

STATES OF JERSEY

OFFICIAL REPORT

TUESDAY, 2nd JULY 2019

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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

May I start by welcoming His Excellency on Members' behalf? **[Approbation]**

QUESTIONS

2. Written Questions

2.1 DEPUTY G.J. TRUSCOTT OF ST. BRELADE OF THE MINISTER FOR INFRASTRUCTURE REGARDING MAINTENANCE OF THE RAILWAY WALK (WQ.280/2019)

Question

Will the Minister advise whether there are any plans in place to enhance the amenity and conservation value of the Railway Walk in St. Brelade; and will the Minister also outline the current maintenance regime for the Walk and indicate how much is currently spent annually on such maintenance?

Answer

The maintenance contract for the Railway Walk runs out on the 1st October 2019 and is to be significantly revised and updated for retendering at the end of this financial year. The revised specification will be the result of a detailed review of all operations, in conjunction with colleagues in the Environment Department and will be aimed at maintaining and enhancing the high wildlife value of the Railway Walk.

Private sector contractors under the supervision of GHE currently manage the area as follows:

- mowing a one metre strip alongside the walk
- maintaining the unmown grasses areas to encourage species diversity – these are cut twice a year in July and October
- the management of wooded areas and shrubs under the direction of the Government's Arboricultural officer
- stacking dead timber to create habitats and shelter (hibernaculas / dead hedging) as vital refuges for wildlife

As to cost, because this contract is due to go out to tender shortly it would be inadvisable to reveal its value. This would put the Government at significant disadvantage and not be in line with best procurement practice.

2.2 DEPUTY M.R. LE HEGARAT OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE REPORTING OF GOVERNMENT FINANCES (WQ.281/2019)

Question

Further to the response to Written Question 250/2019, will the Minister state when the half-yearly report on Government finances will be published; will she ensure that the report provides information on departmental expenditure as of the end of April 2019, as requested in Written Question 250/2019; and will she explain what approach she plans to take in respect of anticipated overspends and underspends at the end of the year?

Answer

As per the response to Written Question 250/2019, the Minister has committed to publishing the results of departments for the first half of the year. As a half yearly report, it will provide States Members and Members of the public with high level details of the net revenue expenditure of departments as at the end of June and the forecast for the remainder of the year with explanations of material variances, as well as forecasts for general revenues income. It will not refer back to the April position or any other preceding months.

The Public Finances Law does not permit any individual department to overspend against the total approved budget so any pressures identified in the half yearly report will have to be managed by the end of the year.

To this end Directors General work collectively with Treasury and Exchequer officers throughout the year to manage resources across the government within available budgets. The Minister can then approve reallocations of budgets within the overall approved spending envelope to manage resources across departments based on the advice of officers and in accordance with Ministerial priorities.

The information requested by the Deputy will be available by the end of July with the intention to provide it before the last States sitting on 16th July.

2.3 DEPUTY R.J. WARD OF ST. HELIER OF THE MINISTER FOR THE ENVIRONMENT REGARDING AIR POLLUTION MONITORING AROUND THE ISLAND'S SCHOOLS (WQ.282/2019)

Question

Will the Minister give a specific date for when real-time air pollution monitoring will be introduced around schools in the Island; and will he state which specific sites will be used for the monitoring to take place and indicate the precise way in which the information will be made accessible by States members and the wider public?

Answer

Following the answer I provided to Oral Question 160 on the 18th June I'm pleased to confirm that real-time air quality sensors will be installed from July and should be in place at every school in the Island before the start of the new term in September. A site survey of each location is being carried out as part of this air quality monitoring project and it is currently not possible to give a specific installation date for each monitor or its precise location.

This is a really exciting project between Environmental Health, Digital Jersey and AirSensa and will result in approximately 300 real-time air quality sensors being installed across the Island. The air quality data provided by these sensors will be accessible to all on the www.gov.je website, will assist in evidence based policy decisions and will better inform Islanders of the air quality around Jersey. It is also envisaged that the data will be available to view on specialist mobile applications as the project develops.

Officers from the Government of Jersey Environmental Health and eco active teams are working on an educational package for schools. This is being piloted now and will allow those schools which

choose to take part to monitor air quality around their school, to better understand air quality, pollution issues, and to take part in a citizen science project.

