trust regarding the statue of George Carteret in St. Peter (OQ.254/2020)**

Was the Jersey Community Relations Trust consulted about the erection of the George Carteret statue in St. Peter in 2014? If so, will the Deputy provide details of that consultation?

**Deputy L.M.C. Doublet (States of Jersey Trustee of the Jersey Community Relations Trust):**

I thank the Deputy for the question. Upon examination of the minute books, no record of any consultation with the J.C.R.T. (Jersey Community Relations Trust) has been found.

**3.6.1 Deputy M. Tadier:**

I thank the Deputy for that answer. Given the fact that Sir George Carteret was one of the most famous, if not most prolific, slave traders that Jersey has ever produced and contributed to immense suffering of the people that he enslaved and those who died in transit on his boats going over to the Caribbean and elsewhere, does the Deputy think it is strange that in 2014 when a statue was put up of a slave trader that the Community Relations Trust was not even approached for a view on how it might affect people in the black community living in Jersey?

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

I do think it is strange that a statue would be erected without sufficient background research being done into the background of the person who is on that statue, yes. I think that is what has happened. I think perhaps it is not strange that the J.C.R.T. were not consulted because I think the diversity issues just were not discovered with any research done around the statue and that is why nobody was consulted. But I do think it is strange in 2014 that that research was not conducted at all it seems.

**3.6.2 Deputy K.F. Morel:**

When the Jersey Community Relations Trust undertake consultations for research does it ordinarily place the results of that research of consultation on to its website?

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

Yes, there have been some issues with the website. Last year I think the website was hacked so we were without a website for some time, and we are currently undergoing a rebrand. But, yes, all of our reports are publicly available and if any members of the public or any States Members want access to any of those reports please do email me and I will make sure those are forwarded. But J.C.R.T. does tend to do reports on big issues, so research reports in a similar way to a Scrutiny report rather than smaller consultations.

**3.6.3 Deputy K.F. Morel:**

I have looked at news and consultations and news of consultations on the J.C.R.T. website but unfortunately the website has no information past 2013. Will the Chair please endeavour to ensure that the Community Trust uses its website for the community to place news so the Island can understand what the Community Trust is doing?

[10:30]

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

Absolutely, and I will repeat what I have just said that there have been some issues with the website being hacked. We are undergoing a rebrand and once that is complete all the reports and consultations will be available publicly on the new website.

**3.6.4 Senator S.Y. Mézec:**

Could I ask the Deputy in her capacity with the Community Relations Trust whether she has a particular view about the way forward on this rather delicate subject where we have an active glorification which took place just a few years ago of a man who, in his own time, was extremely unpopular in the Island and who inflicted misery and awful actions against black people which even at the time were considered reprehensible - if not by the aristocracy of which George Carteret was a part of. In our community now, reconciling those issues and what it means today, does the Deputy have a view about what could be a good way forward in having that discussion and working out what we do with these offensive monuments, which for some reason still are in place in Jersey today?

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

I think that the solution to this issue should come from members of the black community, so I would like to see what they would like done with the statue. I understand that a compromise has been offered whereby the statue would not be destroyed but could be possibly displayed in a museum setting in Jersey, and with the requisite information and historical details accompanying the statue. Personally I feel that would be a good compromise.

**3.6.5 Deputy M. Tadier:**

I think that the Deputy was kind when she said that when she said the statue was put up proper research had not been done. It is the case - because I have spoken to the person who gave advice to the former Constable of St. Peter ...

**The Bailiff:**

Deputy this does have to be a question and at the moment you are informing ...

**Deputy M. Tadier:**

It is a question; it is the context. Is the Deputy aware that when the statue was constructed and erected it was done in the full knowledge of George Carteret's slave trading past, and that the person who put it up put it up irrespective of that and, therefore, it is not a case that the research was not done but it is a case that it was put up in the full knowledge of that fact? So with that in mind, does the Deputy think that it is completely unacceptable that the Community Relations Trust were not consulted?

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

It does surprise me to hear that that research would have been done by the people putting up the statute, and I do not think it is acceptable, no. With full knowledge of that individual's past and history I do not really think it is acceptable to put up a statue to that person if that knowledge is something that is known about at the time; no, I do not agree with that.

**3.7 Deputy K.F. Morel of the Minister for Education regarding the measures taken to encourage children to cycle to school (OQ.255/2020)**

Given the large volumes of motorised traffic and the Government's desire to encourage the use of non-motorised transport what steps, if any, is the Education Department taking to discourage the use of cars for the transport of pupils to and from schools? What, if anything, is the department doing to encourage children to cycle to school?

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

The encouragement of cycling and other non-motorised options for transport for pupils relies not just on my department but many others who support us with training, infrastructure improvements and other aspects. A cycling proficiency scheme now known as Bikeability is offered to primary schools for pupils in year 6. The numbers of primary schools that are involved varies from year to year but usually between 10 and 13 are involved in year 6. Recently Jersey Sport has trained and employed staff who are now dedicated to eventually delivering Bikeability to all primary schools. Additionally cycling courses are run during school holidays for children who have either been unable to attend school courses or wish to develop their own road-riding skills. Officers from Environment and Infrastructure tried to run an annual campaign aimed at encouraging primary school children and their parents to walk and cycle to school and they are presently preparing to test a walking bus scheme. They are also in the final stages of recruiting a new policy officer for sustainable transport. This new recruit will take on the further development of this work and the implementation of the Sustainable Transport Policy, which was approved by the States Assembly in March 2020.

**3.7.1 Deputy K.F. Morel:**

I would like to thank the Minister for her full and comprehensive answer. I would also like to ask if the Minister or the department has any plans to ask its schools, particularly its secondary schools, to restrict the numbers of cars dropping off and picking up children from the schools, particularly in secondary schools where children perhaps have many more ways of getting to school?

**Senator T.A. Vallois:**

It is not something that I am aware is proactively assessed or decided on in terms of the access to the secondary schools. I know historically that, for example, Hautlieu, where we had students that were driving to school, there was a ban for a period then for cars on the property, but I can certainly go

back and discuss how that might be feasible, bearing in mind this is asking parents to stop doing something such as that. But we will also have to ensure that we have got appropriate bus networks in place as well, as I understand some buses that go to some of our schools are particularly overstretched with students.

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

Does the Minister believe that enabling a free bus service for children to travel to school would be one way to encourage people out of cars, even if that means increasing the number of buses as they become more popular among young people because of the zero cost?

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

Yes, I have no doubt that having some form of free bus service would encourage more on to buses and, therefore, an increased requirement for the bus service.

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

Does the Minister believe that LibertyBus and the Minister for Infrastructure could do more to improve the service to schools, including a wider service to Hautlieu and Highlands throughout the day for our older students who would then have access to their courses, which are not at set times during the day?

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

I would particularly like to see more support in terms of the bus service to the areas around Highlands and Hautlieu, in particular. There have been some issues around that particular offering. I was slightly concerned around the timings; of course as the Deputy has mentioned, at different times of the day the bus service does not necessarily go all year around up Wellington Hill as an example, but maybe there is some further work that I can do. I do deal with the Minister for Infrastructure in terms of discussions around that transport and the Sustainable Transport Policy.

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

Given that the Minister has described certain bus services for schools as being overstretched, and she is already speaking to the Minister for Infrastructure about the sustainable transport policy, would the Minister provide the Assembly with assurance that those discussions with the Minister for Infrastructure are regular and ongoing and aimed at being finished at some point so actions can be taken?

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

Yes, what I would refer the Deputy to is the Sustainable Transport Policy, which identified a need for large areas of work to be carried out, one of which was a bus service development plan and active travel plan as well, working closely with the Assistant Minister of Economic Development around the active strategy. So these are all strategies and policies that come together for us to implement appropriately, and of course these have been delayed, like many other policies, but we continue to work on them actively and ensure that we get something in place sooner rather than later.

## **3.8 Deputy K.G. Pamplin of the Minister for Children and Housing regarding the mental health and wellbeing support offered to children and young people (OQ.262/2020)**

Further to the funding recently provided to Children, Young People, Education and Skills for a well-being and recovery plan, will the Minister provide details of the backlog caused by the COVID-19 pandemic in cases of children and young people needing mental health and well-being support. Will he explain why the plan was not in place earlier, maybe at the start of the pandemic?

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

A backlog of cases has built up due to COVID-19 and an inability to undertake face-to-face assessments until we moved to level 1 in August. That backlog includes 19 children and young people currently waiting for an initial C.A.M.H.S. (Child and Adolescent Mental Health Service) assessment and 69 young people awaiting further treatment. The average waiting time for treatment after referral has increased from 11 weeks pre-COVID to 13 weeks now, and if the Deputy can be more specific about what detail within the backlog he is seeking I can try and provide him with that detail. But this has been mitigated as far as is possible by the extraordinary efforts of staff right away to change the way they work, doing what they can online, and by other services like the Y.E.S. (Youth Enquiry Services) Project stepping up its support, and also setting up of the Meadow View facility. I am pleased to say that the dialectical behaviour therapy team have been shortlisted for a national award from the Association for Psychological Therapies for the way that they were able to spearhead a virtual delivery of their service. But these difficulties were inevitably exacerbated by the need for some families and staff to shield through lockdown. As the Deputy knows, there is a wider service redesign for C.A.M.H.S. and thankfully that has not been disrupted too much by COVID. But the reason that the specific plan he referenced in his question was not in place earlier was simply because it is there to address a backlog caused by not being able to undertake face-to-face assessments, so those extra temporary staff had they been there earlier would not have been able to undertake the work that they are there to undertake because it was down to those physical restrictions that were in place.

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

I think it begs the question again. At very early stages when - as the Minister has just described - that face-to-face was not going to be possible, however adult services were moving quickly to ensure that contact remained; can he explain why this was not acted upon quickly because it would have been identified that a backlog quickly would have been happening.

### **Senator S.Y. Mézec:**

I do not know if I accept the premise of the question. I think that in very difficult circumstances of course all parts of the mental health service, but C.A.M.H.S. included, have attempted where they can to provide services in a different way and in an appropriate way, given the lockdown restrictions that there were. Of course that was not easy to do, but many have I think done remarkably considering that. So I think I just do not accept the premise that people have been slow here; it has just been a very difficult and unfortunate context we find ourselves in.

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

Awards nominations and remarkability aside; does the Minister think it is acceptable for young people and children to be waiting 13 weeks for their assessments and their treatment?

### **Senator S.Y. Mézec:**

No, not even vaguely, and we have to work to effect systemic change to get support in place so whatever the context, whether it is in a pandemic or otherwise, that those waiting lists go down and that those young people are given what I think they frankly deserve, which is timely support when they are facing health problems, mental, physical or otherwise. That is why there is a wider service redesign for C.A.M.H.S. taking place and I have no doubt that we will be discussing the resourcing of some of that during the Government Plan debate.

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

The buck stops with the Minister, so does the Minister believe he has done enough to address this 13 week wait?

### **Senator S.Y. Mézec:**

As I have said to the Deputy, there is a wider service redesign for C.A.M.H.S. taking place. If that falls off track or if that ends up not resourced appropriately or it ends up not working then that will of course be my failure to carry, and I hope that we will not be in that situation. But this requires systemic change and that is not easy to do and can take a lot longer than any of us would like.

#### **3.8.4 Deputy S.G. Luce of St. Martin:**

Could I ask the Senator what work has been done to allow children to have access to the same counsellor when they reach the age of 18?

[10:45]

#### **Senator S.Y. Mézec:**

Relatively early on in the pandemic there was a significant amount of work that took place on this because of recognising that even in the best of times, but in particular with everything that was going on, young people facing disruption when they hit adulthood was not particularly good for them and work was done to provide continuity for those young people hitting that point in their life. I think we are going to have to have a wider think about how that can be regularised and how people who are receiving treatment and support get that continuity in the long run.

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

Does the Senator agree with me that it is vitally important that a youngster, 16, 17 year-old that is receiving help continues with that same person through into 18 and 19 and that a change of counsellor at that time could be absolutely detrimental to good work that has already been done?

#### **Senator S.Y. Mézec:**

I think that is a really good point and I am aware through my work of having met young people whose lives have been turned around largely because of a particular relationship they have struck up with somebody in the service who has been helping them. I think for arbitrary reasons to have somebody lose access to somebody who is clearly having a positive impact in supporting their health would just not be the right thing to do. So I certainly do agree with the point that the Deputy is making.

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

Can I just push the Minister further on the extent of the current backlog, if he could answer that please, in terms of are they known members to the service, and how the money will help shorten it; can he explain that?

#### **Senator S.Y. Mézec:**

I would have to have a think about the specific numbers in terms of who was known by the service beforehand. I have got in front of me headline figures, which I have already shared with him. If he wants to drop me an email I can provide him detail on what he has just asked and perhaps some other things that he might find helpful as well. I think he referred to the funding that has just been released now; that will be providing greater access for those young people to that support that we have not been able to provide over the last few months in the numbers that have been needed to prevent those waiting times from going up, and in terms of providing access to mental health practitioner support workers and a child psychiatrist as well. We know that is needed and so that is why that particular amount of funding has been released, to see us through to the end of the year before hopefully, with the Government Plan debates, we will have more stable funding for the future.

### **3.9 Deputy R.J. Ward of the Chief Minister regarding the undertaking of a Children's Right Impact Assessment for the forthcoming Government Plan (OQ.257/2020)**

What level of Child Rights Impact Assessments, if any, have been undertaken in respect of the forthcoming Government Plan?



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

We have committed to bring forward a due regard law which will indirectly incorporate the United Nations Convention on the Rights of the Child into Jersey domestic legislation. While a Children's Rights Impact Assessment, or C.R.I.A., has not been undertaken in relation to the Government Plan our priorities to develop the legal framework would fully introduce a statutory C.R.I.A. during 2021. So to help us to prepare Ministers, non-Exec Members, government departments and public authorities for indirect incorporation we have commissioned a training needs analysis from the University of Wales Trinity St. David. This will be published shortly and will shape the provision of training resources ahead of legislation. We are also continuing to develop a Jersey C.R.I.A. process with support from the Children's Commissioner, and that is going to be piloted in the coming months. As the Deputy will have seen from written answers to questions today, there have been 2 C.R.I.A. initial assessments also trialled.

**3.9.1 Deputy R.J. Ward:**

I thank the Chief Minister for his answer and his support for our Child Rights Impact Assessments. I just ask him whether he feels that perhaps there was a missed opportunity with the Government Plan for the Chief Minister to lead the way for other Members in encouraging the use of these impact assessments and showing how positive they can be for the future of the Island.

**Senator J.A.N. Le Fondré:**

No, I do not think it was a missed opportunity. I make the point that this process is being introduced; that is why I think trialling things in small areas to make sure of what the impacts are, understanding them, is absolutely appropriate. I do make the point though that obviously in preparing the Government Plan we do have to take account of the sustainable well-being of the inhabitants of Jersey, the success of its generations, therefore we are already taking account of certain impacts of what we are proposing to bring to the Assembly.

**3.10 Deputy K.F. Morel of the Chief Minister regarding the incorporation of home-working withi the OneGov office strategy (OQ.258/2020)**

In developing the OneGov office strategy what steps, if any, is the Government taking to incorporate the effects of home working by staff into the assessment of its future office needs?

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

In developing plans for a single office a degree of agile working has been concluded in terms of desk to staff ratios and spatial requirements. In more recent times, as a result of the COVID-19 situation, we know that more staff want to work in more agile and flexible ways, so officers have been asked to consider the implications of more home working and how that would impact on the current plans for our new building. I am advised that with more agile working there is the opportunity to effectively accommodate more staff in a new building and that could also realise greater efficiencies across the public sector. In parallel, officers are in the process of developing an agile working strategy that will ensure that agreed and consistent principles are applied across the organisation to offer public service staff the flexibility that aligns with modern lifestyles.

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

The Minister, in his response, mentioned that more staff could be accommodated in a building in which agile working and home working are encouraged. Would it not also make sense to see it as fewer staff would need to be accommodated in a building? So, should 30 per cent of staff be working from home on any given day - as is happening in many private offices - a 1,500-person building would only need to be a 1,000-person building. Is that not an appropriate way to view this cultural change in working that has taken place over the past few months?

**Senator J.A.N. Le Fondré:**

I take the point the Deputy is trying to make but what we are saying is that if we have less people in the building we can, therefore, bring more people from other places and free up those places that those people are presently working in and, therefore, achieve greater efficiencies. There is a balance between people working from home and, as we have all experienced in the isolation period we have all been through, and the kind of networking and well-being of people working in an office together. So that is the balance we are also trying to achieve. The Deputy is absolutely right in what we have talked about in terms of home working, there is provision in that we have looked at the office strategy from the perspective of COVID-19 and the impact there, but we are satisfied that the principles are that if the original cohort that we were looking at is reduced from the principles of homeworking we can bring more people into the strategy and, therefore, achieve greater benefits for the public and for the workforce.

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

When the new office building is eventually constructed can the Chief Minister give the Assembly an assurance that it will be on States-owned land and it will not be rented or leased from a private company?

**Senator J.A.N. Le Fondré:**

At this stage all options are on the table and the tender process is due to come back to myself and other Ministers relevant to that group, I believe, during the course of this month. I also believe that we are giving Scrutiny an update I think this Thursday, if not the following Thursday.

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

Does the Chief Minister agree with me that the States currently owns too much land and purchasing further land for the construction of a new office building would seem to go against the grain?

**Senator J.A.N. Le Fondré:**

I can understand what the Deputy is saying. I agree with his first comment, which is that we do have too much planned and too many buildings, a number of which are not up to standard and provide a poor working environment for our staff, as well as being inefficient to run. Therefore, the whole principle behind this is to get our staff into better working conditions, to save money for the taxpayer and ultimately to release sites for much needed housing, which will be brownfield. But in terms of what is the best strategy, that all depends on timing, what can provide the best fit for the requirements of the States - and there are a whole number of variables in there - and, as I say, Scrutiny will be getting their latest update I believe in the next couple of Thursdays. Once we have got a position obviously we will be bringing that to States Members at the very least as a briefing and then, subject to what the outcomes are, there will be references either in the Government Plan or as a separate approval.

**3.10.4 Deputy G.P. Southern:**

The Chief Minister just mentioned decent working conditions for the staff. Does he consider that Broad Street is arranged in such a way that actually it is a sick building and that there is not enough access to daylight, which in the long term will cause serious problems to people's health?

**Senator J.A.N. Le Fondré:**

I certainly would not go to that extent. Broad Street is not without its difficulties but it is a significant improvement on previous accommodation that we were occupying. We can certainly see a lot better working practices coming out and that is people working together, silos breaking down, all those types of issues from the move to Broad Street; so I think it was a good result. In terms of daylight, we will make sure that is covered in any future schemes that are brought forward.

**3.10.5 Deputy G.P. Southern:**

A related topic: do the current sites on the Parade and in Broad Street provide sufficient access to the public so that the Government can show its best face to the public, or are those places very difficult to get into? You end up stuck in front of a door that is locked and you have got to wait for a member of staff to come in. Especially now that we have done the rear of Broad Street ...

**The Bailiff:**

I am not sure that is focused into a question yet, is it, Deputy Southern?

**Deputy G.P. Southern:**

Does he agree that we are not presenting our face in the current structures?

**Senator J.A.N. Le Fondré:**

I think we are still operating under COVID restrictions and, therefore, by dint of that of course the public access is not what we would all want. Prior to that I would say the access to Broad Street, as far as I was aware, was perfectly effective.

**3.10.6 Deputy R.J. Ward:**

In the provision of these office spaces and facilities will this be extended equitably to non-Executive Members of the Assembly, which is a benchmark for good governance?

**Senator J.A.N. Le Fondré:**

Indeed I think in answer to one of the written questions, the proposed office strategy will be considering better facilities for States Members. It will obviously be a matter for Members to consider.

**3.10.7 Deputy R.J. Ward:**

Can the Minister reassure that that consideration is equitable and gives non-Executive Members the facilities they need to perform the role that is so essential to hold Government to account?

**Senator J.A.N. Le Fondré:**

As far as I am concerned anything we do will be an improvement on the facilities that Members presently have. I would need to understand exactly what the Deputy means by equitable. I imagine it will be up to a fit standard and appropriate for the type of business that we all do in our various roles.

**3.10.8 Deputy K.F. Morel:**

In my previous question I mentioned that private offices are restricting the number of people who work to 50 per cent, 30 per cent, 20 per cent, keeping them away from the office. Would the Minister advise the Assembly as to whether there is any percentage of office staff that the Government is using in its modelling that it intends to say: "No, we will only work on 80 per cent or 70 per cent of staff being in the office at any one time."

[11:00]

In their modelling is there any particular percentage that the Government is working to?

**Senator J.A.N. Le Fondré:**

I have to say I will have to go back and confirm what that percentage is. It would not surprise me that there is some form of modelling exercise in terms of percentage. I do not know what that is but I will come back to the Deputy in due course.

**3.11 Deputy G.P. Southern of the Minister for Social Security regarding the minimum wage (OQ.260/2020)**

Will the Minister provide Members with details of the proposed review of how the minimum wage is agreed?

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

I have not announced a review of how the minimum wage is agreed.

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

When will she announce that review?

**Deputy J.A. Martin:**

Nothing has changed since the debate in here and the Written Questions on 261. It is still not the time to go out and consult because the way businesses are. So as I say, we are where we are.

**3.11.2 Deputy R.J. Ward:**

Given the in-committee debate that we undertook in recovery, and there was so much talk of a living wage, can I ask the Minister whether she will be promoting a living wage beyond that of a minimum wage in order to move our society forward?

**Deputy J.A. Martin:**

I did listen to the in-committee debate and I was thinking somebody else might propose that. At the moment I am not proposing anything but the minimum wage.

**3.11.3 Deputy R.J. Ward:**

Can I ask the Minister whether she would - and encourage the Council of Ministers to - support the move to a living wage on this Island in order to give more control to those working over their lives?

**The Bailiff:**

Minister, I will allow that question because it seems to flow from the one that went before but could I remind Members that this is not a general question period for the Minister for Social Security and the question is really focused on the minimum wage and the review of the minimum wage, and moving into other forms of wage calculation I think is outside the general parameters of the question. I will allow this particular supplemental but no other questions that are not related to the minimum wage.

**Deputy J.A. Martin:**

The answer to the Deputy is there are many other considerations to be taken into account, especially with what we have just gone through and where the economy is. That is all I can answer at the moment. As you say, it was not the question I was prepared to answer.

**3.11.4 Deputy K.F. Morel:**

In the recent debate on the minimum wage I said that COVID-19 was the reason we needed a rise in the minimum wage. Given those are my views, will the Minister commit to undertaking a review of the minimum wage in the near future in order to ensure that Islanders who are paid the very least have a level of wage that they are capable of living on in this Island?

**Deputy J.A. Martin:**

It was established in the debate I do have to go out and ask the Employment Forum to consult. I am still not convinced that it is a good time. I want the consultation to be about the economy as it is today, about the workers, and when I and Chief Minister feel that it is a good time to go out that is what we will do.

**3.11.5 Deputy K.F. Morel:**

Under what precise conditions would the Minister consider it is right to ask the Employment Forum to undertake its review?

**Deputy J.A. Martin:**

I want a good consultation, I want the employers and the employees to have 100 per cent commitment to do the review, to reply to the review, and I am certainly not sure we are quite there yet. So I am sorry I cannot give the Deputy a time but I do discuss this probably every other week at Social Security and you will know when we go out because we ask the Employment Forum to do the review.

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

It is a question for the Minister for Home Affairs.

**The Bailiff:**

Deputy, this is questions with notice and not questions at large.

**Deputy M.R. Higgins:**

I am sorry, I have been out of communication for the whole of the morning trying to get connected. I am sorry I have come in at the wrong time, I thought we had moved on.

**The Bailiff:**

There is no opportunity on the Order Paper for questions to the Minister for Home Affairs in any event because of course the hour of questions does not apply now because we have gone past the end of September when it did apply. So there will be no opportunity for a question to assist you in that respect.

**Deputy M.R. Higgins:**

It is a great pity, Sir, he is going to escape again.

**Deputy G.P. Southern:**

May I just take the opportunity to inform the Minister that denial is not just a river.

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

**The Bailiff:**

We now come to the period of Questions without notice to Ministers. The first question period is for the Minister for Children and Housing.

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

Could the Minister provide an update to the Assembly of the Independent Children's Homes Association's review of children's homes here in Jersey, and the perimeters of that independent review?

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

They are due to be reporting back to me shortly. I believe that they have finished the investigative work that they were on-Island to do. There is a terms of reference that were prescribed to them which I can share directly with Members, if that is what they would like.

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

I thank the Minister for his answer. Having looked at this in the last 48 hours, does the Minister share a concern that I now have that an organisation with no experience in delivering an independent review where young people are the primary beneficiaries, are best placed to uphold this review?

**Senator S.Y. Mézec:**

No, I do not share that concern. The Children's Service has had multiple inspections during my time of office and the purpose of this particular review is merely to get another perspective to hear from others in the work that we are doing. I do not share that concern and I have been happy with how this has been conducted so far.

#### **4.2 Connétable S.A. Le Sueur-Rennard of St. Saviour:**

Could the Minister tell me why he is determined to go ahead with a memorial for the people who were hurt in the historic abuse that we had when the majority of the people do not wish to have a memorial but would like to have the money spent on maybe employing an extra staff member to help other people. Yet the Minister seems hellbent on having a memorial when the majority of the people do not want it.

#### **Senator S.Y. Mézec:**

I think this issue will transpire to be one of my big regrets as a Minister for the misunderstandings that seem to happen at all parts of this particular project unfortunately. The first thing to say is that work to reach where we are now began under the previous Government and has been continued to be supported by the current Government, and I am taking a lead on that. I do not think it is right to claim any sort of perspective from the wider public, and in particular those who have a particular interest in this subject. It is the case that there are split opinions; some people are in support, some people are against it. There will be a public opportunity for people to come and see what is meant by a memorial because unfortunately there has been misinformation about what the intention of this was and what physically it would appear to be. I also reject the idea about the money being spent elsewhere on staff or that sort of thing, firstly because it is leftover money from the Care Inquiry and does not sit within my budget so I do not have the freedom to redirect it elsewhere, but secondly, that through the Government Plan we have put a substantial amount of money to exactly what the Constable is suggesting money should go towards; so it not been seen as either/or.

#### **4.2.1 The Connétable of St. Saviour:**

That is well and good but even a petition was signed and, along with other petitions that are signed by people, we are ignoring it. Does the Minister not feel that for once it would be nice to listen to the people who were at the - for want of a better word - sharp end of what was going on when they say they do not want a memorial?

#### **Senator S.Y. Mézec:**

Well there is no way of knowing whether those who signed the petition are indeed the people that the Constable suggests they are. But may I remind her - and this is a very, very serious point - that the citizens' panel who have put forward the proposals for the legacy for the Care Inquiry, which is not just about a memorial but is about much more than that as well, are themselves people who have been through the care system, including some who I am aware had a pretty rotten time through that system. What the Constable is asking me to do is to seek to betray those people because of people who have signed a petition. That is a very, very difficult thing to ask anybody to do.

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

Is the Minister - as Minister for Children - satisfied with the conditions that the primary school children of Rouge Bouillon are experiencing and have been experiencing for many years due to the poor condition of the building and the lack of play space?

#### **Senator S.Y. Mézec:**

I am not satisfied by that. I have visited Rouge Bouillon School myself and know what a great job the staff do there in a building that clearly is not up to the standard that I think children in that catchment area in that part of town deserve. There are opportunities now with the site next door to it to look at whether that is expansion or something else to provide better school facilities. Juggling

my roles of Minister for Children and Minister for Housing, in this instance my priority would be for the children going to that school rather than using that site for housing. I think that ought to be the priority in this instance.

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

I just want to thank the Minister because he has answered my supplementary question that the new site or the vacant site next door should be prioritised for the needs of the school. Will he undertake to try to put a rocket underneath Property Holdings to get them moving on this? At the moment we are only told it is a feasibility study. This matter has been delayed for so many years now; we really need this to be prioritised by the Council of Ministers. Does he agree?

#### **Senator S.Y. Mézec:**

I do and trying to get the best use of government-owned sites through Property Holdings has been something that has been very difficult I have found as Minister. But I find that you can get some good progress on issues where those with a joint aspiration for a particular site are prepared to work together and present a united front and be very clear in their instructions to Property Holdings. So I am sure that I will have an opportunity to work with the Minister for Education who will have a strong view on this, and of course as the Parish Constable, I would be more than happy for him to be involved in that as well.

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

Following on from Deputy Pamplin's question: was the Minister involved in the selection of this particular body and is he satisfied that there were no conflicts of interest with some of the parties involved in the decision to employ them?

#### **Senator S.Y. Mézec:**

I did not pick this organisation out of thin air to undertake this work; it was a suggestion that was made to me by the officers who I work with. I do not believe that any conflicts of interest have played a part in choosing this group to do this work and I am happy to support it.

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

Is the Minister prepared to go back and look at it again, bearing in mind that concerns have been expressed about the closeness of some of the parties involved?

#### **Senator S.Y. Mézec:**

Can I go back and look at it when the work has already been done does not seem to me to be a sensible decision ...

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

Whether the decision was made without conflicts of interest.

#### **Senator S.Y. Mézec:**

I have already answered that. I do not agree that is the case. I understand that some people do not particularly like this group. That is fine; they are entitled to their perspective. I see it as an opportunity to get another perspective into the work that we are doing and frankly if it turns out not to be a good piece of work then I will not regard it when it comes to planning how we move forward. But I remain open-minded about that and am looking forward to seeing what they present to me.

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

Would the Minister describe to the Assembly the engagement that he has had with private sector companies with a view to increasing the supply of housing - particularly affordable housing - in the Island?

[11:15]

**Senator S.Y. Mézec:**

Not very much, is the short answer to that. Most of my engagement is with the publicly-owned bodies, who I think provide an excellent offer and drastically increasing the supply for what they provide remains my priority.

**4.5.1 Deputy K.F. Morel:**

If the Minister is serious about reducing the affordability of housing or increasing the supply of housing in the Island, would the Minister agree that it is right to engage with all those organisations which can provide that housing, using all the tools available to him and not restricting himself to just one side of the situation?

**Senator S.Y. Mézec:**

The Minister is serious about that and, as I have said, I think that the way that we are going to deal with affordability in housing is for a drastic increase in the public offer for housing where a tenure within the social setting becomes a tenure of choice because it is so attractive to people who need to rent their home or who are going to purchase homes as first-time buyers, and that the private sector would then have to compete with that offer that is provided in the social sector. That is my principled position for how we will move forward on delivering more affordable housing. I am happy to engage with private sector providers as well but my policy is to pursue a drastic increase in the public offer because that, I think, is the only way you are going to deal with affordability.

**The Bailiff:**

Deputy Ward, you are in the Chat and says question for CM. Is that Children's Minister or Chief Minister?

**Deputy R.J. Ward:**

It was the Chief Minister but I thought I might sneak one in to the Minister for Children and Housing and then go back to the ...

**The Bailiff:**

All right then, Deputy Ward.

**4.6 Deputy R.J. Ward:**

My question was partly asked by the Constable of St. Helier but can I ask the Minister to extend his pushing of Property Holdings in terms of their work to other schools, such as Springfield and other fabulous town schools, that also need support to maintain their premises and maintain the quality that they are working in, which is so difficult for them?

**Senator S.Y. Mézec:**

The Deputy raises a really good point and that is obviously a school in the heart of his constituency. I know that the catchment area, in particular, people struggle to get their children into that school and have to look at schools perhaps in a geographically less convenient location because of the difficulties with size. Yes, I agree with what the Deputy is saying. If he is aware of any particular issues with a building that ought to be dealt with or resolved in the short term, then I would welcome him coming to me and we can take that up with Property Holdings, if there is any urgent work or anything like that that needs to take place. But in terms of the longer view for Springfield School, there have been some ideas presented about the Springfield Stadium site and what could potentially be done there to provide educational facilities and that might be a more longer-term aspiration, if at all; something going into that to make sure that for that part of St. Helier they get the best offer possible for the residents and children there.



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

The Best Start Partnership published a briefing paper, I think it was last week, which outlined the impact of the pandemic so far on babies, children and, I think, on pregnant women and families; the Minister will have received this. Could he please give a response to this briefing paper? Was there anything in there that surprised him or that he would like to remark upon from that briefing paper?

#### **Senator S.Y. Mézec:**

I would apologise to the Deputy and say that I would like to have a little bit more time to consider that question and give a more thoughtful response to that. I have not had the time but I would need to consider that more fully. I have, of course, had it sent to me and I am more than happy to do that when I get an opportunity.

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

Given the importance of listening to the voice of babies and young children and, of course, responding to them, would the Minister please agree to publish his response to this briefing paper so that the public can see it, please?

#### **Senator S.Y. Mézec:**

That sounds like a reasonable request. I will have to have a little think about what is the best way to do that but I might ask the Deputy if she has got a suggestion about the best way of going about doing that.

### **5. Questions to Ministers without notice - The Chief Minister**

#### **The Bailiff:**

I am afraid that brings the time allocated for questions to this Minister to an end. The next Minister is the Chief Minister.

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

Can I ask the Chief Minister whether he will commit to ensuring in some way that there is a cinema on the Island for people to use, as these sorts of facilities are so important for an Island community?

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

Does he mean in the longer term, in which case I absolutely endorse the comment, or does he mean in the short term because of the impacts of coronavirus on the main private sector providers?

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

Obviously I mean more in the longer term in terms of if Cineworld was to close down, that there would be a provision of a cinema on the Island for Islanders.

#### **Senator J.A.N. Le Fondré:**

As far as I am concerned, there should definitely be a cinema on the Island for Islanders and I hope that is sufficient for the Deputy's purpose.

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

Would the Minister commit to having the Government support, even initially for a period of time, a cinema on the Island, so that we do not lose the provision that then will not be returned?

#### **Senator J.A.N. Le Fondré:**

I can certainly commit that we would seek to facilitate the facilities, if that makes sense. What I am definitely not in favour of is the Government putting a provision in place for something that the private sector to date has operated very, very well. I would even refer the Deputy back to Deputy

Kevin Lewis, who obviously has many decades of experience in running cinemas and in the film world, on that basis, for further information. But as a principle, if it was to become an issue I do believe that we should make sure there is a long-term facility on the Island. I do not think we are at that stage yet.

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

Does the Chief Minister share my disappointment that it will have taken him over 3 months of questioning from me to have a conversation over the release of the income distribution survey figures for the pre-COVID-19 period from the chief statistician?

### **Senator J.A.N. Le Fondré:**

I am always disappointed that I do not get further time with the chief statistician. But the answer that I gave 3 months ago, I do not believe it has fundamentally altered.

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

Even then prior to his meeting this week with the chief statistician, what is the information that he gave me 3 months ago? He could not even say when and has failed to say when we will see this data, which we need in order to discuss in a rational way the Government Plan.

### **Senator J.A.N. Le Fondré:**

I gave the information, which has been consistent all the way through, that the results will be out in quarter 4. As we said, the impact of COVID-19 has had an impact. The chief statistician is independent. I cannot direct him to do things; that is what I would hope all Members would seek to maintain. The crucial thing from the statistics point of view is that the day-to-day release is accurate and correct. To do that they have to go through a validation process; that is what is happening. They have several hundred thousand records or pieces of data to validate, so they are doing it as quickly as they can. All their other responsibilities, they will get it out as quickly as they can. Even now they cannot tell me it is going to be date X in month Y. They have said they will put it out in quarter 4, and that is the position. I cannot seek to assert my influence on the chief statistician because that would be fundamentally wrong and that would impinge, in my view, on their independence.

## **5.3 Deputy M.R. Le Hegarat of St. Helier:**

With tax payments due in November, and the Minister confirming recently in the media that the Customer and Service Centre is to remain closed, can he explain why the public cannot get appointments to go in to speak to someone in relation to their tax matters?

### **Senator J.A.N. Le Fondré:**

I would have to get some more information on that because obviously that is not my area at all of responsibility. My last update was that members of the public can ring through to make appointments. If the Deputy is aware of some specific issues, I would be delighted if she passes them on to me and we will try and get them resolved.

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

Would the Chief Minister confirm whether workers are travelling from Saint-Malo, an amber town in France, to Jersey to work on the Horizon site and staying in local hotel accommodation without undergoing self-isolation procedures that others would have?

### **Senator J.A.N. Le Fondré:**

In terms of the specifics, it will depend where workers have originated from, rather than the port of exit. There really are some very specific conditions in place, essentially in a bubble, around the Horizon development and that has been in the same way as we will make exceptions where risk

remains low. The provisions that have been put in place have been confirmed or created with the relevant advice.

**5.4.1 Deputy K.F. Morel:**

With that answer in mind, would the Chief Minister confirm that he is satisfied that the Island is not at risk for the virus being transmitted to Islanders through workers who are travelling to the Island to work on the Horizon site?

**Senator J.A.N. Le Fondré:**

To date, absolutely. The mitigations that were put in place are to ensure that any contact by those workers is basically minimal during the isolation period. Essentially, they drive a minibus, there is not another driver; that is my understanding. They work on the site and they return very specifically to a location and significant distancing is in-built in that location in the hotel. Mitigation measures were put in place; they have been in place for quite some time I believe and they are supposed to have been working well.

**5.5 Senator K.L. Moore:**

Does the Chief Minister support the pursuance of the Commonwealth Parliamentary Association's recommended benchmarks for democratic legislators?

**Senator J.A.N. Le Fondré:**

I think I would need to know exactly which benchmarks the Senator is referring to.

**Senator K.L. Moore:**

Sorry, I thought the Chief Minister, as a supporter of the Commonwealth Parliamentary Association, would be aware of those benchmarks.

**Senator J.A.N. Le Fondré:**

I am sure I have read them at some point but, oddly enough, they have not been at the forefront of my mind in the last few months and perhaps the Senator would care to remind me which particular area she is alluding to, because I believe some would depend on the size of the jurisdiction.

**5.5.1 Senator K.L. Moore:**

I guess we could ask a broader question in that, to what weight does the Chief Minister place on the guidance provided by a body, such as the Commonwealth Parliamentary Association, in achieving good democratic practice?

**Senator J.A.N. Le Fondré:**

Where it is appropriate I am always very happy to look at the guidance of such bodies and assess, as I said, its appropriateness to the Jersey Assembly. Obviously, I believe the chairman of P.P.C. (Privileges and Procedures Committee) also considers that depending if it is Assembly processes or Government processes.

**5.6 Deputy G.J. Truscott of St. Brelade:**

Regarding port arrivals, would the Chief Minister indicate what would be the negatives in respect of implementing a self-isolating regime from tomorrow, rather than in 6 days' time, as proposed by his Government?

**Senator J.A.N. Le Fondré:**

Yes, I thank the Deputy for his question. The difficulty, as we have evolved through this whole process of COVID, is about giving people sufficient notice to change their own arrangements, depending on what the regime is that we are bringing in. Certainly I saw some quite positive

comments in, I think, it was local media in the last few days around how much notice we had given about the last change in travel arrangements, which is supposed to have been coming in; I think it is either today or tomorrow. It has been very important, when the risk remains low, which we are satisfied at present it does, that we do give sufficient notice to people to amend their travel arrangements if they need to because otherwise using the border specifically, and specifically the airport, you do end up with circumstances where people get off the plane, find that circumstances have changed and do get back on the plane and fly out of the Island, and that causes disruption as well. But I emphasise, all of these things are when we are in a position of low risk, which we are presently in and, hopefully, will continue to be so.

[11:30]

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

Given the fact, as we have just heard, that the Minister for Children and Housing has engaged a lobby group for the private care home industry in the U.K. (United Kingdom) to undertake a review of Jersey's children's home, would the Minister confirm to the Assembly whether or not he is favour of the privatisation of Jersey's children's homes?

### **Senator J.A.N. Le Fondré:**

I think that was a bit of a jump there and bluntly, for me, I do not worry about who owns; I do worry about the quality of service. But certainly privatisation of children's homes is nowhere on my agenda.

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

Can the Chief Minister give his view on the masks conversation that is going on across the Island and we will be having in this Assembly, as he sees at the moment, with the forthcoming proposition from the Minister for Health and Social Services? What is his view, as Chief Minister, at this stage?

### **Senator J.A.N. Le Fondré:**

I think in context, which is important, and to use that horrible phrase "winter is coming" and part of that is that flu season is coming and I know I have had an email to suggest I get the flu jab, so there will be members of the population of a certain age that we are suggesting do have a flu jab. The reason I mention that is because, for example, evidence and pieces of information that have been coming out of the southern hemisphere is that the wearing of masks, even cloth masks, has reduced the transmission of flu during their season. The significance of that is that that then mitigates if ... therefore people are healthier and that means when we do get to a COVID-19 vaccine, which will come at some point but we just do not know when, they will then be in a better position to receive that vaccine, with the obvious consequent benefits. I think the other thing for masks is that it is quite important and something I felt, when I have been outside of the Island and I have been in a jurisdiction where mask-wearing in public places is absolutely normal and feel a little odd on that first day, but it is nothing, it is not even an inconvenience. Therefore, for the people who are getting worried about ... one does get used to it very, very quickly and basically we are putting a piece of cloth over our mouths to protect others as well, and I think that is significant. From that point of view - sorry, I am just trying to conclude very quickly - for me the important thing is about messaging to people that it is still important. It is about giving that visual reference point that we are not back to normal and about maintaining distance and all those other things that we have been trying to go through. It is a visual message, and I think Dr. Muscat has reinforced that. It is important and that is one of the reasons why we are encouraging, putting the message out about encouraging people to wear masks now. Obviously, as the Deputy has alluded to, that will be a matter for the Assembly and I think that we are aiming for November.

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

I thank the Chief Minister for his answer. Does he, therefore, agree, picking up on his last comment about the messaging, that having what you have just described on a more weekly basis with Dr. Muscat, so we just do not see the scenes that we have that is politically dividing a nation like America, where this is a very important subject?

**Senator J.A.N. Le Fondré:**

I was not quite sure about the questioning, other than do we want to be ramping up the messaging? We do have a programme that is starting to ramp up the messaging and I think that is one of the reasons that is generating the debate. What we also have to do is obviously further engage because there has been some engagement with some of the affected stakeholders. By that I mean, for example, the retailers and people who will have to take some action on that, and that will be in the programme to do in the next week or so.

**5.9 Deputy M. Tadier:**

It is a question about COVID, I hope the Chief Minister can answer it under his general responsibility. While there are quite stringent restrictions on who can go into care homes and testing for staff in care homes, from what I understand, there is not such a requirement for those who visit vulnerable people in the community. Is this something that the Chief Minister is aware of and, if not, could he raise it as a matter of urgency with the Minister for Health and Social Services?

**Senator J.A.N. Le Fondré:**

I am always happy to raise it with the Minister for Health and Social Services and I will just assure the Deputy that we have also raised the future for care homes, in other words, what measures may or may not change or is there anything we can do in terms of preparing for the winter season? In terms of, I think what is now referred to as groups at risk, if they are in their private homes that becomes, therefore, difficult to legislate for in the current environment that we are in. But I believe then it is a matter of personal choice, although obviously within the guidance that is in existence, we have emphasised that people should not be visiting people at risk until they have had the results of any test and that has been in place for quite some time.

**The Bailiff:**

Thank you very much. That brings the period available for questions to the Chief Minister to an end. There is then an urgent oral question in respect of which I will allow 10 minutes, which is approximately the time that has been allowed for questions in questions with notice. It is for Deputy Pamplin to ask of the Minister for Education.

**6. Urgent Oral Question**

**6.1 Deputy K.G. Pamplin of the Minister for Education regarding ...**

I thank you for allowing this question, as I think it fits the criteria. Will the Minister update the Assembly on the latest situation regarding young Islanders at universities in the United Kingdom or other parts of the world and the support for those Islanders, which the Government is putting in place, given the ongoing impact of the COVID-19 pandemic?

**Senator T.A. Vallois:**

May I ask my Assistant Minister, Deputy Maçon, to answer this question, please?

**Deputy J.M. Maçon of St. Saviour (Assistant Minister for Education - rapporteur):**

I thank the Deputy for his question and I am pleased to inform Members that in the past week we have set up a cross-governmental officer working group to monitor and respond appropriately as this dynamic situation develops. The group has officers from Health, External Relations, Student Finance, Travel Policy and Customer and Local Services, so the holistic assessment of issues can be

made and that a co-ordinated approach to support in communications is achieved. The Deputy will be aware that I proactively contacted all Members to make them aware of this in my email last week. In the first instance, students should use the welfare and support from their own universities or institutions but those who prefer not to I can confirm that our excellent Youth Enquiry Service team will be happy to take their calls and help where they can. The Minister for Education has written to her counterparts in England, Scotland, Northern Ireland and Wales last week, as these jurisdictions are where the vast majority of our circa 1,500 students are studying. The Minister has made it clear that she will do her utmost to ensure that any students wishing to return to the Island can do so in accordance with Jersey and the country of origin's guidelines. She has also asked Ministers to take this commitment into account and will be aware that our officers are always available to discuss any plans with respect to our students. Finally, I can confirm that the very small number of our care leavers at universities that chose to have voluntary contact with our leaving care service have been receiving well-being checks from their associated personal advisers.

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

I thank my fellow St. Saviour Deputy No. 1 to engage on this very important subject. We have seen the front page of the *Jersey Evening Post*; this is, as he says, an ongoing situation. What more can be done to support parents here on the Island, speaking as one of those, and those across, further to what he has outlined today?

#### **Deputy J.M. Maçon:**

I hope Members will think that by the actions I have already taken that I am absolutely engaging in this issue. Perhaps I have misinterpreted the Deputy's question on that point. What more can be done, again that is why we have set this particular group up. If there are any issues and concerns that come in to us, of course we will respond to them by updating the gov.je website in the F.A.Q. (frequently asked questions) section, as we have been doing all along in this pandemic. But if Members do have any specific matters they wish to raise with me again, I am absolutely accessible to them and members of the public.

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

Quite dumbfoundedly the Assistant Minister for Education has said that the Government is directing its efforts towards United Kingdom, students in the United Kingdom. However, there are students elsewhere around the world, in universities in the European Union and further afield. Would the Minister please describe to the Assembly the measures that the department is taking to reach out to those students proactively to enquire about their welfare and whether they need to return and so on, et cetera?

#### **Deputy J.M. Maçon:**

I can say that a student in Holland has already been in touch asking for this, as again the method of communication will be updating the Government website, as well as putting out press releases. You will not hear me say this often but I will thank our colleagues in the media because when it has come to this issue they have been absolutely interested and putting that information out there as well. As the Deputy mentions, we do have students who do go all around the world; Australia, United States and European Union, for example. Sometimes we just need to handle these on a case-by-case basis because if we are trying to bring someone back from the other side of the world we do need to think about the practicalities of that.

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

Would the Minister advise the Assembly as to whether the department has a comprehensive list of students who are studying outside the United Kingdom? If so, is the department proactively, as much as I dislike that word, trying to engage with those students or is it just left to those students to come to them with their enquiry?

**Deputy J.M. Maçon:**

The way that it works for Student Finance is that not all students necessarily register with Student Finance. Those, for example, who do not receive any form of financial support may choose not to register with Student Finance and, therefore, we would not have their contact details, although the department does actively encourage any student to register with Student Finance. As for then having that information and how we would do, for example, a mailing list or whatever, again because there are issues around who would have access to that information and who would not, again the main method of communication has been to update the gov.je website to make sure that it is accessible to all.

**6.1.4 Deputy R.J. Ward:**

May I ask the Assistant Minister, will exception be given to any students who feel that they do not want to continue their studies this year because of the situation in universities, with regards to fees that may be asked to be paid back in other circumstances being waived and some leeway being given? How will information be communicated to them when they may be in a very vulnerable position?

**Deputy J.M. Maçon:**

We have had some enquiries like this already. We are, of course, advising people, as per the order and legislation. We have also taken other issues when it comes to matters of student finance and we do accept that the pandemic is what would be considered exceptional and extraordinary circumstances. These matters must be dealt with on a case-by-case basis. I cannot give a blanket statement but I can say that that cover in the legislation does exist, if that is comfort to the Deputy.

**6.1.5 Deputy R.J. Ward:**

I thank the Assistant Minister for his answer. Can I ask, just to give some detail beyond the Government website, how communication would be made with students proactively in order to reassure them? Because that may be a very helpful thing to do at this time, to show that reassurance to students who are living away from home.

**Deputy J.M. Maçon:**

I am not exactly sure what the Deputy is asking me. Because we do not have a complete set of, for example, email addresses that we can just fire out. Then if we did use what the Student Finance information has, again I would need to check whether we could do that under the data protection stuff. For example, we know in the Social Security Department most students will have put in their credits for social security but I do not think we can use the information, even if we did have it, for the purposes of welfare checks or disseminating information because it is a different purpose. I would need to do checks over what we can do within the system. But what my advice from the officers has been, the best way to ensure that anyone has the same access to this information, is to put it up on the website, the gov.je website, under the Student Finance F.A.Q. section.

**6.1.6 Deputy K.G. Pamplin:**

I reiterate my thanks to the Minister and Assistant Minister for engaging me. There are still ongoing concerns and it does not surprise them to hear that, as ever, I am pushing for enhanced communication. Will the Minister and the Assistant Minister commit to providing regular briefings, however they see fit, for all families as we continue to watch with great concern to the growing situation in the United Kingdom for our students away at university, and I thank them again?

[11:45]

**Deputy J.M. Maçon:**

I am not entirely sure briefings is the best way to do it but absolutely, as and when we have any updates to make, we will ensure that they are done in the most public way and absolutely we will

send out any press releases, which Members will have access to as well. But, again, if there are any other things which Members would like to suggest in the way of communication, again, please talk to us and we are happy to take on any suggestions they may have.

## **STATEMENTS ON A MATTER OF OFFICIAL RESPONSIBILITY**

### **The Bailiff:**

There is nothing under J. We come to K, which are statements on a matter of official responsibility and there is a statement to be made by the Assistant Chief Minister regarding the Our Hospital project.