2.4 DEPUTY R.J. WARD OF ST. HELIER OF THE MINISTER FOR EDUCATION REGARDING THE MONITORING AND INSPECTION OF NURSERY PROVISION (WQ.283/2019)

Question

Will the Minister advise –

- (a) what processes her department follows to inspect or monitor the quality of service that each nursery provides (both States and private nurseries); and
- (b) whether any such processes involve comparing staffing ratios, staff qualifications, child development techniques, resources and curriculums; and, if they do, how these matters are measured and recorded?

Answer

- a) States nurseries are reviewed during a School Review as part of a school's Early Years provision, under the Education Law 2002. This is conducted by off island and peer review teams.

Private nurseries also undergo a review for continued registration under the Daycare of Children (Jersey) Law 2002. The Registration and Regulation officers from the Department conduct this.

Both nursery provisions have quality development support from the early years advisor and the head of early years oversees this consistent approach.

- b) The same early years curriculum guidance called "Development Matters" is used by both sectors and is interpreted and delivered in the same way. We know this because the training offer made by the Education Department is inclusive of both sectors and covers curriculum development, observation and planning, meeting children's developmental needs in line with developmental milestones and appropriate pedagogy and practice.

Our Early Years advisor works across both sectors so that we have consistency of standards and quality in the same areas, for example an appropriate learning environment that is rich, play based and stimulating; built on positive interactions, empathy, supporting communication and language and focussing on children's well-being.

Schools and settings work on self-evaluation documents that measure / compare performance in the same standards areas that include Safeguarding, Learning and Development, Enabling Environment, Working in Partnership, Leaderships and Management.

The quality of a nursery setting is determined using the Early Years Quality Framework and the School Review framework. Both mirror the same expectations and shared understanding of what good practice looks like for nursery children as the teams in Standards and Achievement and Childcare, and Early Years work very closely together.

Both sectors are be expected to meet good standards / minimum requirements and are supported to continuously improve and develop their practice through self-evaluation and support from the CEYS team. Currently the Early Years Advisor and advisory team support this role to ensure consistency of approach. Registration and Regulation and Quality Development teams are now co-located in CEYS to ensure this happens.

2.5 DEPUTY R.J. WARD OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE PROJECTED LEVEL OF DEFICIT IN PUBLIC FINANCES (WQ.284/2019)

Question

Will the Minister advise –

- (a) on what date did the Minister become aware of a prospective £30 to £40 million deficit in public finances;
- (b) what data was used to calculate this deficit; and
- (c) at what points in time does the Minister plan to review the projected level of the deficit during the period of the Government Plan?

Answer

The incoming Council of Ministers was briefed by the Treasurer shortly after taking office on the financial position. A potential deficit of £30- 40 million for 2020-2023 was identified in the Budget Statement 2019, based on forecasts using the latest information available at that time. As a result an efficiency programme was put into place in 2019 to address the gap by 2020.

The Government Plan will present the forecast surplus/deficit position for 2020 to 2023, and is being prepared with regard to the Fiscal Policy Panel recommendations to run surpluses during this period. Each year the Government Plan will continue to consider the forecast position, and appropriate actions to ensure that the States finance are sustainable.

2.6 DEPUTY K.G. PAMPLIN OF ST. SAVIOUR OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE SERVICES OFFERED TO DEAF ISLANDERS (WQ.285/2019)

Question

Will the Minister provide a breakdown of the services offered to deaf Islanders by the States of Jersey (i.e. excluding the voluntary sector), including job titles and positions and whether the services are provided for adults, children or both?

Answer

All services provided to Islanders by the Government of Jersey are provided to Islanders that are deaf or have hearing loss. Work is being carried out in line with the Disability Strategy for Jersey to make services more accessible. This involves making reasonable adjustments to ensure more equitable access – for example, the provision of communication support, access to quiet environments and the availability of information in more accessible formats.