### **7. The Assistant Chief Minister will make a statement regarding the Our Hospital project**

#### **7.1 Senator L.J. Farnham (Assistant Chief Minister):**

Jersey needs a new hospital in an island of our size with our specific geographical character. There are few suitable sites large enough to accommodate our new hospital. Our planning framework, highway networks and Island infrastructure are such that on many sites our new hospital cannot be delivered without significant challenge. The Our Hospital Political Oversight Group, therefore, set out to identify the most appropriate site that has the greatest likelihood of delivering within the timeframe and criteria set out in R.54/2019. This report outlined our desire to design and deliver a completed hospital in a similar timescale to that of the previous scheme by the end of 2026. A thorough site selection process was developed and applied to the most comprehensive long list of potential sites. This long list of sites has then been evaluated according to a set of extensive criteria developed and agreed by clinicians, healthcare professionals, a citizens' panel of Islanders and technical advisers. As such, this process ultimately resulted in a final shortlist of 2 sites; Overdale and the People's Park. Taking that into account, together with all of the clinical locational, environmental, design, economic, financial and social impacts of the new hospital on the final 2 sites, the Our Hospital Political Oversight Group and the Council of Ministers have determined to recommend to the States that Overdale is approved as a preferred site for Jersey's new hospital and, accordingly, a proposition is being lodged today to reflect that decision. In reaching the judgment that Overdale should be recommended as a preferred site, the political oversight group and the Council of Ministers have extensively deliberated upon the opportunities and risks involved with each site in reaching this conclusion. We have considered that Overdale would provide a better integrated hospital design that could support current and future generations of Islanders, as the Overdale site is of sufficient size as it can accommodate all clinical services, including mental health on one site. The site provides sufficient scope to allow for flexibility in design and to respond to the need for expansion in the future. Furthermore, the single site solution will also reduce operational running and logistical costs. Overdale can deliver our hospital in the anticipated project timescale and Overdale offers a better option in terms of flexibility of design and futureproofing. While a more complex land assembly programme would be required, the impact of the acquisition of private property and impact to nearby residents is limited. The access challenges, which are all duly acknowledged, can be overcome and provide opportunity to improve the road networks and to support wide health and well-being activity. I think it is important at this stage to briefly touch upon a key concern relating to the access to the preferred site. I am pleased to report today that the proposed access solution to Overdale can be achieved without the need to impact upon the residents of the King George V Cottage Homes. Any additional cost of the new hospital at Overdale, when compared to People's Park, can be outweighed by its contribution to the long-term health and care outcomes of Islanders over its lifetime. Overdale is a more deliverable scheme, given the significant political challenges due to an existing States decision that the new general hospital should not be located at People's Park or Victoria Park in order to retain these valuable open green spaces for St. Helier residents, and indeed all Islanders. Islanders and Members will be able to see for themselves later today when the full site valuation report is published as an appendix to the report and proposition just how detailed the process and extensive technical assessments have been to reach these validated



and thorough conclusions. To assist Members between now and the debate on 17th November, an extensive engagement plan has been created to provide the necessary detailed information to support Members as part of that decision-making process. I will be writing to Members this week with a proposed timetable in order to achieve this. In addition, all information provided will be in the public domain to enable Islanders full access. When we set out on this journey we gave a guarantee, a guarantee to Islanders that we would not repeat the mistakes of the past and, specifically, we would not interfere with the site selection process. We have kept to that promise, at each stage allowing the process to follow its course, regardless of how controversial or unpopular the outcomes. In just 10 months we have undertaken an extensive search and technical assessment process in order to deliver the preferred site on schedule. In lodging this proposition today we hand over the responsibility to the States of Jersey, together with the opportunity to deliver our hospital on the back of a thorough process, which has benefited from the engagement, guidance and support of all key stakeholders, including our clinicians, our front line healthcare professionals, technical advisers and our citizens' panel. I would like to take this opportunity to thank them all for their very valuable contributions to date. To conclude, if approved Overdale will be set in an elevated, peaceful location and natural environment, close to town, with incredible sea views, offering individual recovery rooms, alongside state-of-the-art and flexible, modern medical facilities and technology. Patient experience will be paramount, meaning we will be able to attract the very best in healthcare professionals providing the highest standards of care for future generations of Islanders. I ask today that the Assembly unite behind this great responsibility that is now in their hands and that we work together to ensure no further delays or disruption but instead look to maximise the tremendous opportunity that this proposal provides.

**The Bailiff:**

Thank you very much. Deputy Chief Minister, there is now a period of 15 minutes of questions.

**7.1.1 Senator K.L. Moore:**

The Deputy Chief Minister mentioned in his speech that any additional cost of the new hospital at Overdale, when compared to People's Park, will be outweighed by its contribution to the long-term healthcare outcomes for the Island. Is the Deputy Chief Minister going to provide States Members with an outline of the costs of this project prior to the debate?

**Senator L.J. Farnham:**

Yes, the report and proposition contains the high-level costs but it does explain clearly the difference between the cost of Overdale and People's Park, right from the construction costs to the land acquisition cost to optimism, bias and full contingency. Of course, full details of those will be made available to Members, on the understanding that as the project progresses costs are likely to change, but we are confident that we have got the maximum costings. When I alluded to the fact that Overdale was going to cost more than People's Park it is worth remembering that we can, with Overdale, provide a complete hospital campus with everything on one site, whereas that was not quite possible for People's Park and that brings additional financial and logistical benefits in the lifetime of the hospital. When we take into account the large capital cost of the project against the amount of money that we will be investing in our health service over the next 50 years, those costs should be taken in context.

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

In a Scrutiny hearing the Deputy Chief Minister said that he would deliver within the £466 million budget that was allocated for the previous project, which included contingencies, inflation and site-specific costs, according to the Treasury Green Book principles. Has the Deputy Chief Minister now changed his view of that cost envelope?

**Senator L.J. Farnham:**

First of all, I do not recall saying that but I am sure the Senator will correct me, but I do not recall saying that. This is not a similar project to the one before and will cost considerably more, not just because of the time that has been wasted but because we are going to be building a much larger and more suitable hospital. The previous project was based on about 55,000 square metres, this is going to be based on about 70,000 square metres. The costs, as laid out in the report and proposition, will be considerably more. For example, the maximum price for Overdale from the delivery partners for construction would be £412 million versus £397 million for People's Park. But of course once equipment, fixtures and fittings, delivery partner contingency and site-specific costs, that sort of increases to £550 million for People's Park and £523 million for Overdale. Of course, on top of that you have to add land acquisition, optimism, bias and contingency costs but all of those figures can be explained in great detail as we go through that process between now and the debate.

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

I would like to thank the Deputy Chief Minister for what can only be described as the least surprising announcement of 2020 so far. But with regard to my question, it is to do with costs again, as I understand it during the process to select the sites, cost only became relevant when the final 2 sites were being looked at. Could the Deputy Chief Minister explain to the Assembly why cost was not brought in at an earlier stage, even at the level of the 18 sites, so cost could be used as a selection criteria, which it absolutely was not?

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

I think when we look to the sequential test process that was put in place by the citizens' panel; that is the criteria we stuck to. Because from that criteria much of the rationale behind that came ahead of any cost implications, simply because that criteria ensured that many of the sites withdrew for other reasons that would not have enabled the project to be delivered on time. Once we got down to the final 2 sites, in the interests of moving forward with the appropriate figures so we could make the correct decisions, that is when our building and design partners and our hospital team really started to work and provide more detailed costing. It would have been largely pointless to do it prior to that because many of the sites or in fact I think all of the sites were excluded for other reasons.

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

Would the Deputy Chief Minister agree that regardless of any suggestions by the citizens' panel or any other members of the public, that the Government of Jersey always has a responsibility towards the public first and, therefore, that the Government of Jersey should have ensured that the cost was an element of the site selection criteria at a much earlier stage than it turned out to be?

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

No, I do not agree with that. I do agree that, of course, cost is important but we must not mix up cost with value on this. The cheapest option is not always the best option.

[12:00]

The best option is for us to build a hospital on one site, one hospital campus that will cater for all of the health needs for this generation and for future generations. We have to make sure whatever the cost is we do and get the best value of money for the product we finally decide to produce.

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

While I welcome the Council of Ministers' decision to protect People's Park for the benefit of all Islanders and the woodlands of St. Helier, particularly Val André and the King George V Cottage Homes, I am concerned about the potential impact of the Overdale site on the Jersey Bowling Club. Will the Assistant Chief Minister agree to work with the Parish to find an alternative location that meets the needs of the club? I should add, for the record, that I am president of the club and the Parish is their landlord.

**Senator L.J. Farnham:**

The short answer to that is, yes, we will work very closely with the club. We will work very closely with all stakeholders and property owners impacted by the decision that the States are going to be asked to make on 17th November, so a resounding yes to that.

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

Now that the site selection process has, hopefully, been concluded, does the Assistant Chief Minister agree with me that we must focus our efforts on ensuring that the new hospital is a building that is architecturally magnificent and is one that Islanders can be proud to look up at and that it fully meets the needs of everyone who works in it and uses it?

**Senator L.J. Farnham:**

Yes, that has been made clear and we are going to provide an opportunity for States Members to meet the architects and the designers and our design and delivery partners. The message to them is clear, is to produce a building that is not only fit for purpose and fully appropriate from every medical and logistical angle but to produce a building that Islanders can look up to and be proud of.

**7.1.7 Deputy R.J. Ward:**

Should the site be accepted by the Assembly and we finally come to an end to this decision-making process, would the Assistant Chief Minister commit to ensuring that the old site is used to increase green space for St. Helier and priority is given to both that and the creation of community facilities for St. Helier, which are so much needed?

**Senator L.J. Farnham:**

Yes, thank you for that question. I cannot commit to that but I think it is an admirable aspiration. Ultimately, that will be a States decision, I believe, as to how we decide to take advantage of the potential, both from a social and a commercial point of view, of the very large site that will be vacated by the hospital moving. But I do agree with the Deputy, and it does present some very good opportunities for improving the town centre, not just commercially as well but socially and aesthetically.

**Deputy R.J. Ward:**

I had a question with regards to George V Cottages and it was answered and I am pleased to hear that.

**7.1.8 Deputy S.M. Ahier:**

Will the Assistant Chief Minister confirm that Le Val André behind the George V Cottage Homes will not be subject to any future development?

**Senator L.J. Farnham:**

Once again I would hope not but it is impossible for me to give that confirmation. If the Deputy is asking that question in relation to the hospital build, then, yes, I can and I think all Members should be pleased that when they see and start to study the design, as they come forward, that the impact upon the green parts of the whole Overdale site has been minimalised as much as possible.

**7.1.9 Deputy L.M.C. Doublet:**

Would the Assistant Chief Minister commit to preserving the woodland, which is beneath the Overdale site?

**Senator L.J. Farnham?**

Again, I would love to see that woodland maintained. I would like to see it more accessible as well and, as I have said in my previous answer, there are no plans for the hospital site to encroach into

that woodland. But I think there are opportunities, as we improve the access to Overdale, to give more pedestrian or more access to Islanders to those beautiful parts of the site in St. Helier. I know, I have discussed it with the Constable of St. Helier, about potential for country parks. I think the new hospital, if the States decided to support the proposition, can create a really tremendous feature and open up access to that area. I would like to see more opportunities to develop country parks in and around the St. Helier area but I know the Constable has plans to do that.

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

I congratulate the Deputy Chief Minister, his team and the citizens' panel for their contributions in arriving at this long-awaited stage. It is suggested that the King George V Homes will not be affected but would he confirm how many properties will need to be purchased, possibly on a compulsory basis, as a result of this decision this morning?

**Senator L.J. Farnham:**

Again, these are outlined in the diagrams presented as an appendix to the report. There are 3 fields, I believe, and some pockets of land immediately adjacent to the Overdale site. Importantly, there are 3 private homes that would have to be acquired to allow the improvements to the road access. It is fields and pockets of land in and immediately adjacent to the site and 3 homes.

**7.1.11 Deputy K.G. Pamplin:**

My question is around the co-locating of all services, so will the Deputy Chief Minister confirm that there will not be an A. and E. (Accident and Emergency) walk-in surgery in its current location where it is going forward and also what happens with mental health services?

**Senator L.J. Farnham:**

As I said before, the current plan is to locate everything on the hospital campus, including all mental health services.

**The Bailiff:**

I am afraid that brings the period of 15 minutes to a close.

**Deputy J.M. Maçon:**

Sir, is it possible to extend that?

**The Bailiff:**

Yes, Members can ask for that to be extended by one further period of 15 minutes and there appears to be no objection to that, as I look around the room. Very well, I do not propose to put that to the vote. This is clearly an important matter and I propose to allow for a further 15 minutes for it. In which case, Deputy Maçon.

**Deputy J.M. Maçon:**

Sir, is it Deputy Truscott before me?

**The Bailiff:**

No.

**7.1.12 Deputy J.M. Maçon:**

I wonder if the Senator could explain whether expansion space was a determination in this weighting between Overdale and People's Park and, if so, could he elaborate?

**Senator L.J. Farnham:**

Yes, it was. The aspiration, I believe, has always been from the majority of States Members to provide a facility where the whole estate could be placed, and that is one of the advantages that Overdale had over the People's Park, where it was not possible to achieve that. Also, there is more room for expansion into the future in the decades ahead. People's Park, expansion would have only been able through going up, whereas Overdale provides much more flexibility into the future.

**7.1.13 Deputy G.J. Truscott:**

I was going to ask a question regarding the homes in the valley but they have already been asked. Just regarding access to the proposed new hospital, will a shuttle bus service be provided and have we also considered the carbon footprint element with the site selection?

**Senator L.J. Farnham:**

Yes, I mean I think that all of these details in relation to a shuttle bus service and other types of access are yet to be determined. The key access will be through road and pedestrian, as in road access. But we have discussed other ideas, including shuttle bus and shuttle transport but that also opens up other opportunities. For example, rather than just having a bus service that goes to the hospital and back into town, new networks could be created that place the hospital on either current or new public transport services, so there are great opportunities around that. Yes, and carbon impact and environmental studies have been carried out, the detail of which will be made available to Members.

**7.1.14 Deputy M.R. Higgins:**

I have already been contacted by owners of properties that are going to be affected by this. They contacted me last night, so they obviously have received letters. But can the Minister, first of all, clarify: he was talking that the hospital would be built within the bounds of the existing site and yet he is talking about fields and houses adjacent? To the best of my knowledge, they are the ones opposite the Overdale site currently used for agriculture and will be overlooking St. Helier. Will the Minister please clarify if it is within the existing site or it is going to encroach elsewhere?

**Senator L.J. Farnham:**

I would refer the Deputy to the diagrams on the report and proposition when they are available. The fields opposite, the proposal is to use them to provide car parking and administrative building. The 3 homes further down would be required for the road-widening and improvements leading up to the site. The rest of the site just proposed is on the current Overdale site and taking into account some new pockets of land immediately adjacent on that side of the road. I hope that makes it clear. As I say, the diagrams are available, of course we are going to be requesting a number of meetings with Members between now and the debate to make sure all of these details are fully explained and understood.

**7.1.15 Deputy M.R. Higgins:**

Can I ask the Minister if those diagrams and papers will be available from the Greffe office today?

**Senator L.J. Farnham:**

Yes, I understand the proposition is going to be lodged and available online following this statement in question.

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

Can I thank the Minister for the presentation? You will not be surprised to hear that I do not share his enthusiasm for the site. I would just like to ask this, given that the site is not the best from a planning framework perspective, it is not the best from a highway's networks perspective, it is certainly not the best from a clinical adjacency perspective, it is not the best from an environmental perspective, and I am appalled to hear that he is considering building car parks on green fields. Most

importantly, it is not the best site for the public to access. How can he, therefore, say that he considers it is appropriate?

**Senator L.J. Farnham:**

I think this is one of the challenges that we faced from day one and that is it is going to be impossible to find a site that everybody agrees with. There would be strong views for and against, there would be different views and different opinions. I think this is what we are going to see now when we, hopefully, progress with this site. There are members of the public, there were members of the political oversight group and the Council of Ministers that favoured People's Park as an option. But when all is said and done we followed the processes and we have made the decisions based on all of the evidence provided. There is no perfect site in Jersey for this hospital and the building and development of this site will have a significant economic impact, and that is just the fact of it. Those are the hard truths which we are going to have to overcome. If we do not, we will never build a hospital and we will be continuing to debate where the best site is for years to come, and that is something we simply cannot allow to happen. I am sorry to disagree with my good friend, the Deputy of St. Martin, and I look forward to being able to expand upon our differences and reasoning in what I hope will be a really good debate in November.

[12:15]

**7.1.17 Deputy M. Tadier:**

Does the Senator agree that the Overdale site is already a hospital site in the sense that it is in the healthcare portfolio? People already access healthcare at Overdale and they drive up there and the ambulances already go up there. There are other facilities adjacent to Overdale, which are also accessed on a daily basis by the public, so that transport issues are not by any means insurmountable.

**Senator L.J. Farnham:**

Yes, I do fully agree with that. Our Island slopes from north to south, the majority of buildings on the Island are in elevated positions at tops of hills. As I said in my statement, I feel that the proposals to improve access, as outlined in the report and proposition, provide an opportunity to improve the road networks in the whole area and provide greatly improved pedestrian and cycle access as well. We have to remember there are also accesses to the site from the north of the Island via Queen's Road and also access from Tower Road and the inner road via that way, which are not ideal. But it is certainly not the end of the world to have to go to an elevated position. We have done it before and if we get the access right, I think we create an opportunity that, in the fullness of time, will be broadly accepted and well-utilised by the public.

**7.1.18 Senator K.L. Moore:**

Following on from the Deputy of St. Martin's question, and I refer the Deputy Chief Minister to the previous planning inspector's report and the reference to Overdale that he made at that time, does the Deputy Chief Minister believe that it is a wise provision of public money to move Overdale to a full planning process given that there is a risk that a planning inspector may recommend that the site is not appropriate under planning rules?

**Senator L.J. Farnham:**

I do not think any site from the long list right down to the final shortlist will meet the planning criteria and, indeed, there are challenges with Overdale, as there are with People's Park and as there will be with a great number of many other sites. There is no site that ticks all the boxes for planning. Far, far from it but the Overdale site is, I think, one of the sites with fewer planning challenges than other sites, for example, Warwick Farm but, again, that is explained, Warwick Farm being completely in the green zone. Sorry, could the Senator just repeat the second part of the question?

**Senator K.L. Moore:**

I was just going to pick up the speaker for missing the main part of the question which is about the financial risk in taking the stance that the project will be moved to a full planning application in the first instance rather than outline permission?

**Senator L.J. Farnham:**

Well, I think we are reminded of the timescale we have set ourselves and then we look back and learn from the mistakes we have made in the past. I think, as does the political oversight group, that the opportunity provided by going straight to a full planning permission route offers the opportunity to work far more closely with planning on the details of the final design from day one. We understand the challenges and we are determined to make sure we leave no stone unturned, no T uncrossed or I undotted in that process and will work very, very closely with planning hopefully to get a successful conclusion right through with the architecture to the design and the detail rather than go for outline and then go to that position, which takes considerably longer and can be more costly. Members should not be under any illusion that we will be relying as well on delivering a strong case, which is greatly in the public interest, and I think we have all realised that to get to this stage with the hospital.

**7.1.19 Deputy K.G. Pamplin:**

Can I simply ask the Minister in his position, what has changed from when 2012 Overdale was selected as a dual site option and then, in this next round after that situation, was ruled out by the then Government and the planning inspector and now is back as the preferred option? Is it the process? What has changed?

**Senator L.J. Farnham:**

I think in the past, quite simply possibly with the best intentions, politicians have allowed themselves to be impacted by indecision, and the quest for perfect sites are the enemies of good sites and, as a result, we have ended up with nothing. In this process, all members of the oversight group - who I extend sincere thanks to those in the office for the huge amount of work that has gone into this - have been determined not to be side-tracked, not to be delayed and not to allow indecision to get in the way of delivering something that Islanders just want us to get on with.

**7.1.20 Deputy K.G. Pamplin:**

So picking up on the independent planning inspector's report, he thought that the proposals to build on the Overdale site were too big and talked about the landscape and the situation environment and, as the Deputy Chief Minister I am sure has alluded to already, we have been here before. So how is this going to be changed this time around, bearing in mind those comments from the planning inspector which will be part of this process again?

**Senator L.J. Farnham:**

I have great confidence in our design and delivery partners. I think we are in a new era of the planning and design approach to what we want to put up there and, again, Members are going to be very interested to see from the site evaluation report, all 450 pages of the detail there, just how we can produce a hospital campus that is far more sympathetic to the environment and to the planning guidelines that have been outlined to us. So I do remain confident that we can make a much better go of it this time. I think there is a very new enlightened and modern approach to the look of what we have up there and that is going to be informed and will have close contacts. As I said before, we are going to allow the States Members to have their input so we make sure we are creating not just a logistically and medically sound building but one that is very aesthetically acceptable.

**The Bailiff:**

That brings the second period allocated for questions to a close.

**Senator L.J. Farnham:**

Sir, I think I inadvertently earlier on got my figures mixed up so when I was alluding to the budget, a Member has informed me that I said People's Park was 550 and Overdale was 523. It is the other way around, Sir. Overdale maximum design delivery cost of 550 and People Park 524. I just wanted to make that clear. Thank you.

## **PUBLIC BUSINESS**

### **The Bailiff:**

Yes, thank you for that clarification. We now come on to Public Business. I understand, Senator Farnham, that you wish to inform Members of a matter arising in the conduct of Public Business.

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

Thank you, Sir, and I beg Members' patience. Since the lodging of the proposition in relation to opening hours of G.P. (general practitioner) surgeries, we have received an amendment from the Scrutiny Panel, for which I thank them, but also correspondence from the Comité des Connétables and I would like to give that further consideration. So I would like to ask that we do not debate that matter today, although I would ask that we leave the proposition lodged there with a view to debating it at a later date if it deems necessary following the correspondence and discussions we have had. Thank you, Sir. I apologise to the Assembly for the short notice.

### **The Bailiff:**

So P.112 will not be debated at this sitting.

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

Thank you, Sir.

## **8. Reduction of lodging period**

### **The Bailiff:**

Deputy Gardiner, you have also a matter listed which is Incoming passengers from green category jurisdictions: requirement to self-isolate. Do you wish to make a proposition understanding Order 32 that the matter is listed for today's agenda?

### **Deputy I. Gardiner:**

Yes, Sir. Thank you.

### **The Bailiff:**

That the lodging period be reduced?

### **8.1 Deputy I. Gardiner:**

Yes, Sir. I would like to ask the Assembly to reduce the lodging period as this proposition is COVID related, urgent and considered for the well-being of the Islanders and we usually have reduced the lodging period of similar propositions with similar notice.

### **The Bailiff:**

This is to reduce the lodging period.

### **Deputy I. Gardiner:**

P.122.

### **The Bailiff:**

For the purpose of debating it today, is that proposition seconded? **[Seconded]** Does any Member wish to speak on the proposition? If no Member wishes to speak on the proposition, then I will put



the matter to the vote. If a link could be placed into the chat please. Very well, the link is in the voting. Vote *pour* is to abridge the lodging period and have the matter debated today. I am going to assume that that is normally 2 separate propositions but I think we will deal with them in one go because that is, I think, the most efficient way of proceeding. Members will cast their vote *pour* if they are content to have the matter dealt with on this session and *contre* if they are not. I am just going to give a little bit more time than normal because people have not had the opportunity of trying out the test vote in the way that we often do or many people have not had the opportunity. If anyone is having any difficulty, please vote in the chat. If Members have had the opportunity of either casting their votes on the link or through the chat, I ask the Greffier to close the voting.

<b>POUR: 47</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 0</b>
Senator L.J. Farnham				
Senator J.A.N. Le Fondré				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				

Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.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 J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

**The Deputy Greffier of the States:**

Deputy Pinel voted *contre*.

**Deputy S.W. Pinel:**

I apologise, Sir. I did address that in the chat.

**The Bailiff:**

Yes, in the chat, Deputy Pinel did say she wanted to vote *pour* but her vote appears to not be recorded, just to make the matter clear. The proposition is passed and the matter will be dealt with at today's session.

**9. Drinks Promotions (P.105/2020)**

**The Greffier of the States (in the Chair):**

So we now come to the Public Business for the sitting and the first proposition is entitled Drinks Promotions lodged by Deputy Ash, P.105, and I will ask the Deputy Greffier to read the proposition.

[12:30]

**The Deputy Greffier of the States:**

The States are asked to decide whether they are of the opinion - (a) that in light of the effects of the COVID-19 crisis on the hospitality industry, bars, pubs and restaurants should be permitted to offer and advertise promotions on drinks for a limited period until 31st December 2021 and that the Minister for Economic Development, Tourism, Sport and Culture should take the necessary steps to ensure the Licensing Assembly is informed of the States Assembly's decision and to request that the Licensing Assembly take that decision into immediate consideration; (b) to request the Minister for

Economic Development, Tourism, Sport and Culture to instruct the Jersey Competition Regulatory Authority to undertake a review of the Island-wide pricing of alcohol investigating in particular current trading practices and to report by 31st December 2021; and (c) to request the Minister for Economic Development, Tourism, Sport and Culture to bring forward amendments of the Licensing (Jersey) Law 1974 by 31st December 2021 to establish a framework whereby licensing policy decisions are vested in the States Assembly.

### **9.1 Deputy L.B.E. Ash of St. Clement:**

As many of you will know, my election slogan was: “Get on the Lash.” Now contrary to popular opinion, this was merely a play on my name L. Ash or Lash, a nickname I have had since school. It was not an invitation to the Island to indulge in drunken debauchery. I am keen to point this out as I hope that this debate will demonstrate to the public that we, as an Assembly, do take the people of Jersey’s concerns on pricing on licensed premises seriously, and equally importantly, we start to deal with alcohol abuse in an adult and constructive manner. It is something we have never done as an Assembly or indeed as the Government. The sole method over the last 25 years appears to have been to up taxes on the advice of the Health Department and allow prices to be high and step back and feel we have done our job. Our conscience is clear. There has been no attempt to tackle the causes which are many: work pressures; cramped housing conditions; financial pressure. The list is endless. Well, having spoken to people who work at the coalface of the problem, they feel price is largely irrelevant to combating the illness that is alcoholism and it has to be said neither has it been effective dealing with antisocial behaviour caused by alcoholic drink. We have a problem with obesity on the Island as well. We do not tackle it by doubling food prices, do we? Mainly because, as with alcohol, it would not solve the problem. It would just fuel inflation and add to the financial burden faced by Islanders. On previous occasions, this has been pointed out very well by the Constable of St. Saviour using her personal experience but ignored by the Assembly in favour of the clamour of the Health Department insisting that price is the way to go. In short, too often the Assembly has taken the easy option. A few weeks ago, we debated the minimum wage and it reminded me of Deputy Huelin’s excellent speech on impôt duty where he had calculated that someone on the minimum wage would have to work 4 times as long to afford a pint today as they did in the mid-1970s. Four times as long. As I have mentioned before, high prices do not hit the wealthy sitting having pink champagne on the balcony of the Grand or the terrace of the Royal Yacht. No, they hit the ordinary working man or woman who just want to have a drink with friends and, these days, find that £20 is not enough for a round of 4 drinks. As far as I know, we have not had a proper report into alcohol in Jersey in recent years so part (c) would be a first if we decide to pass it today. I can tell you what my own report would have stated though, had I been allowed to produce one. My closing paragraph would have said this: “Jersey has made little effort to address its alcohol issues adopting a head in the sand approach where raising prices has been considered an all-round panacea. This approach has been an abject failure, as well as deterring tourism and causing both economic hardship to its own citizens and fuelling inflation. Now of course if we had had that thought in that final paragraph, Scrutiny would have called in the Chief Minister and the Minister for Economic Affairs and they would have justifiably said: “What is going on? What is happening here?” Of course, the Chief Minister would have been quite justified in saying: “I am sorry. It is not my problem. I refer the panel to the 1974 law. I do not really have any say in this.” Well, let me move on to the task at hand and my 3-part proposition. Let me start at the very beginning because, as the great Julie Andrews said: “It is a very good place to start.” It started in the corner shop at Havre des Pas and a conversation which went something like this: “Lindsay, what do you think about minimum pricing of alcohol?” Now I, of course being well-versed in this subject, stated in my best well-informed manner: “Well, it is something that has been tried in Scotland I gather with mixed results. Drug taking has increased along with shoplifting but I am sure we will discuss it here and it may or may not be a good idea for us in Jersey, especially with the discrepancy in price between pubs.” Sadly, my well-informed manner took a bit of a blow and I was informed that it was being introduced in Jersey from April,

and he brandished an official looking legal letter which confirmed his comments and that officials would be arriving in order to show him how this should be done. Now I was amazed by this and I confirmed with other States Members that they too had no knowledge whatsoever of this, not even a courtesy email stating it would occur. So I put in a proposition to reverse the decision so that it could be debated in the Assembly. I was then informed by the Attorney General that I had no *locus standi*, to use the legal Latin, which for those lacking in classical education, basically means: "Do what you like. You cannot win as you and the States Assembly have no rights on this as they were handed over in the Licensing Law of 1974." Now at this stage I used, I stress, my extensive knowledge of Anglo-Saxon dialect and decided that there was little point in proceeding, hence the new look proposition that you see before you today. So let us look at the first part and let me warn you about the first part because it is only fair. You are not voting on whether pubs, restaurants and bars are allowed price promotions. You are voting on whether this Assembly would like to ask the Licensing Assembly to deign to consider it because we have no rights or powers in this regard. I would like the Assembly to bear in mind that if you vote to ask the Licensing Assembly to consider it and the licensing body, as they are legally entitled to do, decline the request, then you have set this Assembly on a collision path with the body. That cannot be denied and it needs to be realised. It also needs to be pointed out that if Uncle Hedley is found driving after consuming a bottle of alcohol-based hand wash bought on a 2 for one at Boots, this - should this be adopted - will be blamed on a drinks promotion. Indeed, I would be amazed if there was not a concerted effort to do so. You may think this is strange to point out the negatives, but I believe if people vote, they need to know what they are faced with. I would also stress that this is not a happy hour, even though I have used the term in my supporting notes. This is price promotion. People have this view that Jersey will be turned into Ibiza with fun parties outside the Cock and Bottle. Marvellous as some may or may not find that prospect, it really is not about that. Firstly, under current rules, you have to be seated with table service, so that would just not occur. It is about offering price promotion, possibly 2 for one bottles of wine when you eat. Let us have another look at things like pensioner promotions between the hours of 11.00 a.m. and 1.00 p.m. in pubs. In the old days, there were many pensioners in there who would pop in after shopping to do that. Having spoken now to landlords and licensees, that has largely disappeared and it has largely disappeared because they just cannot afford to do it. There is Corona beer. There are other beers available but Corona beer took a bad back step in the States because of the virus. Now, for instance - and I have no idea whether it is still the case but if it was still the case - pubs could offer 2 for one on that particular brand so that they could clear their stock of that particular beer. They could promote other things when they are largely empty. They could promote half price drinks with a meal. It is merely providing ways that they may promote their business that they are now denied. Should we be helping the industry? Yes, of course we should. It is for a limited time and of course businesses do not have to take it up. In fact, I am sure many will not but we have the opportunity to give them that important choice and that is the same price promotion opportunity enjoyed by other business sectors on the Island, including alcohol and off sales help. Moving on to part (b), this is merely asking the competition regulator to see if we have a problem. Let me tell you why this needs examination. I was talking in a meeting with our economist and we were talking about impôt duty on alcohol and he said that we have a strange situation in Jersey that if you strip out all the tax in Jersey, the G.S.T. (Goods and Services Tax) and impôt duty and then you do the same in the U.K., you take out the alcohol tax and you take out V.A.T. (Value Added Tax), the price of a pint is an average of 50 per cent higher in Jersey. So a tax-free pint of lager is 50 per cent higher in Jersey and it is not just a pint from some licensed premises. You can buy a bottle of Becks Blue in a corner shop for £1 that they buy for 50 pence. Around the corner in the pub, it is £3.75. The same goes for Coke. One licensed premises at the moment is doing a baked camembert with French bread. Very nice. £18.50. Now would I charge this if I ran these companies, one of whom is a U.K. company? Yes, I would. If I could get away with charging excessively and making a fortune, I probably would, and I am sure many other running businesses would so I do not blame them. I blame the licensing and the States Assembly for failing to make sure there is competition.

Look at the competition we have on coffee. You can go top end or you can go lower end. You can pay £1.50 or you can pay £3.50. You have a choice. What do you think would happen if we had just 2 coffee shops? Well done to those of you who have spotted it. We would be paying £5.00 for a cup of coffee. I, and many Islanders, feel that to use shipping costs, not only for drink but other consumer goods, is not a valid excuse. If it is, then let us be proved wrong. Let us see a proper report that lists why the cost is 50 per cent higher so that we can assess whether the Jersey consumer is being treated in a fair manner. If there are valid reasons, let us address them and try to combat this price imbalance and shipping costs. Who knows? Someone remarked to me recently: “You may be opening up a Pandora’s Box with this leading to examining all sorts of areas in a myriad of other consumer goods and pricing.” Part (c) is very simple and I have touched on it already. It asks the basic question of you, as an elected States Member, if you are happy that Jersey’s alcohol pricing and future policy is better dealt with away from this Chamber, then you should vote for part (c) but if you feel government policy should reside with the Island’s elected body, then you should support the amendment for the law which the authority backs in the hands of this elected Chamber and its models. Thank you. I move the proposition.

**The Greffier of the States (in the Chair):**

Is the proposition seconded? [**Seconded**] It is 12.45 p.m.

### **LUNCHEON ADJOURNMENT PROPOSED**

**Senator L.J. Farnham:**

Sir, before I propose the lunch adjournment, could I just log that, as outlined in my statement of interest, I do have an affiliation to a licensed premises so I just wanted to register that before the debates start and, having done that, Sir, could I propose the adjournment?

**The Greffier of the States (in the Chair):**

The adjournment is proposed and I sense a universal wish to adjourn and, therefore, that is what we will do until 2.15 p.m. this afternoon.

[12:44]

### **LUNCHEON ADJOURNMENT**

[14:18]

**The Greffier of the States (in the Chair):**

Does any Member wish to speak on the Proposition? Well, if no Member wishes to speak on the Proposition ... Deputy of St. Peter.

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

Thank you. I was not expecting to have to come in late in order to start the debate. As I understand this, and I hope the Deputy will clarify it in his summing up, what we are deciding in (a) is merely allowing a hospitality business to exercise their own commercial judgment on whether they can make profits by offering promotions on alcoholic beverages. What is wrong with that? As is clear, the Licensing Assembly can legally say no. However, I support this Proposition as, if voted through, it is merely a statement from the Island’s elected body. I would like to thank the Deputy for reminding me of my opening lines and experiences from drinking in the mid-1970s in my impôt Amendment last year. Prices of drinks have escalated disproportionately on what used to be a duty-free tourist destination. Therefore, I support (b) and (c) as both are long overdue, so let us just make it happen.

**9.1.2 Senator S.W. Pallett:**

Given that Members will have had the opportunity to read the Economic Development comment on the Proposition, I will aim to be relatively brief. Deputy Ash and I have had broadly similar views

on some aspects of the alcohol licensing policy. We both know that a well-regulated licensed trade remains a critical part of our hospitality industry. I think we both recognise that there are some issues with our 46 year-old Licensing Law that need to be addressed. We both believe that the elected States Members in the Assembly should be more directly accountable to the electorate for aspects of the licensing policy. With that said, I have to consider whether P.105 proposes the right measures at the right time and in the right way to move us forward. I am not sure that it does. I think parts (a) and (b) of the Proposition cause me the most concern. While I do not doubt that both parts are well-intentioned, I suspect they will ultimately do more harm than good. I also believe they are unnecessary. Starting with part (a), I suggest that even if the case could be made for relaxing drinks promotions rules to help businesses through the COVID-19 pandemic, a States debate to prompt correspondence for the attention of the Licensing Assembly is quite simply the wrong tool for the job. But the case has not been made. I think every Member of this Assembly recognises the extent of the challenge that the hospitality sector is facing in this COVID-19 pandemic. The hospitality sector remain a key part of our Island economy and are central to Islanders' quality of life. That is why Government has been working really hard with the sector on a package of measures to sustain it through the last 3 months and the coming winter season. That work has rightly involved a good deal of listening to businesses over the past few months and in all that time I have not heard any calls from the sector that amending or setting aside the existing guidance on drinks promotions would help. The Jersey Hospitality Association has not asked for it and I am not aware that any individual businesses have called for changes either. It is unclear to me from the Deputy's speech as to whether he has approached the J.H.A. (Jersey Hospitality Association) for their views or that he has been approached by any individual businesses that a change in current policy is necessary. To be clear, I am not claiming that there is universal support for the existing policy. In fact, I know that from time spent on developing previous liquor licensing reform proposals that businesses' thoughts on the policy are quite varied. What I am suggesting is that it would not be right to use COVID-19 as justification for temporarily setting the policy aside for bars, pubs and restaurants. But the policy is not just that industry has not called for change. There is also the added difficulty in understanding the extent of the change that the proposal wants to see for 15 months. Whereas the Attorney General's Guidance covers all 7 licence categories provided for in the Licensing (Jersey) Law 1974, part (a) calls for the relaxation of the rules for bars, pubs and restaurants. I am not sure there is a convincing case for distinguishing between on-licence categories. I have not heard within the proposer's speech an explanation as to how the Licensing Bench would deal with such discrimination between categories. States Members would be asking the Licensing Bench to apply policy without adequate guidance in a similar way that the Assembly did in 1974 when it passed the Liquor Licensing Law. I am a little bit lost here with my speech, I am sorry. Taking licensing policy first, that situation has not occurred by accident. As I have already outlined, previous sessions in this Chamber effectively passed that responsibility to the Licensing Assembly when they adopted the 1974 law, which is silent in regards to pure policy matters that the Deputy and myself, indeed, have concerns over. In turn, the A.G.'s (Attorney General) Guidance is a function of the law the Assembly adopted. That guidance is freely and publicly available on [www.gov.je](http://www.gov.je) and has been for many years. While I accept that there is possibly more awareness of the guidance among the licensed businesses it is written for than there is among the wider population, I cannot help but recall that the guidance was clearly discussed in the last major liquor licensing consultation paper published by Government in February 2016. If Members do not remember that consultation, perhaps they might remember the resulting public petition and outcry against the alcohol promotion restrictions that claimed to have secured 25,000 signatures. I was hopeful at the time that the new draft legislation that evolved into P.103/2017 would have by now prevented the situation we currently find ourselves in, but I do believe the bulk of the work need not be wasted and progress can be made expeditiously. But I understand that it is that third matter, the introduction of minimum unit pricing in April of this year, that really prompted part (a). To clarify the background, the new Attorney General's Guidance was published at the end of last year with the endorsement of the Licensing Assembly. I understand that the new

guidance responded to a complaint that an off-licence business had been engaged in loss-leading pricing. It is also my understanding that off-licence businesses were given several months' notice of the changes. Consumers, however, may not have been aware that this was coming and, if I have understood the Deputy's position correctly, he thinks that decisions on minimum unit pricing are matters for the Assembly. I have explained in my comment that I have a great deal of sympathy with that view, but the right way to address that issue is not to put the Assembly in a position of voting to second-guess the considered judgment of the Licensing Assembly. It is to develop draft legislation that would transfer the burden of responsibility to the Assembly and ask the States to consider adopting that legislation. That work, as I have stated in my answer to a question from the Deputy of St. Mary earlier today, is under way after the Council of Ministers agreed to a task and finish group chaired by myself, and including Deputy Ash, that has clear terms of reference to progress either new licensing legislation or amending the 1974 Law and developing a draft statement of licensing policy. This would, as a minimum, address alcohol availability, alcohol pricing and alcohol advertising and promotion and consider who determines applications and models for both licence categories and fees. It makes more sense to me to deal with all these issues around alcohol licensing holistically and provide either the current Licensing Bench, or whatever determining authority is agreed, with a licensing policy it can clearly work to and is agreed by us here in the Assembly. I know that Deputy Ash is passionate about bringing about change, as I am, but I believe that part (c) of this proposition does just that, so I would respectfully ask the proposer to consider the leave of the States Assembly to withdraw part (a). In regards to considering not going forward with part (a), I would also invite him to consider asking leave to withdraw part (b) as well, and I do that because, as the comment from the department explains, the Minister does not have the power to instruct the J.C.R.A. (Jersey Competition Regulatory Authority) in this area, nor does he need to. Over the years, this Assembly has sometimes been accused of having dogs while wanting to bark itself. In this case, the States may wish to consider that the newly demerged J.C.R.A. is already collating and independently evaluating its evidence base ahead of devising a professionally prioritised programme of work and one which may or may not include a study of the alcohol market. If Deputy Ash or any Member has evidence that there is an imbalance in the local alcohol market or that certain businesses are profiteering, then that information should be presented to the J.C.R.A. as they consider future work streams. So, the States have no need to bark today, neither, I would suggest, does the proposer need to maintain part (b) of his Proposition.

[14:30]

When we come to part (c), and as I have explained in both my comment and my thoughts on part (a) today, I believe the States Assembly should be empowered to set a broad statement of alcohol licensing policy. That was one of the reasons I was content to lodge P.103/2017 during the last States term of office and equally disappointed that I had to withdraw it. Today, however, as I have already said, the Council of Ministers has established a task and finish group to restrict work on liquor licensing reform. The proposer and myself will be working together on that group, alongside the Minister for Home Affairs and the Minister for Health and Social Services. We have been charged with developing a draft statement of alcohol licensing policy for consideration by the States, and the legislative framework that will be needed to implement it. The only caveat I would float to the Assembly is that whereas part (c) specifically calls for amendments to be made to the 1974 Licensing Law, the Council... group will reserve the right to propose new legislation if it concludes that the 1974 Law cannot practically be amended to deliver the required change. I am more than happy to work to the timeframe included in part (c) with the other caveat that it is vital that the working group receive the necessary policy development support from S.P.P.P. (Strategic Policy, Planning and Performance). There was a section I missed out earlier on, which probably would not make any sense now because I missed a section of it, but it did revolve around the rationale for giving pubs and restaurants special dispensation over any other categories within the licensing categories. I think one of the issues I was just coming to, but I lost it on part of the page I was on, is that I do appreciate that

the Deputy is right when he detects a lack of public awareness in 3 areas, 3 areas I have already gone into, but those areas were the extent to which the Licensing Assembly determines aspects of the licensing policy, the existence of the drinks promotions policy as set out in the Attorney General guidelines, and the fact that the A.G.'s Guidance had been amended this year and it now sets a 50p minimum unit price for alcohol sold in most off-licences. I think the communication around that has not been good and I think the public have not been fully informed about how some of these have been brought forward. So, in brief, I cannot support part (a) and part (b) for the reasons I mentioned, but I have no concern around supporting part (c) as I think it fits in with the work that we are putting forward. I would urge Members to support part (c) but, for the reasons I have given and other reasons that I think other Ministers will give, part (a) is just something I cannot support and part (b) is something that I do not think the Minister has the authority to do. For me, I cannot see how as an Assembly we can support that if that is the case.

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

I do not support parts (a) and (b) of this Proposition for much the same reasons as Senator Pallett has already outlined in the previous speech. As Members would expect, a Minister for Health and Social Services would have serious concerns with part (a) and the proposals to offer and advertise promotions on alcohol on licensed premises. Putting in place and promoting offers is evidenced to link increases in harmful and hazardous drinking. Quite evidently, the more people drink, the greater the risk of health and well-being harms. In addition, high levels of drinking and drunkenness are linked to increases in accidents, antisocial behaviour and increased risks of violence and assaults around the night-time economy. Therefore, Licensing Law controls are a just and reasonable requirement for balancing the benefits against the potential harms of providing alcohol. Ordinarily, you would expect a Minister for Health and Social Services to focus attention on direct health and social impacts of harms, but I want to stress that we are in a different world, a world where the impacts of Government decisions need to take direct account of the potential impacts of COVID risks and the impacts on our Island's population. I have very specific concerns around COVID risks. We need to be more cautious than ever to prevent transmission and, although we have not seen wider community transmission yet, we do see it in our immediate neighbours. It would be naïve to think that we are not at risk in the same way that England, France and Spain have been. So we need to ensure that we take measures to keep our Island and Islanders safe. It is a well-recognised fact that the night-time economy is a common source of COVID outbreaks. While in Jersey we have kept nightclubs closed, reducing the risks from closer contact encouraged through loud music and dancing, alcohol consumption in bars and pubs does remain a known risk factor in transmission. Alcohol does reduce people's inhibitions and, therefore, the likelihood of observing behaviours that can help break the transmission of COVID-19. Alcohol impairs an individual's decision-making process and influences the perception of risk likely to lead to risky behaviours like a failure to physically distance and a failure to wash hands and the like. It is a well-acknowledged fact that night-time activities and subsequent risky behaviours are linked to increasing accidents and even assaults. Putting an increased burden on emergency services now could also have the knock-on effect of availability of personnel to deal with the potential future need for COVID-19 related emergency calls. It is also worth noting that the demographic of those Islanders attending bars and clubs are more frequently those in younger age groups, and we know from watching COVID-19 spread in other countries that community infection is first spread in the younger 20 to 40 age group before infection is spread onward to a much more cautious older population, who unfortunately have worse outcomes with a risk of severe illness. I believe this is not the time to be supporting and facilitating the risk of spread by enabling and encouraging behaviours in the night-time economy, which may well increase the risk of COVID-19 in our community and the harm that this would cause to our most vulnerable Islanders. By supporting part (a) of this Proposition, which is intended to support our night-time economy, the effect is it could very well be that we are at increased transmission risk and that would risk onwards tighter measures which might even counterproductively necessitate closing bars and



restaurants. So I would strongly urge Members not to support (a); (b) I think Senator Pallett has explained it is not something within our powers; (c) I can support as a member of the task and finish group, and it is our commitment to try and bring something to the Council of Ministers and on to the Assembly that will move this longstanding issue forward. I will conclude there.

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

I just want to focus on part (b) of the Proposition. As the Minister for Economic Development, Tourism, Sport and Culture knows, I am a strong believer in the independence of the Competition Regulator in Jersey and I feel that for the States to direct the work of that would be overstepping that independence. I also think it is really an important point that Senator Pallett raised. The Proposition itself, it is impossible for the Minister for Economic Development, Tourism, Sport and Culture to deliver on that Proposition because he has no power in law to direct the J.C.R.A. to undertake any particular review. The most he can do is request. So I would strongly urge Members to not support part (b) because it is undeliverable and it crosses the boundary of independence of the Competition Regulator. When you read the comments from the Minister, it would certainly make the Competition Regulator have to reprioritise other work which may be of greater interest to the consumer than this piece of work. It is up to the regulator to work out their own workload and their own schedule for the year ahead. So, I urge Members not to support part (b).

#### **9.1.5 Senator S.Y. Mézec:**

I think this is a worthy proposition for debate because I think it raises a few points of principle on where the decision-making process should lie and also, I guess, the more philosophical point of principle on how far Government, or whatever agency it is in this case, should go in interfering with what businesses can or cannot do and what our rights as consumers are, and balance that against the health case that, of course, the Minister for Health and Social Services has just put across. I have spoken to Deputy Ash in advance of this and said when it comes to part (a) I genuinely do not know how I feel about that. I will listen to the rest of the debate. Part (b) I do not feel particularly strong on, but part (c) I feel strongly ought to be supported because of this point of democratic principle that it ought to be this Assembly that either sets policy clearly or sets a process which we are able to hold to account on setting policy. I do not think that the status quo is acceptable. There have been a few references to the Licensing Law of 1974 and I will be honest, I thought the Deputy misspoke when he first referenced it. I thought he was referring to the Licensing Law of 1774, but of course it is 1974 and I do not think that this process for deciding on these policies is the right one. When it comes to how far we ought to be able to interfere in what businesses can promote and what choice we as consumers may have, there is a line of argument that might say that if you are suggesting that we ought to restrict people's access to alcohol when they are out or restrict their access to alcohol promotions, then that could be nanny state interference. That is not something I necessarily agree with, but it is a view that some might legitimately hold. I have to say that I am sort of of the view that even if it is not the case, as Senator Pallett I think suggested, that there are businesses out there that are dying to offer these sorts of promotions, on principle I think they ought to have the right to do so. We do have in some respects in the Island a rather puritanical approach to some issues when it comes to do with access to alcohol and when it comes to do with public entertainment and all sorts of, frankly, weird stuff that goes back decades that I think restricts our ability to have a vibrant hospitality sector when you compare what we have on offer to other places, where it is perfectly normal for a bar to have a happy hour to entice people to go there. Yes, of course, there are some unhealthy things that come alongside that and you can have deals that do encourage binge drinking, which is obviously not something we want to encourage because of the health impacts, but then is it not down to the individuals to decide whether that is something they want to engage in or not? So I think that this idea about enabling those businesses to put on promotions that they currently cannot do is something that is worthy of consideration. Whether it is proposed in the right context in this Proposition, given where we are with COVID-19, given the issues with social distancing and, yes,

the fact that when people have had a bit more alcohol than they otherwise might have had they are going to be less likely to be paying attention to the rules in the way they ought to, I think perhaps that is not the right context to be having that discussion. Were it more about encouraging a vibrant nightlife, and what have you, for tourists or for locals alike during the summer months or whatever, then that would be a really interesting debate.

[14:45]

Whereas I think in this context there are difficulties with it that the Minister for Health and Social Services has outlined that make that uneasy for me to support, although I am still open-minded at this point. But I think this part (c) of this Proposition is absolutely right, that something does need to be done so that in deciding how far the arms of the state will reach into telling businesses what promotions they can and cannot offer and influencing people's own personal health decisions, then that is something that ought to be decided in a democratic way and the framework which currently exists is not democratic. So it must be swept away as far as I am concerned. So I will certainly be supporting that part of the Proposition, and I am interested to hear the rest of the debate for the other parts.

### **9.1.6 The Deputy of St. Mary:**

As Members may appreciate from my oral question this morning, I am very much in favour of a new Licensing Law being introduced and I congratulate the Deputy for bringing this Proposition, if only because it has eked out of the Minister or the Assistant Minister a commitment to do that by the end of next year. My one concern is whether that is early enough, but that is something I will return to. I appreciate here we are dealing only with this law, but I think it will be useful to have regard to some of the provisions contained in what was the previous law of a previous proposition introduced in the last Assembly, if only to clarify exactly where we are. Under the present Licensing Law of 1974, the Licensing Assembly is expressed to have regard to the interests of the public in general, and that is their only mandate. So, in fairness to them, I do not think they can be criticised if they seek help or exercise their judgment perhaps beyond what the Assembly wanted. Indeed, during the Scrutiny Panel's review of that proposition, we had a meeting with representatives of the Assembly and they pointed out this, what I can only call, vague wording and would appreciate some better guidance. That is what the previous proposition sought to do. So, I do not think there is any question here of there being a contest between the judiciary and the Executive and I am sure the licensing authority, however they may be constituted, would welcome guidance in some form. Going back to the Proposition P.103 introduced in the last Assembly, there are 2 or 3 aspects which are worth noting. The first is that that proposition provided for an alcohol and licensing policy group, which was to be comprised of the Chief Minister, the Minister for Economic Development, the Minister for Home Affairs, the Minister for Health and Social Services, the Constable of St. Helier and a member of the Comité des Connétables. In regard to that last item, that perhaps gives the Constable of St. Lawrence a measure of comfort that if implemented today, as was then intended, the Parishes would have some say. The other aspect which is important is that, contrary to having just the general interest of the public in mind, the Alcohol Policy Group would carry out its functions having regard to following key licensing objectives. They included not only health, which one would expect, but also help reduce alcohol-related crime, help secure public safety, prevent public nuisance, protect children from alcohol-related harm. While I therefore very much appreciate the comments made by the Minister for Health and Social Services, which are only to be expected, I do wish to draw attention to the fact that there are other aspects to be considered here and it is not purely a health issue. That, in effect, brings me to my main point, which is I think that that proposition foundered because of a lack of agreement between Scrutiny and the Minister on one important thing, which is that we, the panel, felt that there should be greater note taken of the public's wishes. While the policy was to be adopted by the Alcohol Policy Group and eventually brought to the States for approval, the panel felt that it was important that there should be input from the public as a whole. In that regard, and perhaps

Senator Mézec will approve of this, we had sought to insert a mechanism for there to be a licensing forum, much as they have in Scotland, which would be composed of various stakeholders, which would include the hospitality trade and individuals who could give their input to the licensing policy group in compiling their statement. It was that aspect and the fact that there was no requirement in the law as drafted to consult anyone, apart from the Medical Officer of Health, that really perhaps caused the disagreement. So, to a certain extent, I return to the point I made this morning. We almost have a ready-baked proposition before us, perhaps subject to a little garnish and a few additives, and I am anxious that we do proceed with something on those lines and the sooner the better. So, I shall certainly be supporting part (c) of the proposition. I concur with the comments made about (a) and (b) for the reasons given, and with that I will conclude.

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

It is regrettable that the Government has failed to get a grip of licensing and the implications on policing continue to be significant. It cannot be fair that one element of commerce, the off-licence trade, can make offers that the on-licence trade cannot. My observation, as I sit in a Parish Hall surrounded by licensed premises, is that the onus is on the managers of these establishments to manage the alcohol consumption of their clientele on their premises. Alcohol purchased from off-licences and consumed away from managed premises is, in my view, more of a problem, given there is absolutely no control or management by responsible people. There is in my view absolutely no need for the J.C.R.A. to be involved and I suggest that commerce in this area is far better left to the multiple stakeholders involved and consumers, who will make their own choices. I feel that whatever is agreed, there should be a level playing field where on and off-licences operate to the same rules. I would, therefore, support parts (a) and (c). Finally, I would remind Members that the Parishes have been inexorably involved with the liquor licensing for hundreds of years so would urge consultation with us could well result in an improved situation for all concerned.