In addition, the *audiology department* within Health and Community Services supports Islanders with hearing loss. This services consists of:

- 1 x Audiological Scientist
- 0.3 x Paediatric Audiologist (0.2; 0.1 contract staff)
- 3.5 x Audiologists & 1x zero hours contract (as required)
- 0.8 x Audiological Practitioner
- 0.5 x Assistant Audiologist
- 0.96 x Newborn hearing screeners (0.46; 0.5)
- 1.0 x Receptionist, 0.54 x admin
- 0.16 Run lip-reading course (contract staff)

- 0.04 Run communication course (funded by Jersey Deaf Society)

Approximate split of audiology department time: 14% newborns; further 10% children; 76% adults
Deafness exists on a continuum. Most Audiology clients have some aidable hearing and for that reason Audiology staff don't often see people who are profoundly deaf.

Two staff have level 2 BSL, and one has level 1 BSL (enough to converse but not interpret).

A support worker within the adult social care department provides additional support to people who are deaf, including BSL signing.

In the *Department for Children, Young People, Education and Skills*:

- The Children's Complex Needs Team supports families with children who have a permanent and substantial disability or long-term condition/illness that impacts on their everyday living.

Currently there are fewer than five children who have a hearing impairment in addition to other disabilities such as cerebral palsy or a learning disability. These children have complex needs and therefore require a package of support. The Team works in partnership with Audiology and Education to ensure these children are provided with the appropriate level of support.

In Inclusion and Early Intervention:

- 2 x Qualified Teachers for the Deaf
- 1 x Audiologist in Education (established via a service level agreement with Health)

In the Additionally Resourced Centres (ARCs) for Hearing Needs at St Clement and Le Rocquier schools there are:

- 2 Team Leaders
- 5 Lead Keyworkers

The post of Deaf Community Liaison Officer is currently being developed in conjunction with representatives from the voluntary organisations that support the dDeaf community in Jersey. The post is undergoing external evaluation. Once this is complete, recruitment to the post is due to commence. This post will provide dedicated support, guidance and advocacy to dDeaf/dDeaf Blind and Hard of Hearing children and adults in Jersey.

A number of individuals within the Government of Jersey have been identified to provide communication support to deaf Islanders when communicating with Government services and it is planned that they will be accessed via the Hospital interpreter services. In addition, BSL interpreters are commissioned from external providers to provide specialist communication support when appropriate. Customer and Local Services is in the process of developing a remote interpreting service to provide instant BSL interpreting via an online tool to support communication with deaf Islanders during appointments with Government services.

2.7 DEPUTY K.G. PAMPLIN OF ST. SAVIOUR OF THE CHAIRMAN OF THE STATES EMPLOYMENT BOARD REGARDING EXIT INTERVIEWS UNDERTAKEN WITH STATES OF JERSEY EMPLOYEES (WQ.286/2019)

Question

Will the Chairman advise whether all States of Jersey employees receive an exit interview at the end of their employment and what process is followed for sharing, analysing and acting on the information and feedback that is provided during such interviews; and if interviews are not held, will the Chairman explain why they are not?

Answer

Any employee who is leaving can ask for an exit interview from their manager, an alternative manager or HR. Exit interview guidance and documentation is provided on the States intranet or is available from the HR Business Partner for use by managers. Information on exit interviews is not held centrally and it is the responsibility of the manager undertaking the interview to ensure information gathered is acted upon.

We are currently developing an on line exit interview process which will be triggered for all leavers and will ensure information is gathered for analysis at a department and corporate level. The revised exit interview process will be live during the last quarter of this year.

For reference a link to an earlier answer on a similar question is provided below.

[https://statesassembly.gov.je/assemblyquestions/2018/\(243\)%20approved%20and%20answered%20dep%20alves%20to%20seb%20re%20exit%20interviews.pdf](https://statesassembly.gov.je/assemblyquestions/2018/(243)%20approved%20and%20answered%20dep%20alves%20to%20seb%20re%20exit%20interviews.pdf)

2.8 DEPUTY K.G. PAMPLIN OF ST. SAVIOUR OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING JERSEY TALKING THERAPIES (WQ.287/2019)

Question

Further to the response to Written Question 203/2019, will the Minister provide an update on staff recruitment to Jersey Talking Therapies, including a breakdown of filled and unfilled posts, and will he also advise on the current plans for restructuring and relocation of the service?

Answer

The staffing establishment for Jersey Talking Therapies (JTT) includes:

4 x FTE Psychological Well-being Practitioners

9 x FTE Psychological Therapists

1 x FTE Administrator

The staffing establishment is also complemented by 2 x FTE counsellors.