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

I was hoping that there might be others to speak because I wanted to ask Google very quickly the last time that the Wesley brothers were in Jersey so that I could say it is 150 years or whatever since Charles Wesley or John Wesley was last in Jersey, but it seems that we are still ruled by the Methodists. But at least in the past when we were ruled by the Methodists, they were elected, yet here again we have I think what is a policy decision that has been made by non-politicians and it is a very controversial policy, i.e. that of minimum pricing of alcohol, never been made by any politician in Jersey. It has never been proposed to the Assembly by a Minister, even though we have Ministers standing up today saying how much of a good idea minimum pricing of alcohol is. If it is such a good idea, why did they not bring it to the Assembly and did they not stand by the courage of their political convictions and make a political argument for the introduction of minimum pricing of alcohol? But instead what has happened, and I think Deputy Ash is quite right in bringing this forward, is that in his conversation with that person who runs their own shop in Havre des Pas, he had to be told ... and I think he was not the only one in that situation to find out that there had been a change in policy which we as politicians never got a say in. That is completely unacceptable and it is not because minimum pricing of alcohol is not necessarily a good idea. It is just that it has not been debated. So when the Deputy of St. Mary I think reasonably said we cannot necessarily blame the Licensing Bench for coming up with this new policy because they have some kind of mandate to act within the public interest, the point I would rebut is that the question of where the public interest lies with regard to minimum pricing of alcohol and, of course, when it comes to promotions in pubs and on-licences is that it is not clear. The public interest is not clearly on one side or the other because there are very many factors that need to be taken into account. The message that seems to be coming across from the Minister for Health and Social Services and the Assistant Minister for Health and Social Services is that we do not mind you drinking to excess so long as you pay for it. We know, and it has been said before, that when it comes to problem drinking and issues of addiction generally,

cost is not a barrier because an addict will find a way to get their substance, whether it is alcohol, tobacco or anything else, be it legal or illegal. They will find a way to get it irrespective of how much it costs. It is absolutely remarkable that what we have done is we have introduced a minimum price of alcohol for shops; so for off-licences, in the meantime, we allow them to pocket the profit. So what does that really do in terms of drinking? I took a little wander up to the local corner shop at lunchtime and I took some photos, which I was hoping to circulate. I may be able to do that in the chat because we cannot circulate documents in the Chamber as we used to. I looked at the Special Brew. A 4-pack of Special Brew now contains 7.5 per cent of alcohol. It used to be 9 per cent, so Carlsberg are doing what they can to cut back on the alcohol content. It means that each can of Special Brew contains 3.8 units, which means that a can of Special Brew should be sold for £1.80 a can, which means that a 4-pack should be sold for £7.60. I took a little walk ... in fact, I had a run at lunchtime, I had a good run and I stopped on the way back. I did not buy the Special Brew, incidentally, because I do not think that would have done anything to quench my thirst, although sometimes you think you might need it in a debate like this. I noticed that they are selling the 4-pack of Special Brew for £7.59, which is one pence under the minimum unit pricing of alcohol. Now, I do not know if that is a very serious breach but clearly they have worked out what the minimum pricing of alcohol should be. It should be £7.60 as the very minimum; they could go higher than that if they want to. But they have made a marketing decision presumably to sell each can for quarter of a pence less than the minimum price of alcohol, so in fact you get a full one pence discount on what it should be for the complete 4-pack of Special Brew. Now, I do not know if that is being enforced. I do not know if that is their way of ... what is the word? Of biting their thumb to the establishment and saying: "This is our way to defy you because we do not think you are going to send anyone round for the sake of 1p." I do not know who enforces this law. It was somebody's great idea to do it, but that is the case. In the meantime, they can, of course, and did have a promotion which says if you buy 3 bottles of these ales, you can get them for the price of 2. So the drinks promotions can still happen and do still happen in the forecourts and in the off-licences and shops around Jersey. I think Deputy Ash has a photograph in his report which was taken, I think, at the time, which says if you buy, I do not know, 3 of these cans of ready-made gin and tonic or whatever, mix and match, you can have 3 for a fiver rather than paying £2.50 each or whatever it is. So the promotions industry in the off-licences has been unaffected completely by the minimum pricing of alcohol, which is interesting because it is contrary to the implicit or the implied desire of the Licensing Bench and the Minister for Health and Social Services to the contrary of that.

[15:00]

In the meantime, I am quite surprised that it falls to me, perhaps the most left-wing of the 3 Ministers from Economic Development, Tourism, Sport and Culture - not very left-wing, incidentally, but the most left-wing - to have to fight to make the argument for the free market and for the sector. Because it really should be for the industry to decide whether they want to put on drinks promotions. They are still bound, of course, by the minimum pricing of alcohol, so a pint of beer which has 2 units in, a pub cannot sell it for less than £1, and I do not think there is any risk of them doing that. But it seems to me there has been this talk about the night-time economy, the night-time economy as if it is something really sinister. It makes it sound a bit shady, does it not? But, in fact, we are not talking about the night-time economy here exclusively. Bars shut at 11.00 p.m. anyway and nightclubs at 1.00 a.m. or 2.00 a.m. under normal circumstances. But we are also talking about the afternoon economy. We are talking about the Sunday lunchtime economy. We are talking about the Friday evening economy or the Tuesday evening economy. In October there is something called Oktoberfest, which is still really popular. We are trying to get people to go out to have meals and we are not saying to people: "By the way, you can go out and have a meal but make sure you only drink fizzy water or tap water" because they are free to do what they want. They are all adults; they can do what they want and order what they want with the meal. They can order very fatty food if they want to. They can order a very sugary dessert if they want to and we do not say there is a minimum

unit price of sugar so you have to pay an expensive amount for a sugary dessert. We let them make those decisions because they are adults. We let the businesses make those decisions because they are competing in a business market, in a competitive area. From a tourism point of view and even just for locals as well, we want to encourage people to stay round the town centre a bit longer. So even if it is once or twice a week, rather than going home and putting your meal on, maybe stay out in town a bit longer, do a bit of shopping. We have this “Alive Past 5” thing with the shops, so why not occasionally stay in town, do a bit of shopping between 6.00 p.m. and 7.00 p.m. and maybe on the way home you will see they are doing a happy hour there between 7.00 p.m. and 8.00 p.m. It is not all night. It is not going to last all night. It is just to get the punters in during the quiet times, and it might be that you can buy, I do not know, 2 cocktails for the price of one, or you might be able to buy a cocktail for a fiver and you think: “You know what, I do not normally have a drink but why not treat ourselves? We have this £100 that we have been given by the Government and the Government has told us to treat ourselves to something we do not normally do.” So why would they not go and say: “You know what, let us have a cocktail, I will have a martini, I will have a mojito, I do not drink much, and then why do we not stay in town and get a meal, just treat ourselves? You have been working extra hard this month. It is the first time we have been out in a few months. Why do we not spend that money in the local economy?” Or, in fact, you can just go straight home. You can go into your local supermarket. You can get your 4-pack off the shelf. You can get your bottle of wine for a tenner because the wine is never going to be affected by the minimum pricing of alcohol. How many units are there in a bottle of wine? Even if there were 10 units in a bottle of wine, which there are not, the maximum you are going to pay is £5 for a bottle of wine if there is a minimum pricing. So £5, you are always going to pay that for a bottle of wine, completely not affected. So people will go into supermarkets, fill up with your wine, go and drink as much of it at home as you want to, that is fine. Alcohol is still going to be a loss leader in the supermarkets, but when it comes to promoting the economy that we should be encouraging people to use and to enjoy responsibly, why on earth are we putting in these restrictions to say that you cannot have promotions in restaurants? **[Interruption]**. Does somebody want to intervene?

**The Greffier of the States (in the Chair):**

No, they do not, Deputy Tadier, carry on.

**Deputy M. Tadier:**

All right, sorry. I think there is some voices in the background.

**Senator S.W. Pallett:**

Oh, right, okay. It should be all right. It should be all right but ...

**The Greffier of the States (in the Chair):**

I have muted Senator Pallett.

**Deputy M. Tadier:**

It should be all right. That is the kind of way I think we do our policy, is it not? It should be all right but it might not be all right. Maybe we need to start making the decisions in this Assembly about policy issues. So, I am completely sympathetic with Deputy Ash there and I, for one, will certainly put the Economic Development case forward for supporting local businesses, especially during this difficult time of COVID. I know the argument has been made that not all of them are crying out for it, but give them the choice as to what they want to do. They are adults, we are all adults, and I do not accept this argument that it is going to lead to increased debauchery and difficulties in town because that already exists. There is a problem to do with alcohol and there is a problem to do generally with substance abuse in the Island, and it seems that this is not the way to do it. But if it were the way to do it, let the Minister come back with a proposition. Really, I think just because the Licensing Bench had the ability to make these decisions it does not mean that they should have. They

should have really come to the Minister for Health and Social Services and said: “We need a policy directive for this. We are uncomfortable making policy decisions which at the base are political. We would like a steer from you and, in particular, we would like you to take this to the Assembly to get an in-principle decision on.” That never happened. The situation in Scotland is far from black and white. I think the case is that it was very difficult to get it introduced in Scotland and the jury is completely out. There is strong evidence, as Deputy Ash said at the beginning, that the Scottish model is driving problems underground, whether it is problem drinking or whether it is harder drug use. So, it is not clear that it works. I think those are all the points that I wanted to make. I think all (a), (b) and (c), all 3 parts, can be supported here and I think it is right also what my Constable of St. Brelade said, that this 2-tier system where you are allowed to have promotions in shops but you are not allowed to have them in bars is the wrong way around if we wanted to get it sorted. Deal with cheap alcohol being made available as opposed to allowing well-established businesses who ultimately have to apply for licences ... and there are those parochial as well as those Island-wide controls in place to make sure that those bars, pubs and hotels are all responsible.

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

I just wanted to raise a few questions on this. It is a very interesting debate and one I think that crosses the Assembly in terms of attitudes. I do not really have a huge problem with part (a) because I am not sure how much it does. It does talk about the necessary steps to ensure, but it does also talk about requesting the Licensing Assembly to take the decision and the immediate consideration. My concern is that there are some issues that we have to look at before we decide on this. I am a little undecided on (a). I think to promote the economy via drinks promotions is questionable. Particularly at the moment this link to COVID that the Deputy has put in is I think shoehorning in a little this change, particularly at a time where people are asked to distance and we are entering a winter time where we are very uncertain. So I am not so sure about that. I am particularly unsure, in fact I am absolutely certain, that there should be absolutely no link between talking about the price of alcohol being lowered and the need for a minimum wage. They are very distinct issues and, in fact, the need for a minimum wage and a living wage on this Island is something that I would hope people would support rather than oppose. If you think you can oppose that and vote for this instead, then you are really separating the wrong things. I suppose one must say that any notion of Deputy Ash going to a foam party, if that is what (a) is going to lead to, you could have lost my vote but we will move on from that, I think. There is a question on part (b) as well, about instructing the regulator, that was raised. I do not have such a concern with that because I think you can instruct the regulator to take action on what you perceive as, if you like, an anti-competitive culture within part of our economy, but then the competition regulator has to undertake the work and come out with the outcome. It does not define the outcome of that work if the Competitions Regulator is genuinely objective or separate from Government, which it should be. So, therefore, I have no problem with them being asked to do that, although I do understand obviously it is instructing their workload. As for the States Assembly deciding on licensing, well, yes, but then we need to have more knowledge about licensing and we have to be careful that we do not have ... I do not know what the word is, perhaps posturing on popular decisions regards alcohol without thinking them through very carefully. Alcohol does have a bad impact on our society. This notion that people should be given the ability to make their choices on alcohol, unfortunately after a bit of alcohol people’s choices perhaps are not as best as they could be. So, therefore, I think we need to look very, very carefully at that notion. Overall, I think (b) and (c) I have no problem. I am yet to be completely convinced with (a) but I may well go with it because I am not entirely sure what will happen if we do vote for that and whether we will see that change. Thank you very much. That is all I have to say on that.

### **The Greffier of the States (in the Chair):**

Does any other Member wish to speak in the debate? If no other Member wishes to speak, I will declare that the debate is closed and I will ask Deputy Ash to reply.

### 9.1.10 Deputy L.B.E. Ash:

Thank you very much. Firstly, what a joy to have a sensible debate on the alcohol topic there. I do not think we had any hysterical reactions and that is nice to see. Traditionally, as an Assembly and as a Government, we are very good at not doing something, are we not, over the years? We have not done a hospital, although hopefully we are within touching distance of remedying that if this morning is anything to go by. We have not touched Fort Regent and we have not touched the Licensing Law of 1974. Recently, of course, with the COVID outbreak, and it is unfortunate that it has taken that to do it, we have sprung into action, typified I think by the testing system that we have put in place. So hopefully we can continue it going forward to get things done rather than delay them. To go through what was said, and there is a fair amount but I will do it as quickly as I can. Deputy Huelin, I thought, put it perfectly that it is a fairly simple issue and at times it can be made complicated, but I will come back to that at the end. Senator Pallett was quite correct. We do agree on a considerable amount of what we should and should not be doing. I do not agree with him on the fact that the hospitality industry have not asked for this. Maybe one or 2 of them have not, but I have spoken to individual licensees and they would be quite keen on it at certain times, not so much, as I have said, on the happy hour but more on a drinks promotion basis when the venue was less than full. So I think that is important. The other people that I have looked at, and again they are the views that are so often overlooked by ourselves, that was the public, who do think by and large that it is a very good idea if conducted in the right way at certain times. As for the Licensing Assembly and the niceties of what I have asked for restaurants, bars, whatever, and the fact it might not pick up certain other licensing categories, well, that would then come down to the Licensing Assembly themselves to use their judgment. After all, they have been using their judgment since 1974 so they should be able to continue to use it. Because we are not bringing this in, we are merely asking them to consider it, as I said earlier. I would also say to Senator Pallett that while I agree we are looking at doing things, we cannot continue to drag our feet at every opportunity. We did have a meeting on this. It must have been a good 18 months, possibly 2 years ago, and we had a meeting that involved ... I think Senator Pallett was there. Certainly, the Constable of St. Clement was there and myself and a cast of thousands from Health, who gave us chapter and verse on why alcohol was a bad thing. We had no licensees represented, nobody from Silkworth or A.A. (Alcoholics Anonymous) or anybody like that, just Health giving us their view that we need to keep prices as high as possible, and we never had another meeting. So this is why I have brought this because I think we need to push this forward as far as possible. If we do nothing else, let us pass part (c) so that when that body meets that we have been promised by Senator Pallett they are going to meet knowing that this Assembly has said we want government policy on alcohol to rest with us. They will know that and they will have no choice but to take that into consideration, no matter what else they achieve or discuss.

[15:15]

I think it is important we pass that for that reason. As to the J.C.R.A., Deputy Morel's comments, I take on board that technically it is maybe not a Government decision to interfere with what they are doing, but we can again ask them to consider it, which is all I am asking. I have spoken to the J.C.R.A. and they said they would be more than happy to look at it but they would need the permission of Government to do so. As for should they do this, have they got better things to do, I do not know, that is for others to judge, but I think that the residents of this Island feeling that they are being charged 50 per cent more than people in the U.K. is as good a reason as any for them to look at whether that is correct and, if it is correct, why it is correct. On to the Minister for Health and Social Services, who I would have to pay great tribute to because I think throughout this COVID crisis he has grown into his role in a tremendous way and has been a credit to us and to the Assembly, so I have tremendous time for him. As for what he said, I could have written that before he spoke. What did rather take me by surprise was his playing of the COVID card. I knew we would get the health card played heavily, but he played the COVID card. At the moment I do not see that as being an issue. If we are going to accept that our pubs, restaurants, et cetera, stay open and we are going to

accept that people have table service and are served at those tables, surely all we are trying to do by passing this Proposition is to make sure that those tables are reasonably well-attended and help out those businesses. As I have said before, if those businesses do not choose to take up the offer, then that is up to them. Senator Mézec was 100 per cent correct in saying businesses should have the right to price things accordingly and, indeed, that we do have a puritanical approach at times. The Deputy of St. Mary, I thank him very much for his comments and for the emails that he has sent to me on the subject before on the necessity for reform and that greater note, as I said earlier, is taken of the public wishes, which is so often ignored. The Constable of St. Brelade, some excellent points, including, of course, that Constables should be included in future debates and any report that comes out. Of course they should, as should Silkworth Lodge, as should a myriad of other people that are involved in this topic, licensees. Let us get everyone involved in this, not merely a vested interest, which we have at the moment. From that, Deputy Tadier was, of course, correct when he states that we, the States Assembly, should be the ultimate decider on policy. His comments on Special Brew were very salient. A little aside - I do not want to keep people too long - Special Brew, although it now has a horrific reputation except among certain clientele, was, in fact, brewed by Carlsberg for the visit of Winston Churchill in about 1948, so it has a distinguished history even if that has now gone downhill. He is also 100 per cent right, is he not, of talking about the night-time economy, as though the people going out after 7.00 p.m. are in some way disreputable and sinister? That would, of course, include all the tourists that come here, most of whom now, let us face it, are over the age of 60 and contribute to this rather dark night-time economy. But as he said, there is an afternoon economy, there is a Sunday lunchtime economy. All these things go heavily to keeping our hospitality interests going. Deputy Ward, I can assure him that the last foam party I indulged in was by myself with Badedas, going back a few times, but you know what they say, Deputy Ward, things happen after a Badedas bath. I do agree with him on part (b). We have to have a neutral body who writes a neutral report. Scrutiny love it when the C. and A.G. (Comptroller and Auditor General) come out with a neutral body writing a neutral report. Why do we not wish to have a neutral body write a neutral report as to how alcohol is priced? Then let us move to how food is priced and a load of other things on the Island are priced. Let us get to the bottom of it, rather than let the consumer continue to pay that price. As I said, I would end on what Deputy Huelin said, and the fact that this really comes down to 3 issues, put in their basic form. Part (a): should licensed premises have the ability to promote their produce for one year in the same way as any other business and, if so, does this Assembly wish to inform the licensing body of our thoughts? Part (b): does the Assembly feel it is right that our prices are up to 50 per cent - and I will repeat it, because I think it is incredible - 50 per cent higher than the U.K. and would it like a report into why this is occurring? Part (c): is this Assembly happy for alcohol policy to be controlled by another body other than the elected one? In my personal opinion, I would suggest that (b) and (c) should be the least Islanders would expect of us and I call for the *appel* to be taken in parts.

**The Greffier of the States (in the Chair):**

Deputy Ash, do you want to have separate votes on each paragraph or do you want to do the whole thing in one?

**Deputy L.B.E. Ash:**

Separate votes, please, Sir.

**The Greffier of the States (in the Chair):**

Thank you very much. We will start with a vote on paragraph (a). The link is available in the chat channel. As usual, if anyone has trouble with the link they should cast their vote in the chat channel. If Members have come to the end of casting their votes, please, because we will close the voting very shortly. Are we ready to close the voting? I am going to ask the Greffier to close the voting. While



we are waiting for the results, Deputy Southern, I think your mic is back on, so we can hear. Thank you.

<b>POUR: 26</b>		<b>CONTRE: 20</b>		<b>ABSTAIN: 0</b>
Senator S.W. Pallett		Senator L.J. Farnham		
Senator S.Y. Mézec		Senator J.A.N. Le Fondré		
Connétable of St. Helier		Senator T.A. Vallois		
Connétable of St. Clement		Senator K.L. Moore		
Connétable of St. Brelade		Connétable of St. Lawrence		
Connétable of St. John		Connétable of St. Saviour		
Connétable of Trinity		Connétable of Grouville		
Connétable of St. Mary		Connétable of St. Peter		
Connétable of St. Ouen		Connétable of St. Martin		
Deputy J.A. Martin (H)		Deputy K.C. Lewis (S)		
Deputy G.P. Southern (H)		Deputy of St. Martin		
Deputy of Grouville		Deputy of St. Ouen		
Deputy M. Tadier (B)		Deputy L.M.C. Doublet (S)		
Deputy J.M. Maçon (S)		Deputy of St. Mary		
Deputy S.J. Pinel (C)		Deputy G.J. Truscott (B)		
Deputy R. Labey (H)		Deputy J.H. Young (B)		
Deputy S.M. Wickenden (H)		Deputy K.F. Morel (L)		
Deputy L.B.E. Ash (C)		Deputy M.R. Le Hegarat (H)		
Deputy G.C.U. Guida (L)		Deputy S.M. Ahier (H)		
Deputy of St. Peter		Deputy J.H. Perchard (S)		
Deputy of Trinity				
Deputy of St. John				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

We will move on to part (b) of the Proposition, and the Greffier will just make a link available shortly in the chat. I will just ask people to mute their mics. The link is available for paragraph (b) of the Proposition. Members to vote using the link, if they possibly can, and if they cannot vote using the link, to vote in the chat. We have 38 votes in the chat, so I think I can ask the Greffier to close the voting. I would say that the vote from the Deputy of St. Mary came in after we asked for the voting to be closed and cannot be counted, I am afraid, which is relevant because on the link there were: 19 votes *pour* and 21 votes *contre*, so if the Greffier could just have a look at votes on the chat, but I am not allowing the vote from the Deputy of St. Mary.

**Senator L.J. Farnham:**

Sorry, could I just confirm why you are not allowing the vote from the Deputy of St. Mary, as it appeared in the chat before the results were announced?

**The Greffier of the States (in the Chair):**

I had closed the voting, so the rules say that you cannot vote after the vote has been closed. I asked the Greffier to close the voting and that vote appeared after I had said that, some seconds after I said that.

**Senator L.J. Farnham:**

I would just point out that there are a lot of technical issues on the system this afternoon, but I respect your decisions.

**The Greffier of the States (in the Chair):**

So the outcome, if we include the votes from the chat is: 21 votes *pour*, 22 votes *contre*, so paragraph (b) was rejected.

<b>POUR: 21</b>		<b>CONTRE: 22</b>		<b>ABSTAIN: 0</b>
Senator K.L. Moore		Senator L.J. Farnham		
Senator S.Y. Mézec		Senator J.A.N. Le Fondré		
Connétable of St. Helier		Senator T.A. Vallois		
Connétable of St. Clement		Senator S.W. Pallett		
Connétable of Grouville		Connétable of St. Lawrence		
Connétable of St. John		Connétable of St. Saviour		
Connétable of Trinity		Connétable of St. Brelade		
Connétable of St. Mary		Connétable of St. Peter		
Connétable of St. Ouen		Connétable of St. Martin		
Deputy G.P. Southern (H)		Deputy of Grouville		
Deputy M. Tadier (B)		Deputy K.C. Lewis (S)		
Deputy J.M. Maçon (S)		Deputy S.J. Pinel (C)		
Deputy R. Labey (H)		Deputy of St. Martin		
Deputy S.M. Wickenden (H)		Deputy of St. Ouen		
Deputy G.J. Truscott (B)		Deputy L.M.C. Doublet (S)		
Deputy L.B.E. Ash (C)		Deputy J.H. Young (B)		
Deputy G.C.U. Guida (L)		Deputy K.F. Morel (L)		
Deputy of St. Peter		Deputy M.R. Le Hegarat (H)		
Deputy of St. John		Deputy S.M. Ahier (H)		
Deputy R.J. Ward (H)		Deputy J.H. Perchard (S)		
Deputy C.S. Alves (H)		Deputy K.G. Pamplin (S)		
		Deputy I. Gardiner (H)		

We now come to the vote on paragraph (c) of the Proposition, and in a second the Greffier will make the link available in the chat. The link is not available yet. It takes a little bit of time to set up, but

the link is now available. Members can vote in the chat if they cannot use the link, but preferably use the link. We have enough Members who have voted for us to be able to close the voting. I ask the Greffier to publish the link in the chat. A little bit more comfortable, this one. Part (c) of the Proposition has been adopted.

<b>POUR: 42</b>		<b>CONTRE: 3</b>		<b>ABSTAIN: 0</b>
Senator L.J. Farnham		Connétable of St. Saviour		
Senator J.A.N. Le Fondré		Deputy K.C. Lewis (S)		
Senator T.A. Vallois		Deputy L.M.C. Doublet (S)		
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy 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 J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

**Deputy L.B.E. Ash:**

Could I just thank everybody for what I thought was an informative debate? Let us move onwards.

[15:30]

**10. Bus Service: revised ticket and fares policy (P.107/2020)**

**The Bailiff:**

The next item of Public Business is the Bus Service: revised ticket and fares policy, P.107, lodged by Deputy Tadier. I ask the Greffier to read the proposition.

**The Deputy Greffier of the States:**

The States are asked to decide whether they are of opinion - to request the Minister for Infrastructure to take the steps necessary with LibertyBus in relation to the bus service - (a) to ensure that, from 1st January 2021, passengers may purchase a transfer ticket at the same price as a single ticket; (b) to ensure that there is no difference in the price charged for a single ticket regardless of whether the purchase is made by cash, debit card or AvanchiCard; (c) to investigate the feasibility of allowing passengers to top up their AvanchiCard on buses; and (d) to report back to the Assembly by 31st December 2020 with progress.

**10.1 Deputy M. Tadier:**

I will start off. The principle of this is quite simple, and I have put 3 parts in because I thought this would give us an opportunity to discuss some more peripheral issues, which I think are all tied up with the idea of fares and making it easier for people to travel. I hope we start off from a common point of view, irrespective of where we are in the Assembly, that we want to encourage bus ridership as much as possible. Of course we know that this has been an atypical year for LibertyBus, who have had to maintain a service during a health crisis, but nonetheless with the reduced ridership, that has put particular strain on the company. But nonetheless, I think this is a point of principle in terms of the debate, and the very first point that I am trying to establish is that it should be possible for any bus user, no matter how they pay for the bus, whether they are regular or irregular in terms of their bus usage, they should be able to get a bus from point A to point B for the same price as a single ticket, irrespective of whether they have to change. The point of that is because there used to be multiple fares in the Island where, depending on how far you went, you got charged a different amount. I think, probably quite rightly, that was got rid of because it was not particularly helpful in terms of trying to calculate. I remember you could get to St. Aubin for, let us say, £1.20, but it was £1.60 to get into town from St. Brelade and you would always wonder, is it easier just to maybe walk to St. Aubin to save that 50 pence and so on and get a bit of fitness in? I think the one price works,

it is helpful, but the point is you have no control over where you live or where you need to go, necessarily. For example, somebody who lives at Mont Felard but works at Marks & Spencer at Le Squez, let us say for argument's sake they have no car, they are not a regular cyclist and they want to get the bus from there, but they effectively have to pay for 2 fares. While it is true that LibertyBus have tried to introduce their version of a transfer ticket, it does not go anywhere near as far enough as to solve the problem, which is you should be able to travel, I think, from point A to point B, perhaps via point C, for the same price, because it is already an inconvenience for them that they have to change bus. It takes a bit longer; they might have to wait around. We should not be charging people more money for the inconvenience of having to change bus. I hope that point has been made as simply and clearly as I can make it and I hope that there is general support for that principle. I have left part (b) in because I think there will no doubt be pros and cons to this, but let us explain how the current system works. Effectively there are 3 ways to pay for your trip on a bus, 3 principal ways, before we get into any kind of subscription for monthly or yearly passes or concessionary passes; that is to say you can pay in advance using the AvanchiCards. I congratulate LibertyBus, incidentally, for getting some Jèrriais into their promotion, the Avanchi and the bus, they are very good when it comes to using our indigenous language. You cannot fault them for that. You get what they would call a discount if you use an AvanchiCard, but I think that is semantics, that is the basic fare. It has recently gone up and I think it is £1.65 if you want to travel somewhere using your AvanchiCard as a flat fare. Then you can use your debit card, which is more, so the debit card they would perhaps call as the flat fare. That is your non-discounted fare, that is the full fare that you would pay, which up until recently was £2 for a contactless and that has just gone up. Or you can pay a cash fare, which is £2.30. Clearly they have made a marketing decision to say that: "We want people to use Avanchi." That is understandable, from their point of view. If they can get the cash in in advance and keep it in their bank account and people just show their card and present it at the bus, happy days, it is better for LibertyBus, but we will come on to some of the issues with that in a moment. Similarly, if you use your debit card, you would have thought a debit card is often nowadays the preferred method of payment, although I still remember when it was the other way around, of course, because it was not that long ago when you would go into any establishment and they would have a sign somewhere saying: "We do not accept cards for less than a fiver or less than a tenner" and that was because they get charged for it. Of course they still get charged, but businesses have moved on and they seem to be capable of absorbing the cost to the point where it is very rare nowadays, especially for the younger generation, to even question using their debit card for a purchase of a matter of pence because the mind set has so much changed. It has almost come full circle, that while in the past cash was preferred by many businesses - and it is still preferred by some businesses of course today, for whatever reason - but banks are now imposing a charge on the use of cash as well. Not only is it more difficult for businesses to cash up and so on, there is also a charge for handling cash now at most banks, so there is a move away from cash. Now, I must admit, you cannot hold back the tide. I am not trying to do that, but I am slightly uneasy about trying to prescribe how people should pay for their fares because we do not let businesses do that for other things, or rather, they do not choose to do that. I have said in the report when you go and buy your cup of coffee, it could be a £1.50 coffee or your £3 coffee that Deputy Ash referred to earlier, you do not get charged a different price normally, depending on how you pay. I mean, I have certainly never been charged a different price for the same coffee if I have paid cash, debit card or potentially a prepaid card. Prepaid cards do exist, by the way, to pay for your coffee, so if I go to one of the pubs and get out my Randalls card or my Innulgence card, I can pay for that using a prepay and it will just come straight off, but I pay the full amount for it. If I use my debit card I pay the full amount for the coffee and if I get cash out I pay the full amount for the coffee. I am slightly uneasy about the fact that LibertyBus have unilaterally decided to make this decision, especially when they are running a public service on behalf of the States. That is where I want to introduce the argument which runs through the Minister's comments really to say: "Look, I do not know why you are asking me to do anything about this. I am just the Minister. We do not run the bus service and we should

not be telling the bus service what to do.” The comments talk about meddling, he says: “Meddling with the contract has financial consequences. This would not be merited in normal circumstances and it is doubly ill-advised at a time when bus ridership is down.” I have addressed some of those issues in the opening argument, but we are not meddling at all, because LibertyBus run a service on behalf of the people of Jersey and it is a bus service which we used to run ourselves in-house. It was part of the Transport and Technical Services Department. I am not here to argue the rights and wrongs of that. We have made a decision in the past to outsource that and that is fine, but we still need to have some kind of say in what we expect from them when they run our bus service, so I would say it is entirely appropriate if we want to make the decision that we should have a single price for travel, no matter where you are, no matter where you are going to in the Island, that we should say that and we should convey that to the Minister. It is exactly the same when it comes to debit cards. What I would say is that there is a potential here for LibertyBus to be much more dynamic and proactive in the way they offer these services. One reason that I find quite remarkable for the resistance to transfer fares, for example, is the fact that they say: “Oh, but it could be used fraudulently. Somebody could take that transfer ticket.” Imagine you travel from L’Etacq to town, you buy a transfer ticket because it is the same price and when you get there, there is this big conspiracy with your friends and he is going to meet you there so that he can travel to Gorey for free using that bus pass, that bus ticket, which is a transfer fee, and they would lose revenue. First, I think that is very unlikely. If that does happen, somebody has put a lot of thought and effort into doing that, but there must be simple ways around it. There is an analogue way to get around that, which is quite simple. I came up with it when I was on my run earlier. It is that you just have a little stamp, so you buy your transfer ticket and the bus driver puts a little stamp on your hand and it says “T” on your hand. So when you want to use your transfer ticket, you give him the transfer ticket, you show him - or her, because it could be a female bus driver - the T on your hand and you say: “Look, I have just bought a transfer ticket and I am not going to defraud you of any money. I am going to use that transfer ticket myself to get to Gorey and visit the castle” and problem solved. But of course you could use a technological way to do that. You could have a system where you tap in and you tap off the bus. The benefit of doing that is that the bus would cleverly calculate your best fare, so not only could you have a transfer fare which is not possible to defraud, but you could also calculate things like your daily pass, you could calculate your monthly pass. The thing is, you do not even need an AvanchiCard, because while it is beneficial presumably for the company to have a prepaid AvanchiCard, it is still quite problematic. This is what we have not touched on yet, the AvanchiCard is remarkably difficult to top up. If you have ever tried to do it on your phone, either on the bus or wherever you might be, it is really tricky. The phone access for a start is problematic, really small numbers, lots of long numbers to type in. It does not always work and when it does work you are going to have to wait for quite a long time for your card to be topped up. Certainly you cannot do it at the drop of a hat when you decide you want to use the bus on a rainy day, so that is an issue. The other way to do it is to of course queue up at the bus station, which means that you have to go to the bus station and you still have to use cash or your card, so you are going to the bus station to top up your AvanchiCard using cash. Why do you not use your debit card for all travel and make it a single price? These are just some ideas that I have come up with. They are not necessarily perfect, other people might have better ideas, but I think the principle, if we said to LibertyBus: “Look, do not charge people a different amount depending on how they pay, think of new and innovative ideas to encourage people to have return business.” That could be that you have a loyalty card and that on your tenth journey, you get your tenth journey for free. It could be that when you top up a prepaid card, if they keep prepaid cards, that you have a system whereby when you get to £2 credit, below £2 credit, you opt in to have your card automatically topped up so that you never run out. That would mean that part (c) of this proposition would effectively be obsolete, or certainly the argument for it would be less necessary, if not completely obsolete. Let us turn our attention to part (c) now, which is to investigate the feasibility of allowing passengers to top up their AvanchiCards on the buses. This is probably the softest way that I could have proposed it. We are not telling the Minister to do

anything, we are not telling LibertyBus to do anything. We are just saying that: “Look, a lot of people have been in the situation where they may not be regular bus users, but they want to try and change their behaviour.” They might be casual cyclists, they might be casual bus users, they might be wanting to become reformed car users, so they will look out the window, like on “Today”, and they will say: “The weather is looking a bit peaky” if weather can be peaky, I do not want to anthropomorphise the weather in any way, but: “The weather is looking a bit sketchy” shall we say: “and I do not have my umbrella, so what I am going to do today, I am going to get the bus.” I have been there, I will hold my hands up. So you get your wallet, you get your AvanchiCard out, but you have got a couple of AvanchiCards, of course, because you do not know which is the one that has any money on it because when your friends come to visit Jersey, you have got a few of them and you give them out to them so that they can get into town in the cheapest way possible to enjoy the night-time economy, of course. You have got your bus card there and you get on the bus and, oh no, you have only got 40 pence left on your AvanchiCard, so that is not good. So for a start, you are holding up the bus already potentially, and then you search around in your wallet and say: “Oh no, I have left my debit card in my suit jacket from last night and I do not have my debit card and I am going to have to use cash now. I have only got £5” so you give that to the driver and the driver is then taking cash, even though you are an AvanchiCard user, you just have not been able to top it up in time.

[15:45]

You say: “Can I not top this up on the bus?” and he says: “No, you cannot top it up on the bus.” You say: “Why not?” He says: “Oh, because we do not have the technology there”. By the time all of this has happened of course you would have been much quicker just topping it up on the bus. Remember, you are not going to have to top it up every time, because you are probably going to put £10, £15, £30 on your card anyway, so you will be holding up the bus, but that whole scenario which I recounted to you, apart from the interaction with the bus driver, which is hypothetical, you are fumbling around there, that all takes time and you end up paying cash anyway, so it does not help the issue. Or you pay on your debit card and you get charged slightly more and you are slightly resentful, but then it is your fault because you should be more organised. All I am trying to say is that there is not one homogenous type of bus user or bus rider and everyone’s experience will be different. There will be people who pay cash, there are people who do not have debit cards and there are people who do not go to town ever for their bus journeys. If you live at Mont Felard and work at the airport, you probably do not need to go into town that much. You are certainly not going to go the bus station to top up your AvanchiCard. If you get paid cash, you are not going to be able to go online to top up your AvanchiCard and you will not have a debit card either. Is it right that we are penalising people who want to pay cash if that is their only method? I do not think it is. I do make the Proposition. I am sorry if it has been a bit round the houses, so to speak, but I do feel that we should have this debate today and I would like to think that we can come out with something tangible and I ask Members to fully support, please, the transfer ticket. I have picked this up in other debates, that this is something that should be instigated and it can be done. Lastly, by the way, because I know the Minister is going to speak and he is going to say why this cannot be done, and he might touch on the issue of fraud. I mean, the Minister has still got a system of scratch pay cards in many car parks, so you go to Snow Hill, you might well find that people will offer you their pay card when you leave. Now, that is an offence to say: “I have only used half an hour on my pay card, do you want it?” and of course as a law-abiding States Member who does not need that pay card, you say: “No, I do not want that pay card because I have got free parking. I am a States Member” and then of course you take that person’s number, do you not, and you report them to the police for the crime of committing fraud. You do not do that, of course, and what I would say to the Minister is if he is worried about fraud - I know it is a very narrow issue - he should look at the issue of pay cards, but that is not the worst thing that can happen, is it, somebody giving half an hour of free parking to somebody or somebody giving a ticket which is resolvable, by the way, to their friend so they can steal from free bus rides I do not think is the kind of argument that should be losing this Proposition. I do hope that

Members will find merit in some or all of those parts (a), (b) and (c), which I am happy to take separately, and give their support to not just the actual proposition, but the spirit of what this Proposition is trying to do. Thank you.

**The Bailiff:**

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

**10.1.1 Deputy R. Labey of St. Helier:**

I just want to speak in favour especially of part (a) of this Proposition because it is something that many of us have been talking about for a long time. If you think about a couple or a family living in Georgetown who would like to go to St. Aubin for dinner one evening, currently they have to buy the fare to St. Helier, then the fare from St. Helier to St. Aubin, so it is double what they would pay if part (a) was accepted. I think that the bus company will not see any ... I think that puts people off, the fact that it is going to cost them twice to do the journey will put them off from making the journey at all. I think there will be an increase in journeys. I have no evidence to back that up, but it just seems to me ridiculous that you have to pay twice to make that journey, even if you live within a stone's throw of St. Helier, so I think this would be an extremely popular move with little or no effect on fares for the bus company. I just speak in passionate support of part (a).

**10.1.2 Deputy K.C. Lewis of St. Saviour:**

I would like to correct a few anomalies at the moment. The bus service has never been run in-house. That has never happened in Jersey. It has always been private companies. The ticket machines on the buses are designed to speed people up getting on the bus, so I will come to that in a moment. But as I have said in the comments, there are too many reasons to reject this Proposition. The first is the principle of not making policy on the hoof and the second is the implications of the financial consequences. I have no doubt that Deputy Tadier sees his proposal as bringing about improvements to the bus service for some passengers and was well-meaning. However, he has not made any mention of the consequences, financial or otherwise. I have explained on several occasions that LibertyBus operates under a contract, but there seems to be a misunderstanding as to what this means, so I will try to explain. Leading on from past experience and with best practice advice, the department drew up a contract in 2013 whereby the contractor takes on the financial risk. Why is this important? Well, it provides the incentive to make the service successful, to grow ridership. The contractor therefore sets the fares and the services. They have regular consultations with the public and make changes where they understand there is demand. LibertyBus won the tendered contract and they are operated under social enterprise principles. This means they do not have shareholders for whom they have to provide a profit. There are obviously benefits to this. They do make a small profit, but this is ploughed back into the company and the community. The money that goes back into the business is, in part, a share of operating costs of the head office and also reserves, which every business needs for investment in such things as new buses. Every year the company reports back the community involvement it has undertaken. A small proportion of any profit made is also passed back to the department to be spent on sustainable travel. Members have in the past suggested ways that LibertyBus profit could and should be spent. Frankly, this is mystifying. I do not recall this happening with previous bus operators or any other contractors we work with. Why should this happen with this company just because it is a social enterprise? This does not make any difference. Their business is their business. We cannot dictate to them what they do with their money. Neither can we dictate how they operate. They have a contract and operate to the terms of the contract. The terms do not allow the department to interfere with operational matters. It is not a nationalised company. If approved, various elements of this Proposition would mean we would have to seek a variation to the contract to change the through-fare or transfer prices and to change ticket prices for cash and credit card. As these are price reductions, that means there will be income reductions. There is no evidence that there will be increased ridership and it is highly unlikely that any increased



ridership would offset the loss of income. I do not have any spare or discretionary budget that I can reallocate, so in effect this Proposition, if passed, will be making itself a priority over other services we provide and taking money away from them unless I ask LibertyBus to make cuts in services to compensate or maybe the simplest thing, to increase the cost of fares. However, this goes against making public transport more attractive and promoting a change to sustainable transport. It is a direction I hope I do not have to make. Earlier this year the Assembly approved the Sustainable Transport Policy, which included as one of its key components a bus service development plan. Members have therefore agreed to there being a bus development plan. Imposing changes before the outcome of this plan would be very ill-advised. It is also worth mentioning that it will be looking at new technology, so the time to be looking at top-up machines is within the context of the development plan. To address the parts of the Proposition one by one, the transfer fare, LibertyBus have already introduced a through-fare or transfer fee earlier this year, with a saving on the cost of the 2-stage journey. This was all the Deputy's original Proposition called for. However, this new Proposition calls for a through-fare at nil cost. Well, nil cost to the passenger, but nothing is for free, as I have already explained. The Deputy seems to base his case on the unfairness of length of travel and having to change bus. LibertyBus are not unusual in operating a flat fare system.

**Deputy M. Tadier:**

Can I have a point of order?

**The Bailiff:**

A point of order.

**Deputy M. Tadier:**

I think the Minister is misleading the Assembly when he says I am asking for a transfer for nil cost. I am asking for a transfer ...

**The Bailiff:**

That is not a point of order, Deputy. That is a point of clarification which you can seek to make of your own speech, but you have a right of response at the end, so ...

**Deputy M. Tadier:**

Is it a point of order if the Minister is misleading the Assembly?

**The Bailiff:**

No, not in this case, because it relates in circumstances to where you are effectively saying he has mischaracterised what you wish to say, which is simply a point of clarification. If you would like to carry on, Deputy Lewis.

**Deputy K.C. Lewis:**

However, this new Proposition calls for a through-fare at nil cost. It will not cost extra for the passenger. Well, nil cost to the passenger, but nothing is for free, I have already explained. The Deputy seems to base his case on the unfairness of length of travel and having to change bus. LibertyBus are not unusual in operating a flat fare system. Neither are they unusual in operating from a bus depot. Another issue - a very important issue - that arises from a free transfer ticket is potential for misuse. Moving on to the cost of the travel, the same no matter of the mode of payment, there are reasons why cash tickets cost more than contactless. They cost more to process and they delay boarding on buses. Speedier boarding benefits the service as a whole and reduces travel time. The more bus time that can be freed up, the more potential there is to add on extra services or routes. Then, finally, there is the installing of onboard topping up. The issues with this are the financial investment in installing these machines on all buses and again boarding delays. I have not gone into any length of each specific part of the Proposition because I think that the overriding reasons for

rejecting this proposition are so strong. First, we are in the process of working on a bus service development plan, as sanctioned by the States decision. Fares and technology are definitely things we will be looking at. Second, the bus service has suffered tremendously under COVID-19. Passenger numbers were decimated and Government have had to help out the service financially and may still need to. Passenger numbers are still well down. The changes proposed will cost money or result in service cuts. Neither option is palatable. I ask Members to reject the Proposition in its entirety.

### **10.1.3 The Connétable of St. Ouen:**

I would like to start by saying that the comments made by the Minister for Infrastructure I agree with in relation to the Proposition, as Deputy Tadier has worded it.

[16:00]

They are all sound reasons why perhaps we should reject this, but my fairly brief comment, but I think one that needs to be seriously considered, is exactly how do we want to run the bus service? At the moment, as Deputy Lewis has pointed out, it is run as a commercial operation where the risk lies with the operator and their considerations are those of running an efficient service and charging a price, which is a balance between getting people on the bus, which they have been quite successful at doing. As Deputy Lewis says, there has been a 40 per cent increase in usage since they took over as operator. Frankly, I can remember the last operator and they were a bit of a disaster, so LibertyBus have been good as a commercial operator. The point I am trying to make is we need to think about it carefully, I think, because this is not the first proposition we have had about buses. Deputy Ward brought one about subsidising the cost for students and also there has been a lot of discussion about the use of buses in achieving our carbon neutral policy. I think the decision ultimately we are going to have to make - and I do not think we will be making it today, I am sure we will just be basing on our decision on what is in front of us - and these comments are particularly addressed to Deputy Ward and Deputy Tadier, think carefully about what do they think we want from a bus service. Is it a commercial operator or is it a service that is a social service, which helps people who need to get around the Island and subsidise their costs? Because if it is the latter, then we have to look at a different model. It has to be one that is run maybe by a commercial bus operator, but which is heavily subsidised by the State in those areas that we feel it is necessary to subsidised, which could be providing travel for certain groups of people in the Island who we believe need to have subsidised travel or we believe it will help reduce our carbon footprint on the Island. The 2 aims are not mutually compatible with that of a commercial bus service. A commercial bus service is just there to make money, full stop, and provide an efficient service, such that their reputation attracts people to ride on the bus for that very reasoning. It may exclude certain groups because of the pricing of that service. My point is I think we may or we may not reject this Proposition, I am deciding which way I am going to go, although I am persuaded by the Minister for Infrastructure's comments, but I think when we start talking about buses, we need to take a step back and say what exactly do we want from our bus service? Is it a commercial operator who provides a commercial service or is it a service that the Government controls or the Assembly controls, which provides services which are not commercially viable, but nevertheless benefit particular groups in the Island or benefit our carbon infrastructure and help us achieve carbon neutral target? I think if buses are still seen as an issue which people are concerned about, then we need a proper proposition to resolve the issue once and for all so that we have the bus service operating on the basis that we, as an Assembly, believe we want it to be operating on, rather than taking piecemeal swipes at the current service, which frankly I think are not fair on the operator and, at the end of the day, it will end up costing us money and may not necessarily achieve the aim that we want to achieve. With that in mind, I shall listen carefully to the rest of the debate, but I think we need to bear that in mind when we think about what we want to do with our bus service.

### **10.1.4 The Connétable of St. Saviour:**

I like the idea of a through-fare. I had a parishioner who lived at this part of the Island in St. Saviour and had their partner, who they had been married to for many, many years, in a nursing home at St. Brelade. Every day the person went into town, changed buses and got another one to St. Brelade and vice versa and in the end ended up by paying 4 fares. I just think that is very unkind. I think if you are having a through-fare, have a through-fare. Visitors in the summer, when we are back to normal, would love that. You can get on a bus at Gorey and go all the way Corbière. I think we do subsidise to a certain degree the buses and they do give a very good service, but I think a through ticket would be great. There are some of the other parts, (b), (c) and (d), which I am not too happy with, but a through ticket right the way through I think would be an advantage to a lot of people. It certainly would have been an advantage to the parishioner that lived in St. Saviour and had their partner of many, many years at St. Brelade.

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

I have to say, I am a little bit disappointed with the Minister's response, because he tells us that, depending on the way the votes go today, he will have to seek a variation in the contract. I would have hoped that the Minister would have seen coming down the line, coming down the bus route, exactly where we are going here. I would have hoped that he may have gone back to the operator before now and sought a variation to the contract, because I am a great sympathiser when it comes to paying a set fee to go between point A and point B. But what we have at the moment is we have a one-price system, which is fine if you want a one-price system, but then we charge people 2 prices to move from point A to point B, if unfortunately you have the bus depot in the middle of your journey. We do not have a system which has pay for distance and, if we did, that would avoid this altogether, but this the Minister cannot have it both ways. If he wants to have a one-price system, I feel he really should be looking at ways of charging people one price to get from point A to point B. I agree with Deputy Tadier. When I was a youngster growing up in the area, Grasset Park, Le Squez, Princess Place, and we got on the 18A and we went through town and out the other side for the same fare, as you did regardless of where you were going. I remember very sympathetically that bus route. I think LibertyBus are doing a fantastic job for us, but surely they take some guidance from what we might tell them. I am going to support the Deputy on this today. The only thing I cannot support - and I have to point this out to him - he made a big play for saying that there is no difference in cash and debit card and AvanchiCard, but of course there is. You will find that if you go to your bank with cash or you want to operate a cash business through your bank that your bank is going to charge you quite a considerable amount of money to handle that cash. So I have some sympathy with LibertyBus on the use of cash and I think it is probably right and justifiable that we try to get people to move to cashless - in fact, contactless - systems in this day and age. But the Deputy gets my sympathy certainly on point (a) and I would like the Minister to go away and find a fair system so that people, regardless of where they start and where they finish, pay the same price.

#### **10.1.6 Deputy I. Gardiner:**

I did not plan to speak on this debate, but I would like to make a couple of points to follow the Minister's speech. First of all, it has been mentioned that no other company has done it before. So what? It was not before, but we can always look at something new that has not been done before, so let us start to do something that is different. I think the Constable of St. Ouen mentioned that we need to decide if it is a commercial operation or the Government. From my perspective, it is neither, it is social enterprise, subsidised by the Government. This is the reason that we can look into the contract and reopen the contract and renegotiate the contract, especially when you are looking into a bus service development plan, let us incorporate. I am following what the Deputy of St. Martin said. It is 2 prices. It has never been a new price. It is not a new price, it is one price from A to B, but now people are paying 2 prices. I do agree, I think there are families who would use the buses more if they do not need to pay double price. Around the world it is pretty acceptable to have a fare for 60 minutes or 90 minutes. It is easily manageable, so it is not that somebody will pay one price and use

the ticket for the whole day, it is 60 minutes, it is enough time to get from one side of the Island to the other side of Island if we would like; we are a small Island. I would support part (a). I would not support part (b) because I do think there is a difference between cash and the card. It is also again pretty known practice around the world, but I would like to support part (c), because I even did not think, but I realised if you run out on your AvanchiCard and you need to top it, it would be really good to have it on the bus and not try to find ... to go back and to log in if you are the middle of St. Ouen, for example. This is the point that I would like to make. Thank you very much.

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

I would like to thank Deputy Tadier for pursuing this, because I think it is such an important thing to do. I want to develop an argument here as to why I think that what we were told by the Minister can be questioned directly and we can form a counterargument to that. First of all, in my Written Question today, Written Question 365/2020, an answer was given that: "The HCT Group, who run the bus company, their stated aim is to use profits they make from operating commercial contracts to fund charitable activities and community reinvestment in the local areas" areas, important word: "or local authority areas where their subsidies are based. No information on HCT Group subsidies is held, as this is not relevant to the performance of the Jersey Bus Company." It seems to me that the bus company have free rein to do what they want with their money and not tell us where they are, even though we are funding that. Now, if you look at the HCT accounts for 2018, on page 47 of those accounts - and I would post them into the chat, but I am afraid I do not know how - the retained funds as of 1st April 2018 for the Jersey part of that company appeared to be - and I say "appeared to be" because the Minister has no information on this, so we have to go searching for it - the retained funds appear to be £2,764,470. Now, what that figure means we do not know, but what we can do is a comparison with the other branches of HCT Group, such as their buses in Guernsey, which retained £210,000. In fact, in I think it is Bristol, it was £382,000; in I think it is Manchester or the City of London, £24,000; again, either Manchester or City or City of London, £13,000. There seems to be a huge discrepancy on these figures. Now, I am trying to ask to get to the bottom of those and there is no information coming forth from the Minister. But yet again, he stands in the Assembly and makes a financial argument about change from a social enterprise company. Now, if you go to the HCT website, there is a very important statement on the front of their website. It says, and this, if you like, is their strapline: "Transport works better when the community drives." It is clear to us from today's debate that we, as a community in the States Assembly, which reflects our community, have absolutely no power to drive the direction of the bus service. We have entered into a contract over which we seem to have no control, but it does seem to be very lucrative for removing money from Jersey and subsidising other areas of a company. I can only say as an assumption because we have no information from the Minister on that, even though questions have been raised to try and find out that information. We are told so many times about Connex and how bad it was. Okay, yes, the bus service has improved, but how much worse could it get? It reminds me of Bruce Forsyth on Play Your Cards Right when he talked about the audience being so much better last week. We cannot continually roll out these arguments whenever a change is going to be made. We supported a drinks promotion ability today and we have said one of the arguments was it is positive for people, that it takes one of the costs away for them to socialise and to do something that is good for their health, but we may well, if we are not careful, sit here and not promote a significant change for people, people who would only have to pay the single fare to get them from A to B without having to pay it again just simply because they go through the bus station. Now, that is a significant amount of money for people on low incomes. That is a significant amount of money for young people transporting themselves across the Island. We want to develop a sustainable bus transport system. I think part (a) has to be adopted. I think it is about time that we looked carefully at where the money for the bus company is going and not fall yet again for this smokescreen that if we make any change, financially it will be crippling for all of us. I am afraid that does not wash with me. This is about a company needing to provide the service that we want, a social enterprise company, as they advertise

themselves, and I think we need to keep track of that. In terms of parts of the Proposition, part (b), there is no difference in charge for a single; that is exactly the point. It is a through ticket and I think we need to look at the cost of that and I would fully support that. Part (c) I think is far more important than people realise.

[16:15]

**The Bailiff:**

I am sorry, Deputy Lewis raises a point of order.

**Deputy K.C. Lewis:**

Happy for wait for the speaker to finish, Sir.

**The Bailiff:**

Very well. Please do carry on, Deputy Ward.

**Deputy R.J. Ward:**

Certainly, Sir. Part (c) is very important. We are looking at a Sustainable Transport Policy and a sustainable bus transport policy, so one of the things that this proposition says: “to investigate the feasibility of allowing passengers to top up their AvanchiCard.” What the Deputy is saying is: “Look, let us look at this genuinely. Let us give people options.” Now, personally, I think if you were going to do that with the technology that we have, with Digital Jersey, for example, being very keen to help out, we have the best broadband on the Island, for example, I do not see why it is beyond us on a small Island to have a service as they do, for example, with Oyster Card in London, which means you immediately cannot go over the cost of a day’s travel. There is a very important principle there. That is set up so that we are looking to limit, to make transport as accessible and as cheap as possible for people, rather than looking to make sure that people are paying as much as possible for their journeys, which is exactly the opposite of what should be driving a sustainable transport policy. Again and again we have heard arguments about cost to stop something happening for our transport system on this Island that would be beneficial to young people. We are going to put children first, apparently. It would be beneficial to old people, who have not quite got their bus passes yet. It will be beneficial to families, it will be beneficial to those on low incomes so they can transport themselves around the Island. This is an opportunity for this Assembly to yet again make a step forward and do something positive about public transport on this Island. I genuinely hope that for once and finally we will make a small step and therefore I urge everybody to support every part of this proposition.

**The Bailiff:**

Deputy Lewis, a point of order.

**Deputy K.C. Lewis:**

Yes. It is just regarding the previous speaker’s speech. We cannot compare Jersey to Guernsey. They are completely ...

**The Bailiff:**

Deputy, that is not a point of order. A point of order requires a ruling from the Chair. It does not require any comment upon what has been said other than in connection with a ruling from the Chair. Do you have a point of order within that sense?

**Deputy K.C. Lewis:**

It is just the Deputy was inadvertently misleading the Assembly.

**The Bailiff:**

I am afraid, Deputy Lewis, that is not a point of order.

**Deputy K.C. Lewis:**

Guernsey own their buses and service them and we do not.

**Deputy R.J. Ward:**

I am happy to address that.

**The Bailiff:**

No, I am afraid we are moving on.

**10.1.8 Deputy J.H. Young of St. Brelade:**

I am going to disappoint the proposer, not because I am happy with the fare structure of our bus service. I am far from it. I want to see real changes there, because I think there are unfairnesses, there are such anomalies in the current flat fare system that I think has been made worse by, if you like, this kind of overarching commercialism argument, which has come out strongly in recent responses. Of course that has surprised me a bit because I can remember when the previous Minister was in fact ... no, it was the current Minister, and I was involved in the Scrutiny Panel, the chairman, and they were moving the contract from the previous operator and of course we were putting in at that time very substantial amounts of public money into the new contract, I think around about £4.5 million I remember at those days. Obviously, I am not sure what it is now, although I do know in recent years I think it was intended to try to bring that down, which is something that troubled me. But of course there is no question that operation has been very successful. The huge increase in the routes, the quality in the standards of the vehicles and the whole professionalism of the business has been a great success. But I do think now that we have reached a point where this fare structure, we have to ask ourselves the fundamental questions, is the way this contract works right? I am personally not content to be told: "This is a commercial operation; you cannot interfere with it." But I am clear it would not be right to tinker with it in a piecemeal way and this is why I am putting all my cards and support for the Minister, not because I am happy with how things are, because I am not, and I will say a few things about that in a moment. But, because, as part of the Sustainable Transport Policy, he has pledged and committed to complete this fundamental review, because it is crucial for our carbon neutral strategy. At the moment we have a flat fare but it is high, whereas, for example, if we had a lower flat fare I think you can live with some of the anomalies. In Guernsey they have it at £1, ours is well over that. So I think those anomalies are very, very significant and we have the issue about, if you go through the bus centre and you go from First Tower to Georgetown then you end up paying way over the odds compared with somebody who does a much longer journey. Given the fact that is twice a day, 5 times a week for a working person, it is not insignificant and we should not discount it. Now I was not aware of the transfer ticket that has been put in place that the Minister for Infrastructure has told us about and that is good. But it is still not perfect. So I am troubled about 2 things; for example we were told that the LibertyBus would be a social enterprise company and the surpluses from the route would be spent on public goods. I am disappointed with what I have seen because, when I look at the very healthy state in the published accounts of HTC where you can see the levels of accumulated surplus in the individual contracts and Jersey is, by a country mile, way up there. I was hoping we would see Parish routes, hoppla bus services and such, but of course we have not had those. So I am disappointed in that. So they have done very well but that decision goes back to replace the contract, I am not quite sure when it was, 2012, 2013 it may be, it is time to review the arrangements and the contract structure. I am sorry to the proposer because my sympathies are very much with reform, I do not mean the Reform Party, I mean reform of this contract to try to make it work better for the public. But I just do not think this is the right proposition to do it. It is a shame really. If we had some amendments, we might have been able to shape this a little bit to help us. So I am sorry, I am not going to be able to support it on this occasion. But I shall be looking strongly to

what comes forward to the strategy review that comes forward under the Sustainable Transport Policy objectives. I shall be looking for some very, very major change and improvements in that, which is a fairer structure, I think an increased level of public subsidy, and particularly I think we really have to bear in mind that we know very well that people who do not use our public transport, but use private motor vehicles, at the moment pay very, very little contribution to the public for that. We need to switch that equation so that using buses in the longer future is cheaper than it is using private vehicles if you are going to commute into town in terms of a working day. So that is the way I see it, but I am sorry I am unable to vote for the Proposition.

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

I am pleased to be able to speak after the previous speaker because I found his arguments rather disappointing and quite shocking. Because what he is saying is: "I have every sympathy that we need to do something about this bus contract, but there is a big review going on, so I could not possibly vote for doing this thing, even though I sense it is in the right direction." But let us look at what the Minister has said here and it is an old trick, one that we both know, both the Minister and I, what is the first thing you do when a Backbencher brings a proposition? You call it policy on the hoof and suggest thereby that it is not well-researched. Then you call it well-intentioned, because we all know what well-intentioned means, it is followed immediately by the words "but misguided". In doing so, you try to effectively rubbish what the Backbencher is saying. But the Minister today made some remarkable statements: "Their business is their business" he said of the bus company. What a strange way to look at a body that is there to provide a service for the public. Their business is getting people around the Island in, hopefully, a sustainable way. There you have it. The Minister went on to say: "We cannot possibly interfere with policy", meaning their policy. I am thinking what can we do? In this Chamber, in this Assembly, that is what we do, we do policy. It is absolutely appropriate that we should be insisting, requesting, that the bus company follow our policies, because we think that is the direction to go in. If we are to have anything but nominal acceptance of a Sustainable Transport Policy then surely this should be included. The bus service forms a part of that Sustainable Transport Policy. All in all, rather than do what the Minister says, we should be voting for this Proposition because this is certainly a way to achieve more sustainable transport on the Island rather than less. I am reminded 50 years ago I spent 2 years living in Stevenage New Town in Hertfordshire and there the town was built away from New Town when they built it and it was planned years ahead of their time to try to minimise the use of the car. What they had was a centre that contained a bus depot, but they did not charge extra if you went through the bus depot. All the routes stretched out like a spider, very much like ours from the depot in town, stretched out like a spider and you could go from anywhere on those spider's legs, through the depot, for the same price as you could a shorter journey. There was a single fare and that is what they did. They also, because they had the time and the space, built cycle paths everywhere, so you could get anywhere in town without extra delay, you could get there by bus and by bike. Fortunately, it was very effective because most people, most workers, most people employed there, did take the bus, the buses were busy, or cycle. Certainly when I was there, there was very little car ownership and car use in order to get around, because people could conveniently get around almost anywhere by bike or by bus. That, I believe, is the way forward. The Minister also, without stating that he knew anything about the usage, he said: "Increased ridership will not cover and make up for any deficit that we have here, any saving that we have on terms of this through-fare." But remarkably he had no information on how many people are likely to take this trip or how many people do, so what that ridership is.

[16:30]

But he said categorically then it would not cover the extra costs, with no evidence at all to back that up. It may well cover its costs if ridership does go up and certainly for holidaymakers, when they finally return to us, being able to get almost anywhere around the Island without having to pay an extra fare for going through the depot is a bonus for the holidaymakers. So I urge people to support

this. I think it is the right move, and it says we are backing up our wish to have a sustainable transport plan with some effective ways of doing through-fares.

#### **10.1.10 Deputy H.C. Raymond of Trinity:**

I thought it was going to become this type of a debate as you go on. It is a pleasure to follow Deputy Southern in what he said. I am somewhat surprised when he said he is being accused of policy on the hoof. To be quite frank, if you listened for the last hour or so of everybody talking, there is so much information being given out and so much within this Proposition that is causing the problem, it is a policy on the hoof. If you are going to run a business, if you are going to run a charity, it does not matter what you do, you have to make sure that the plans are in place in line and ready for everybody to take part. But you are taking bits and pieces and I will confirm I was just a little surprised that we have no or little say in what we do. Because my dealings with the bus company have been very positive since I have been Deputy. I say “positive” in the sense that there is a joke among us and it says: “What is a bus?” when it appears in Trinity because our situation is such that, over the period of time, and since being in the States, while being Assistant Minister for Infrastructure, I have had all these conversations with the bus company over routes. Not only to our Parish, but also with regard to the routes around the Island. I have also taken time to understand their philosophy, which I surprisingly find Deputy Ward’s comments a little surprising, because there are many arguments about what they are doing. If you looked at the situation of how the bus company was run prior to LibertyBus, then I think what we have here at the present time is very good. However, we have an ageing population in Trinity where I live, I have an aged grandmother of 92 and it is virtually impossible to walk to a bus stop. We have had discussions of more buses and where do we go and how we deal with it and they do listen. I find it, to say how lucky we are to have the service at present, because we do have a great working relationship with LibertyBus and that has been proven. We will support my Minister in the way he deals with them. I know it is wholly-owned by HCT Group and they are very obviously experienced in operations of bus operations. I just want to clarify something here, they are a social enterprise, so are not in business to maximise profits. I am more than happy to sit down with Deputy Ward and explain it a little more. One of the things is, and I know they are a company in Bristol, they consult with their passengers on a very regular basis. They also consult with us, the department itself, and we have many conversations. Most importantly, they have grown their ridership by a huge 40 per cent since 2013, which has been said. Can I just say, we just take COVID out of the situation at the moment, compare this with anywhere in the U.K. and bus routes are being lost in cities and in country Parishes. Over the last decade they have lost somewhere around 3,000 to 4,000 bus routes in the U.K. The campaign for better transport in the U.K. is on the same basis as here and local authority funding has also fallen by more than 40 per cent, while central government funding had fallen by 19 per cent in that time. Passenger numbers have fallen by 6 per cent in the U.K. So we should be proud of what we have here, especially with the previous contact that we had before and the partnership between Government and LibertyBus and what they have achieved. As you heard before, the Minister for Infrastructure has pointed out in his comments that the programme within the Sustainable Transport Policy, there is a programme for a bus development plan. If you listen to the arguments that are going around the Assembly today, there is so much to discuss, it is another one that we should be sitting down, not doing it in piecemeal, not doing it as a policy on the hoof, but making sure that we all benefit from the benefit of a bus company that we all want. However, there is no data, costing, or information, of any kind to enable us to make an informed decision. The Proposition put by the Deputy, we do not know what demand there will be, we do not know what the impact on revenue will be. There is no extra budget attached to this proposition and there ought to be some ideas as to what he is expecting. There is no request for Treasury to find a budget. If bus fares are reduced as proposed, I suppose the Minister will have to negotiate a variation to the contract we have and I just had a note down to say that we do not know how that will skew the rest of the contract. It does take me back 20 years when I was sitting on a borough council in the U.K. where this similar sort of situation came up. It is almost identical and



we are talking about 25 years ago. They wanted to bring in all the situations of free buses for children, but then I have to point out that we subsidise the school situation, delivery, the senior citizens, disabled, and we have season tickets. All this is in line and to hear almost the Reform Party coming up with this Proposition that probably had some merit, and I think it does have some merit, can I just say that, but we need to talk it overall. It has to be properly thought through, especially with regard to, if bus fares are reduced as proposed, I am assuming that we would have to negotiate a variation to the contract. I do not think that it is much of a leap to think that income from LibertyBus will be reduced. So I would presume they would be looking for any shortfall in income to be compensated by Government, although quite how this is quantified; I am not sure how this will be done. The Minister for Infrastructure does not have, as he has stated before, unallocated funds within his budget. If this is a priority over the other services within his portfolio then something else suffers. The Minister therefore would suggest that monies need to be found within the bus service itself, savings would have to be found. This brings me back to the comparison and this brings me back to being a Deputy in Trinity, what has been happening in the U.K., all over the U.K., and I can say this in both Scotland as well, when savings have needed to be found, services have been cut. These service cuts have very logically been made to the least-used routes, Trinity, outlying areas again. So it then hits us even harder so there will be me making sure that, while discussions are going on, your decisions, then there will be discussions going on in the outlying Parishes. As a Deputy for one of the northern Parishes, I cannot help feeling that this proposition may be putting my Parish at risk of a reduced service. That is the main reason, with what the Minister for Infrastructure has said, for me not accepting the Proposition as set down by Deputy Tadier.

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

It is good to follow the Deputy of Trinity because he does make some really good points. From memory, this is the third tortuous bus debate I have sat through. It was firstly free for children, not a lot of cost. Secondly, free for everyone under 21, not a lot of cost. Again, Deputy Tadier today, financial and manpower zero, and that is what I always do when I see a Reform proposition, I look at the manpower and the financial cost, because I live in the real world. But I think we are having the wrong debate today. I absolutely agree with Deputy Southern and Deputy Tadier. During the debate, where we want to run the bus company, where you cost it, where you know what it is going to cost, everyone being free, or there is a certain amount, I will not have a problem with having that absolutely honest debate. Do not bring me something that tells me no financial cost. When I read literally in the comments on page 3, financial implications. It is asserted in Proposition 107 there is no financial implication. However this is patently not the case. Blah, blah, blah, if the proposition is won, they will either have to reduce service or make their money up some other way. So let me turn to Deputy Tadier and remember the Proposition (a), (b), (c), we do not own the bus company, so what would I do? So (a): "To ensure from 1st January 2021 passengers may purchase a transfer ticket at the same price as a single ticket." Deputy Tadier said it is between £2, or £2.30 now, whatever you pay for it. I would double that, it does not say you cannot, make sure they are the same price. Then: "To ensure there is no difference in the price charged for a single ticket wherever you purchase it, paid by cash, direct debit." Again, I have 50p on for that one, why not, because I have my bus drivers, I am really concerned. We have not gone through COVID, have we, you know what I mean? Then: "To investigate the feasibility of allowing passengers to top their AvanchiCards on the buses." Somebody said "Oyster", which is fantastic, and would I like an Oyster thing here? On the buses it is 2 trips and if you do another trip that day it is free and if you do a train journey or a tube on the same day it is half. We do not have that technology. But again no financials. We do not have that technology but again no financials. Do I think that people want to be able to get on the bus from Gorey and literally get off at the bus station and go to the airport? I do. There is this little ticket that goes through. But do I want my fare to double every time I travel in from St. Clement to the bus station in the morning? No, I do not. So I really respect, or I would respect more, Deputy Tadier's Proposition and the other last 3 tenuous tortuous debates we have had on let us have free buses for

X, Y or Z, it will not cost you anything. Really, really, really. If you look at it as a policy, do you want to nationalise the buses? If you do, bring it here. If you do, tell me what is the cost. If you do, tell me what I have to put up or cut up to make sure it happens? Because it will be in the millions. I have no problem with LibertyBus; I think they have done a good job. Then again today, everyone would think everyone has just caught a cold. We have gone through COVID, nobody was getting on a bus, nobody was going anywhere. You cannot sit next to somebody on a bus. Their ridership has halved or even quartered to what it was. Now today we go, there you go, and make sure you do A, B and C, and for any businessmen in here I would just go: "Right, double that, double that, put 50p on that, and I have fulfilled every prophecy that Tadier wants, has not cost us a penny." But then we would not stand for that, would we, so we would have to come back with a few million pounds to subsidise it. I know everyone now has seen the draft Government Plan and when you see those figures in that and what the Island has gone through, your eyes might as well go googly, because the noughts stop going off the end of the page.

[16:45]

But let us come on, it is a good idea, is it not? I really support it, you know, come on, let us give it all a go, costs you nothing because Deputy Tadier says: "No financial implications." I really ask the rest of the Assembly to get real, bring the right debate, you want to have the buses, you make sure they are nationalised. We can tell them where they go, they can travel all night, they can travel every day, but we pay for it. Then we tell people how they are going to pay for it as well. Bring the money in first, make them free after.

#### **10.1.12 Deputy L.B.E. Ash:**

I do not intend to talk for long on this, but what I would say is we get so many people saying we have to reduce traffic, we have to make the roads less congested, and then when we come to something like this we get everybody saying: "We cannot do that, we cannot do that at the moment. No, we might look at it in a couple of months but let us not look at it now." Why not look at it now? It makes perfect sense, partly because everybody is saying: "It is going to cost X amount, it is going to cost X amount." At the moment I do not see any evidence to why it will cost X amount because what you will see, and you do see now, if you are for instance getting a bus from St. Clement, let us say there are 4 of you, if you get a bus from St. Clement outside Havre des Pas, so not even far from the bus station as it stands, the 4 of you get a bus and then decide to go to the airport or the rugby club, it costs you the best part, particularly if you are paying in cash, of over £16. You can get a cab for that. Guess what? People do get a cab. They think: "I am not going to bother to queue for the bus if it is going to cost me the same as it is going to cost me in a cab." So, if we really are serious about getting people to use the buses, let us make the buses more user-friendly. In the absence of Senator Ferguson, because I know she is always a big campaigner for the elderly in the Assembly and full credit to her for being so. When people talk about you can just use these cards, many elderly people still do not want to use these cards, they want to pay by cash. A few years ago when I was working, I was not in the Assembly, and I got on the bus and it had gone up something like 80 per cent and they go: "It does not have to if you get a card." So, if you wanted to pay by cash, you were paying nearly 80 per cent more. That is crazy. If we are going to get people on buses, we have to make it much easier for them to do so. Certainly when you are going to the airport this is a way of doing it. I will say one more thing, if we are going to go to Overdale what are we going to do then? We are going to have people come in by bus to the bus station, are we then going to charge them to get up to Overdale or are we going to allow them a complementary bus or will it be like a through-fare? A through-fare to Overdale from wherever you are going. These things need to be looked at but they need to be looked at now. We cannot just keep saying: "We will have a look at it and we will have another committee and then we will decide then." Let us start making a few decisions now. We have done quite well this year; let us do some more.

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

When Reform last presented a proposal about the buses, I think it was Deputy Ward - it might not have been the last one but certainly that was one that came up last year - I suspect I incurred his displeasure because I did not agree that policy on the hoof or tinkering with one aspect of bus strategy was a good idea and I put a suite of amendments together. I seem to remember that the only thing that got through that particular debate was the amendment in respect of the Minister having to come forward with a policy. The problem I have now, more than a year on, is that we have seen a number of Backbenchers who are simply frustrated with the lack of activity from the Minister. I know he has had a lot of other things, as all the Ministers have had other things to deal with in terms of the pandemic, but the recent debate on the foreshore policy just showed how Backbenchers are getting fed up and frustrated with the fact that Ministers do not seem to be able to meet their deadlines. Another good example of this of course was raised this morning when we found out that really the study on the future of the former police station has really got nowhere as far as we can see. It has certainly been in the long grass for many years. Even as recently as 2 sittings ago, I asked the Minister to justify his assertion that bringing the number 19 bus into the town centre would cost more than £100,000. I asked him to furnish me with the details. Nothing has been received. So I do have a lot of sympathy with Deputy Tadier because he wants to see action on the buses and he has probably read the comments of the Minister, as I have done, looking for the date of the bus development plan. It is not in the comments. I have been asking, not just this Minister, but successive Ministers, for a walking and cycling strategy for the Island. I remember former Deputy Noel promising the Assembly that this would be ready before the end of his term of office and that was a few years ago now. So it is simply not good enough for Ministers to say that they have not had time to do these things. These strategic transport policies have been asked for, for years in many cases, and I know that Deputy Ward has been persistent in trying to get more figures about how the relationship with the running of the bus company works in terms of financials. We all agree that it is a fabulous service, it has got better and better over the last several years, but when we have tried to suggest changes, whether it is through-ticketing, whether it is free buses for schoolchildren, or whether it is the return of the hoppa bus, we are told by the Minister that there is nothing we can do and we have to wait for the strategy. So Members are getting fed up. I would like to know in some point in this debate when we are going to have the bus development plan, because that will affect how I vote. If it is being kicked back into the long grass then I am minded to support Deputy Tadier in the hope that, if this Proposition is successful, it will force the Minister and his Assistant Minister to start putting a bit more work into developing the future of the Island's bus travel.

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

I really cannot understand why the Minister is putting off what seems to be described as a transfer ticket, but I would prefer to think of that as a day ticket, being a more appropriate description, and surely it would be such a simple thing to achieve in this day and age. I do not believe that in reality the numbers involved will be great, so the financial implication and risk will be, I suspect, insignificant. I wonder how much work the company or the Minister have in fact done to verify this. Maybe acceptance of part (d) will be needed to give us some answers. Deputy Tadier has been accused of not letting Members have financial implications, but surely it is for the Minister to furnish us with that information. He has not because in truth he does not know. The public are asking for this so I would urge the Minister to have discussions with the company to ensure the ability to purchase a transfer or day ticket at the same price as a single ticket is put in place. I will support this part of the Proposition as the argument against it has not, in my mind, been sufficiently made. I have difficulty in supporting part (b) in that I am fully aware of the different business costs involved with taking different forms of payments and I suspect the most practical method for most would be a debit card, but advance-purchase AvanchiCards could carry a cash incentive for those wishing to purchase in advance. Part (c) in my view is not practical in that the cost of the equipment plus the potential bus-loading delays would suggest this, I cannot therefore support it. So I suggest that the Minister

perhaps doth protest too much and urge Members to consider supporting part (a) and (d) but not (b) and (c).

**10.1.15 Deputy G.C. Guida of St. Lawrence:**

I will just ask the question for the Minister for Infrastructure; I would like to ask him when the contract with the ...

**The Bailiff:**

Sorry, Deputy, there is no facility for the Minister for Infrastructure to speak in this debate, he has already spoken.

**Deputy G.C. Guida:**

It is a bit difficult to gain that information then but I will try. According to what I can find on our Government website, the contract was given to the bus company on 1st January 2013 and was going to continue for 7 years, therefore it would have been renewed or prolonged on 1st January 2020. Considering the sustainable transport plan request and the fact that we have been talking about what we find in this contract, I was wondering whether this change had happened or not and whether changes were made to the contract. Sorry, that is the only thing I can provide.

**10.1.16 Senator J.A.N. Le Fondré:**

It comes as no great surprise that I will not be supporting any part of this Proposition. But I thought it might be helpful to address some of the remarks that have been made during the whole debate, which has been very interesting. Deputy Ash, the matters he raised are being looked at, but part of this is around making informed decisions, not *ad-hoc* decisions. I have some sympathies with the Connétable of St. Helier about delay but I think Deputy Martin made the point, we still are in the middle of a pandemic. People have no concept of the amount of time and work that has caused and has taken people off other jobs that were happening. That continues even today. So that will be one of the reasons behind delay. I do know there have been measures put in place by the department dealing with the policy and I believe, depending on how it is divided up, it is possible that some deliverables could be achieved next year. But that does all depend as well on how we progress during the pandemic. I want to correct Deputy Ward because I think he, I will use the word “grudgingly”, said the bus service has improved. I want to say the bus service has significantly improved and I had the pleasure of being in what was then T.T.S. (Transport and Technical Services) as an Assistant Minister when that contract changed. I can recall what we were told about how the previous operator had operated ...

**The Bailiff:**

Chief Minister, if you could pause, there is a point of order.

**Deputy R.J. Ward:**

I would like to ask the Chief Minister which part of my verbal cue suggested that I was grudgingly saying it was a better bus service?

**The Bailiff:**

No, I am not sure that is a point of order. It might be ...

**Deputy R.J. Ward:**

It is important. He has just made an implication of my intention and I would like to know where he got it from.

**The Bailiff:**

Deputy, the Presiding Officer is speaking and the normal Standing Orders apply, which is nobody speaks at the same time. You might be wishing to ask the Chief Minister to give way so you can clarify something you said in your speech. That might be a possibility.

**Deputy R.J. Ward:**

Sorry, I do apologise, it is partly this format where one jumps in. I will leave it. I will let the Minister say whatever. Thank you.

**Senator J.A.N. Le Fondré:**

Yes, I was making the point that the bus service has significantly improved and that is what I think Members who do not know some of the history do forget. I do recall at that time the bus strikes that the Minister and the present Minister had to deal with; the behavioural and working practices that were identified at that point, which were eye-opening and eye-watering. When people raise it with me, and I have been asked to speak at certain events, I have had visitors from the United Kingdom coming up, and in this particular instance I am thinking of, were professors, archaeologists and things like that, and they were highly complimentary about the service they had received from our present bus service. In fact I am just going to reference it, LibertyBus has been mentioned in Westminster, in the Houses of Parliament, as a first-class example of how to run a bus company. That is what we should be remembering, we have something that is exceptionally good, particularly compared to the past. Deputy Martin refers to it often and she is very good at bringing some of the Ministers who are inclined to spend back to reality. There is no free money. In other words, if one says: "Oh, there is no cost", there is always a cost in these things. It is an absolute cliché, there is no such thing as a free lunch, or in this case a free bus service.

[17:00]

Indeed, if one changes fare structures, et cetera, it comes at a cost somewhere in that process, whether the technology needs updating, which might be a one-off cost, or whether there is an impact on travel and all that type of stuff. What I think certainly I have seen somewhere that in the United Kingdom over the past decade, outside of London, the number of people travelling by bus, I think the Deputy of Trinity referenced it as well, has dropped by something like 10 per cent. Whereas, over here, since the new operator came in, which must have been around 2011/2012, bus ridership has gone up by something like 40 per cent. We have a good service. I agree with a lot of what Deputy Young said, tinkering with something that is working well, and it comes down to what the view is of what the role of the Assembly is, we do have the right, I absolutely endorse it and support it, of Members being able to bring anything into this Assembly. But this is absolutely micromanagement of probably the worst order. The Deputy has the absolute right to do it, there is no question, but it is micromanaging and that in itself then brings it into a variation of the contract and all those types of things. Whereas actually doing it as part of the bus development programme does make sense. I am informed that some things can be delivered during that, even as a result of COVID, during the next year. But these things do take some time. But what I was going to say as well, I think Deputy Southern referred to Stevenage, I could not quite hear, he made some reference to experiences he had in the United Kingdom. There are 2 things, one is obviously we know that one of the reasons of difficulty in operating the bus service is the road structure, they were built by General Don to get military and cavalry to points on the north coast at speed. They were not designed necessarily for public transport and that is the structure that the bus service has to deliver its service around. What I am told is that the service in Stevenage, the flat fare, died out in something like the 1970s, I do not know if that is correct, because it did not cover costs. That is part of the problem, it is that balance between making sure you cover those people and the majority, so that is for example pensioners, it is for example students for subsidised bus fares. You make sure that is done appropriately and correctly to get that balance between encouraging bus usage and ideally that is a separate side and it is something that this Assembly I think will need to grasp, which is disincentivising car usage. That

actually is that separate debate, it is going to be a difficult one, it is around parking charges, it is about structure, it is about the difference between commuters and shopping and do you charge people for parking their car at night, all those type of things, which are difficult and people will not like. But if one is serious about dealing with and incentivising the bus system that is something that is part of the equation we cannot ignore. So really what I want to say is we have a fantastic service, people from outside are looking at us to see where they can learn from us because we, in their view, have got it right. Part of that is around not tinkering around the edges. If you are going to do things, do them on the basis of an informed proper decision, not something that is apparently cost-free. It is just worth making the point as well, and I have spoken to part (a), I will not be supporting that. There is a transfer ticket. What we are now arguing about is, is it at the same price as a single ticket? It is a matter for Members of the Assembly, but it does not come for free and it continues to be tinkering, it is saying: "We know best and we want that done now, we do not want to consider it in the round as part of the bus development process", which I think is important. Part (b), people have already alluded to it, I am sorry, who does not recognise that cash versus debit card versus AvanchiCard are different costs of running and therefore it does make sense to charge different amounts for that. I think Deputy Martin as well, in terms of the system, and how behaviour can change, or the behaviour of the operator could possibly change, hits the nail on the head. AvanchiCard on the buses and topping up, one of the issues around that is around delay. Part of this is around trying to keep the buses running, not having lots of queues of people getting on to buses, doing different services on the bus. That in itself enables us to have a slick system of keeping the bus system operating efficiently and, as I said, we have been commended, and certainly anecdotally I get positive comments, significantly, around the bus service we operate. The final point, and it is a broken record to an extent, but it is saying that the impact of COVID has been significant on a whole range of areas but bus ridership, as we know, this year, because of COVID, LibertyBus will have taken a financial hit. Therefore, anything more that adds to that load really, in my view, is not to be welcomed. For me, I will not be supporting any part of that proposition at all and I would ask Members to join me in not doing so.

#### **10.1.17 Senator S.Y. Mézec:**

When the Minister spoke against this Proposition, he used a phrase, which I think was very telling, and I wrote it down to make sure I got the words right. He said: "Their business is their business", in reference to LibertyBus and I think the purpose at that point was to try to delegitimise any attempt that an elected representative of the people might make effort to exert a view on what public transport in our Island should look like and what enterprises, which are contracted by the Government to do a service, might do and how they might behave. So, in examining whether their business is purely their business, I just ask Members to consider what the Island would look like tomorrow if this business decided it no longer wanted to do business and were to up sticks and leave. We would suddenly find lots of people without vehicles struggling to get around the Island. We would find some of them would be vulnerable, who would suffer by not being able to get out of their homes and see other people, access services, enjoy the rest of the Island. You would have hundreds of children unable to get to school in the way that they would be used to and either have to walk when it is not safe to do so or require their parents to drive them to school, adding to further congestion. We would have people unable to take public transport to get to work in the morning and so having to drive, having to congest our already congested roads and public car parks through that. The impact that would have on extra pollution levels, the impact it would have on people's well-being, and the impact it would have on the economy. So I submit that their business is not their business, it is the business of the whole Island what public transport looks like here because it has a fundamental impact on our well-being and on the economy. So to say that we should somehow keep our nose out of their business is wrong and you have to ask what is the point in Government seeking a contract with a bus provider to get that service provided here if it really is just their business. If it is just their business, then why have any contract at all? Why not take our hands completely off of this and say, if a private

company wants to set up, they can run a bus service how they see fit, they can buy the land to have their own bus depot, and it will be of no consequence to the rest of us. Of course we do not take that approach because public transport is a public good. In fact it is a public necessity because it improves on traffic, it helps children get to school, it helps those without the ability to have their own vehicles to get around the Island. So he is simply wrong to say that we should not, or suggest that we should not have some sort of view on how public transport operates here. I ask the following question, what if the bus company decides that it wants to quadruple their fees? Would that not be an issue for us as elected representatives to consider? Would we hold our hands up and say: "Well it is a business, they can charge what they like, they can make their own decisions"? If you dare express a view: "Oh well, that is just micromanaging". Of course not, because that would have an impact on our policy aspirations to get more people using public transport to go towards carbon neutrality and to reduce traffic congestion and have sustainable transport. So these are public matters that we ought to be able to express a view on. My view is that it is not right and not fair that people, simply because of where they live or where they are based, will have worse fare options to take a journey than people who might live in another place. That is a disincentive for people using public transport and I would like to see more incentives to use public transport, not fewer. So this is a matter for us to consider. I might make this point, and the Minister will be upset with me for saying this, but frankly at this point I do not really care. Some people have criticised this as policy on the hoof. Well, at least it is policy, because that is more than we seem to be getting elsewhere when it comes to public transport, where it seems to be a complete *laissez-faire* approach without any suggestions really that we can have faith in that we are moving towards carbon neutrality and proper sustainable transport, to improve access to public transport. That is why the Constable of St. Helier said that Members are getting fed up. I am getting fed up as well because I really do not think this is rocket science to say that we have through-fares like many other places do. It is not complicated, it is not a radical proposal, it is a perfectly reasonable thing to ask and our view, as elected representatives, we are more than capable of saying to a company, which has a public contract: "We would like you to include this in your offer because it meets our aspirations as elected officials to see policy carried out in the Island." So this is perfectly legitimate, it is a good idea, it is something that is not radical, it is not difficult to implement. This idea about the financial implications, give me a break, if people are incentivised on to the bus where they can pay for one journey rather than having to pay for 2, or in reality they would be paying for 2 journeys rather than paying for 4 if they are coming back. That will get more people on the bus who would not have otherwise been on there, so the company gets money from them for their fares and that is people not in their cars otherwise. That is a good thing. The Chief Minister made this point several times about how we have a good bus service. I am not going to disparage the service that LibertyBus offers. Yes, it is pretty good. But I have used bus services in other places and I am sorry to say it is not an exceptional service, there are plenty of good bus services elsewhere as well that have different arrangements for their fares as well. If we say, when Deputy Tadier brings a perfectly reasonable proposition, that it is not a legitimate proposition because we have a good bus service already, just be grateful for what you have, frankly we ought to be able to put that point back to the Minister if he ever tries to suggest something to change the bus service and say: "No, no, you cannot do that because we have a good bus service already". What Deputy Tadier is trying to do is to turn a good bus service into a better bus service, one that is more accessible, that has a better fare structure, that will provide a greater incentive for people to use public transport for those journeys rather than private transport and all of the negative consequences that can have. Which we have already stated as an Assembly and as a Government that it is our policy aspiration to promote that. I really disagree with these straws that have been clutched to argue against this Proposition. Our bus service is a public service, we have a right to have a view on it. We have a right to say to that company: "We would like you to do this as part of your offer because it meets our policy aspirations." If we are going to get told that we cannot even do that then I ask the question: "What is the point in even having this public service rather than just letting it be completely left to the free market?" If Members think in their own heads about that particular question, it is quite

obvious what the answer is. I hope Members will not pay heed to those nonsensical arguments that have come from some of my colleagues and instead look at this as an option for improving our bus service and making it more accessible. If Members have problems with parts (b) and (c), fair enough, but part (a) really ought to be uncontroversial and I will be enthusiastically voting in support of that.

[17:15]

**The Bailiff:**

Does any other Member wish to speak on the Proposition? Deputy Lewis, you have a point of clarification?

**Deputy K.C. Lewis:**

Yes. I believe the previous speaker inadvertently misled the Assembly inasmuch as the bus company cannot walk away and that I as Minister have step-in rights.

**The Bailiff:**

Could you put this as a point of clarification, Deputy? Could you say, if this is a point of clarification: "Could the Senator clarify whether ...?" and refer to his speech. If you put it as a positive assertion you are simply making a second speech.

**Deputy K.C. Lewis:**

I understand, thank you for that correction. LibertyBus cannot walk away but does the previous speaker agree with me that this would never happen because I have step-in rights?

**The Bailiff:**

I am sorry. That really is not a point of clarification, Deputy, that is another debating point, which amounts to a second speech I am afraid and I cannot allow it. Does any other Member wish to speak on the Proposition?

#### **10.1.18 The Deputy of St. Peter:**

This is one of these propositions when you look at it on the surface it is absolutely logical, it makes an enormous amount of sense. Other people have referenced what they do in other countries. I tried to add up in London the different modes of transport you can take with one ticket, either for a single end-to-end journey or as a day pass. It is overgrounds, of which there are many different operators, undergrounds, trams and buses, all included, and there are multiple different bus operators. So where we want to go is absolutely clear, I can certainly understand that. But the question is: how do we get there? I am not talking about taking the number 200 from Wimbledon down to Wimbledon Station, which is what I do when I am allowed out of the Island. But what are our real choices? There are 2 choices we have, we either have to have business case support from Liberty or with Liberty to change the fee structure, the fare structure, or we need some sort of Government support or Government commitment to subsidise that enhancement in service. Because, if we do not do either of those, then this will require LibertyBus to have a review. The trouble with them having a review based around their service and their fee structure is we do not know today what the outcome of that review will be. Now, in the simplest way of looking at it, is in order to compensate from having 2 journeys being priced as one journey, the single fare might have to go up to compensate. Very simplistic, but that is the summary of it. The last time we had this debate on end-to-end fares, I think I said exactly the same thing, I was totally supportive of it in principle but I could not support and vote for it because there was no business case. I remain of the same opinion. We have got some outstanding policy reviews and I think it is quite clear that a lot of people have been working on multiple different jobs, taken away from their normal roles over the last 3 to 6 months, no idea what has been going on, but they seem to be heavily distracted on something fundamentally important to our Island. Therefore the Sustainable Transport Policy, the bus service development plan, may not have got the focus that



they intend. But these reviews are a work in progress, so we should be getting behind them and supporting them and influencing them in the proper way. Not on a tactical basis like this, but working behind with officers to ensure these messages are getting through and consultation is taking place properly. It is quite clear this Proposition is ultimately where we need to be, especially with today's announcement that hopefully the hospital will end up on Overdale on time and on budget. But it is clear, if it goes, the hospital, we are going to need a through bus pass to make sure people can pay one journey for 2 legs. I am totally behind it. However, this is just not the way to achieve it, so I am afraid reluctantly, because the commonsense proposition is good, but the practicality means I cannot support it.

**The Bailiff:**

Does any other Member wish to speak on the Proposition? If no other Member wishes to speak on the Proposition then I close the debate and call on Deputy Tadier to respond.

**10.1.19 Deputy M. Tadier:**

I am going to try to wrap this up in a short amount of time, because we are approaching 5.30 p.m. and I think it has been a good debate, we have had quite a lot of interventions and this is something that people are clearly passionate about. I will bring it back to the main point that I said at the beginning, this is about the kind of vision we have for our Island and I think we share that collective vision, but we want a sustainable transport system, which includes people cycling and walking more, but that the bus system has to be an integral part of that. For my part, to make it as simple and as affordable as possible for people taking the bus has to be a way to do that. I have been accused of all sorts of things about wanting to micromanage, we have had comments about a piecemeal approach. I think these things are really unfortunate because the reason I brought this is because I synthesised a lot of the comments from the many other transport debates that we have had recently, and of course over the years. What I would say is that we are still waiting for that sustainable and that complete, the holistic, transport policy to come forward. So the accusation that Members are bringing something forward that is piecemeal, I would say of course to a certain extent it has to be piecemeal because there is no other way for us to do that. It is as if the Sustainable Transport Policy is being put forward as some kind of El Dorado, and it always seems to be like El Dorado. I am not talking about the failed 1990s sitcom set in Spain, I am talking about that city of gold that is somewhere beyond the horizon that you can never get to but do not worry, because if you wait long enough it will be worth it. In the meantime, Members and the public quite rightly should be suggesting small things that can be done practically to make our lives easier and better and, in this context, it relates to bus travel. I have also heard that this is going to incur extra costs and that I am wanting to introduce a free ticket; that there is going to be a free journey. No, there is not a free journey, there is one journey. What I am saying is that, if you believe that somebody travelling in Jersey from point A to point B should be charged one fare because it is one journey, then vote for part (a). Part (a) simply reflects the political reality that the Minister will talk to LibertyBus. I have tried to do this in the background. I have had conversations with the Minister, I have had meetings with LibertyBus, to try to get them to move on this. If I am being accused of micromanaging, and I do not accept it is micromanaging, these are points of principle and points of morality, if you like, about should people be able to travel for one journey for one fare as opposed to paying 2 fares. That is a point of principle. But, if it is micromanaging, it is because the Minister himself on this particular issue has not been micromanaging it and the bus service have not really picked up on this issue, which I think is salient. So I have heard Members in the past say that this is something we should be introducing and I would ask Members, if you think people should be able to travel from point A to point B in the Island without being charged a double fare, then vote for this. Because the current transfer fare is effectively a double fare if you look at the pricing. Deputy Ward, I do thank him for circulating the accounts, because it does show that LibertyBus in Jersey, HTC Group, as opposed to some of their other branches, for want of a better word, have been returning quite big profits to their

parent company, which needs explaining. So the company has been doing very well and some of that money is being sent out of the Island to their parent company. I do not buy this idea frankly that the introduction of transfer fares is going to cost any money because the Minister would have told us that. This is simply a policy decision that needs to be conveyed to LibertyBus and it is something that they should be introducing. I am not going to go too heavy on part (b), I would simply say that, if any politician in this Assembly thinks that somebody who, for whatever reason, does not have a debit card, does not have a bank account, who cannot go to the bus station and they do not need to go to the bus station, if you think it is okay for that person to be penalised for paying by cash when it is not the case that we penalise other people and businesses do not penalise cash usage, then I would ask you simply to support part (b). But I am not going to make a great play of that because I do think it is complex. Part (c) is simply to ask the bus company to investigate and the Minister, along with the bus company, to investigate the possibility of topping up on the bus, and he can report back once he has done that. Part (c) is probably more interesting and should not be dismissed because really they can simply say: "This is not going to work", but at least it does allow the Minister an opportunity to feed back to the Assembly and tell us: "We have looked at the different ways that payment might be taken on the bus and, although we cannot do it now, I can inform you that LibertyBus will be introducing a new system whereby you can tap on/tap off, but it is not going to be used straight away, it might be in 2 or 3 years' time." That is a good thing, which will enable the Minister to report back to us. I do not agree with some of the shroud waving I have heard; this is about the kind of vision we want for our Island. This is about saying we might not be able to bring the policy forward straight away, the holistic policy. We wait for that with bated breath. But I do say to the Minister for the Environment and other bus enthusiasts, like the Constable of St. Helier, this is a way to nudge the Minister and to nudge LibertyBus, who are doing a great job in difficult circumstances, that is completely acknowledged. It is a way to nudge them to tell them this is what we would like to see from our bus service. Let us make this into a positive today so that we can tell people that in the future, from next year, you can travel from L'Etacq to Gorey. But more likely it is going to benefit people who are making those perhaps short journeys but which necessitate a change, the people who are travelling from West Park, for example, to St. Saviour's Church. People might be travelling from West Park to Le Squez, or wherever, they are not necessarily long journeys and they are certainly journeys where people should not be charged effectively twice. So I do ask Members for their full support for part (a). It is not a vote of no confidence in the Minister or LibertyBus, it is just a way of this Assembly saying: "We have become a little bit frustrated, let us get some positives and we will give the Minister our support for bringing back a proper policy in the future". So I do make the proposition, I thank Members for their speeches and their attention and I do of course ask for those parts to be taken separately, as I said at the beginning.

**The Bailiff:**

Thank you very much, Deputy, you asked for them all to be taken separately. So the first vote is on paragraph (a) and I ask the Greffier to place the voting link in the chat and I open the voting and ask Members to vote in the normal way. We are just having a little difficulty with screen loading so we will wait a few moments to see if that sorts itself out. If Members have had the opportunity of casting their votes, I ask the Greffier to close the voting.

[17:30]

The result will appear in the chat as usual, says the Presiding Officer optimistically. **[Laughter]** Part (a) has been adopted

<b>POUR: 25</b>		<b>CONTRE: 20</b>		<b>ABSTAIN: 0</b>
Senator K.L. Moore		Senator L.J. Farnham		

Senator S.Y. Mézec		Senator J.A.N. Le Fondré		
Connétable of St. Helier		Senator T.A. Vallois		
Connétable of St. Lawrence		Senator S.W. Pallett		
Connétable of St. Saviour		Connétable of St. Clement		
Connétable of St. Brelade		Connétable of St. John		
Connétable of Grouville		Connétable of St. Mary		
Connétable of Trinity		Connétable of St. Ouen		
Connétable of St. Peter		Deputy J.A. Martin (H)		
Connétable of St. Martin		Deputy K.C. Lewis (S)		
Deputy G.P. Southern (H)		Deputy J.M. Maçon (S)		
Deputy M. Tadier (B)		Deputy S.J. Pinel (C)		
Deputy of St. Martin		Deputy of St. Ouen		
Deputy L.M.C. Doublet (S)		Deputy S.M. Wickenden (H)		
Deputy R. Labey (H)		Deputy of St. Mary		
Deputy G.J. Truscott (B)		Deputy G.C.U. Guida (L)		
Deputy J.H. Young (B)		Deputy of St. Peter		
Deputy L.B.E. Ash (C)		Deputy of Trinity		
Deputy K.F. Morel (L)		Deputy S.M. Ahier (H)		
Deputy of St. John		Deputy K.G. Pamplin (S)		
Deputy M.R. Le Hegarat (H)				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy I. Gardiner (H)				

### **The Greffier of the States:**

Those voting *pour*: Deputy Labey, Deputy Ward, Deputy Morel, the Constable of St. Lawrence, the Constable of Grouville, and unfortunately my computer has produced a completely white screen, so that is as much as you are going to get for now. No, we are back. Deputy of St. Martin, Deputy Young, Deputy Truscott, Deputy Tadier, Deputy Gardiner, the Constable of St. Saviour, Deputy Le Hegarat, the Constable of St. Brelade, the Constable of Trinity, Deputy Alves, Senator Mézec, the Constable of St. Helier, the Constable of St. Martin, Deputy Doublet, Senator Moore, Deputy Perchard and the Deputy of St. John. In the chat there were also votes from the Constable of St. Peter, Deputy Ash, Deputy Southern. Those voting *contre* were: the Constable of St. Clement, Deputy Lewis, Deputy Pamplin, Senator Le Fondré, Senator Pallett, Deputy Martin, Deputy Ahier, Senator Vallois, Deputy Guida, Deputy of St. Ouen, Deputy of St. Peter, Deputy Pinel, Deputy Maçon, Constable of St. John, Constable of St. Mary, Deputy Wickenden, the Constable of St. Ouen,

and in the chat we also have *contre* votes from the Deputy of St. Mary, Senator Farnham, the Deputy of Trinity, those were the 3.

**The Bailiff:**

Very well, we come now to part (b) of the Proposition. I ask the Greffier to place the voting link in the chat and the link is now there and I open the voting and ask Members to vote in the usual way. This is on part (b) of the Proposition. If Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. That part has been defeated

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

		Deputy S.M. Ahier (H)		
		Deputy I. Gardiner (H)		

Could we have the 14 voting *pour* please?

**The Greffier of the States:**

The 14 who voted in favour of the part of the Proposition were: Deputy Alves, Senator Mézec, Deputy Perchard, Deputy Tadier, Deputy Ward, Deputy Morel, the Constable of St. Saviour, Deputy Pamplin, the Constable of St. Lawrence, Deputy Le Hegarat, the Constable of St. Martin, the Constable of St. Helier, the Deputy of St. John and Deputy Doublet, and on the chat there were votes in favour from Deputy Southern, Deputy Ash and the Constable of St. Peter.

**The Bailiff:**

Very well, we come now to part (c) of the Proposition. I ask the Greffier to put the link in the chat and the link is now there and I open the voting and ask Members to vote in the normal manner. If Members have had the opportunity of casting their votes, I now close the voting and the result will appear shortly. That too has been rejected.

<b>POUR: 20</b>		<b>CONTRE: 25</b>		<b>ABSTAIN: 0</b>
Senator K.L. Moore		Senator L.J. Farnham		
Senator S.Y. Mézec		Senator J.A.N. Le Fondré		
Connétable of St. Helier		Senator T.A. Vallois		
Connétable of St. Lawrence		Senator S.W. Pallett		
Connétable of Grouville		Connétable of St. Clement		
Connétable of Trinity		Connétable of St. Saviour		
Connétable of St. Ouen		Connétable of St. Brelade		
Deputy G.P. Southern (H)		Connétable of St. John		
Deputy M. Tadier (B)		Connétable of St. Peter		
Deputy J.M. Maçon (S)		Connétable of St. Mary		
Deputy L.M.C. Doublet (S)		Connétable of St. Martin		
Deputy R. Labey (H)		Deputy J.A. Martin (H)		
Deputy L.B.E. Ash (C)		Deputy of Grouville		
Deputy K.F. Morel (L)		Deputy K.C. Lewis (S)		
Deputy of St. John		Deputy S.J. Pinel (C)		
Deputy J.H. Perchard (S)		Deputy of St. Martin		
Deputy R.J. Ward (H)		Deputy of St. Ouen		
Deputy C.S. Alves (H)		Deputy S.M. Wickenden (H)		
Deputy K.G. Pamplin (S)		Deputy G.J. Truscott (B)		
Deputy I. Gardiner (H)		Deputy J.H. Young (B)		

		Deputy G.C.U. Guida (L)		
		Deputy of St. Peter		
		Deputy of Trinity		
		Deputy M.R. Le Hegarat (H)		
		Deputy S.M. Ahier (H)		

We now move to the last section, which is (d) and again I ask the Greffier to put a link in the chat.

**Deputy J.M. Maçon:**

It is Deputy Maçon, could you just read out part (d) please?

**The Bailiff:**

The vote now is on (d). I ask the Greffier to put the link into the chat.

**Speaker:**

Sir, (d) asks for the Minister to report back, but what will he be reporting back on being that (c) has been defeated?

**The Bailiff:**

That is a matter for Members, it still has to be put to the vote, or does it fall away? I open the voting and ask Members to vote in the normal way. It must simply be to report back on the progress of the adoption of paragraph (a), it seems to me that is the only thing it can be. If Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. That part has been adopted.

<b>POUR: 26</b>		<b>CONTRE: 18</b>		<b>ABSTAIN: 1</b>
Senator K.L. Moore		Senator L.J. Farnham		Connétable of St. Ouen
Senator S.Y. Mézec		Senator J.A.N. Le Fondré		
Connétable of St. Helier		Senator T.A. Vallois		
Connétable of St. Clement		Senator S.W. Pallett		
Connétable of St. Saviour		Connétable of St. Lawrence		
Connétable of St. Brelade		Connétable of St. John		
Connétable of Grouville		Connétable of St. Mary		
Connétable of St. Peter		Deputy J.A. Martin (H)		
Connétable of St. Martin		Deputy K.C. Lewis (S)		
Deputy G.P. Southern (H)		Deputy J.M. Maçon (S)		
Deputy of Grouville		Deputy S.J. Pinel (C)		
Deputy M. Tadier (B)		Deputy of St. Ouen		
Deputy of St. Martin		Deputy S.M. Wickenden (H)		
Deputy L.M.C. Doublet (S)		Deputy of St. Mary		
Deputy R. Labey (H)		Deputy J.H. Young (B)		
Deputy G.J. Truscott (B)		Deputy of St. Peter		

Deputy L.B.E. Ash (C)		Deputy of Trinity		
Deputy K.F. Morel (L)		Deputy S.M. Ahier (H)		
Deputy G.C.U. Guida (L)				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

**Deputy R. Labey:**

I propose the adjournment.

**The Bailiff:**

The adjournment is proposed. The Assembly stands adjourned until 9.30 a.m. tomorrow morning.

**ADJOURNMENT**

[17:38]