Currently there is one Psychological Therapist vacancy and one Psychological Well-being Practitioner vacancy. Shortlisting for the post of Psychological Therapist is scheduled for early July with interviews to be held in early August. The closing date for applications for the post of Psychological Well-being Practitioner is in mid-July. Shortlisting and interviewing will follow after the closing date.

JTT delivers its services from two main bases – both are not fit for purpose. It has been recognised for several years that JTT and PATS (Psychology and Therapy Service) – which delivers some of the services – should be co-located together. A business case for the necessary development for JTT and PATS, along with Alcohol & Drug Services, to jointly share therapeutic and office accommodation is being considered by Health and Community Services. This development would enable a safe, integrated, fit for purpose whole-system prevention-focused service that would meet the needs of the Jersey community.

A rapid improvement workshop for JTT was carried out in June 2018. A review of last year's outcomes following the workshop will be implemented following the launch of the Target Operating Model for Health and Community Services. JTT staff will be fully engaged in this review.

2.9 DEPUTY K.G. PAMPLIN OF ST. SAVIOUR THE CHIEF MINISTER REGARDING STATISTICAL MEASURES TO MONITOR PROGRESS AGAINST THE COMMON STRATEGIC POLICY (WQ.288/2019)

Question

Further to the adoption of the Common Strategic Policy, will the Chief Minister advise what statistical data, if any, has been gathered to show, or measure, improvements or developments between 1st June 2018 and 1st June 2019 in respect of the key areas of the Policy?

Answer

The States Assembly decided the Common Strategic Policy (P.110/2018), as amended, on 4th December 2018. The Transition Report 2019 (R.155/2018) explained that the forthcoming Government Plan is where the Assembly, and Islanders, should begin to see evidence that the Government is focussed on delivering the shared priorities and ambitions contained within the Common Strategic Policy.

The Government Plan, therefore, which will be published later this month, will include a range of outcome measures in areas such as education, economic performance, and the environment, which will be reported on every six months henceforth as part of a new corporate performance framework

This will go alongside continued reporting the Future Jersey measures. Further, a large number of these outcomes are sourced from Statistics Jersey, who publish reports and data throughout the course of the Jersey, helping Government, and Members, and the public, assess our progress and local developments.

Together, this will provide a consistent and insightful view of how Government is performing against the outcomes within the Common Strategic Policy. This performance framework will also contribute to enhanced transparency and accountability to the public, which in return will support the continuous improvement of public services.

The Chief Minister has also presented to the Assembly on 18th June 2019 a report entitled 'The Council of Ministers: One Year in Office' (R.73/2019) to highlight the key activities and outcomes between June 2018 and June 2019. This report supplements the Annual Report and Accounts 2018 (R.48/2019) presented to the Assembly on 25th April 2019, which reports more deeply on a wider variety of measures using both service and financial performance data.

2.10 DEPUTY K.G. PAMPLIN OF ST. SAVIOUR OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE TRANSFER OF THE CHILD AND ADOLESCENT MENTAL HEALTH SERVICE (WQ.289/2019)

Question

Further to the response to Written Question 232/2019, will the Minister provide a timetable for the transfer of the Child and Adolescent Mental Health Service (C.A.H.M.S.), including the plan for the safe transition of services across the departments, and will he also state when it is anticipated that improvements to the support for young Islanders with their mental health will be delivered as part of that process?

Answer

The transition of CAMHS into the department of Children and Young People, Education and Skills (CYPES) has involved a two-phase programme. Phase one involved the transition of services (CAMHS and Community Health and Therapy services) and this happened on 1st June 2019. To enable a safe transition of services, a Clinical, Care and Professional Governance framework and

Memorandum of Understanding have been developed. A joint Health & Community services and CYPES Oversight Executive Group will oversee the services.

Phase two of the programme involves a 12-month programme of work including a review and redesign of CAMHS. This programme of work will identify the necessary improvements to be delivered.

2.11 DEPUTY R.J. WARD OF ST. HELIER OF THE MINISTER FOR INFRASTRUCTURE REGARDING THE ANNUAL FINANCIAL RETURN FROM THE LIBERTYBUS CONTRACT (WQ.290/2019)

Question

What has been the annual financial return to the States since the start of the Liberty Bus contract; and what specific projects has this money been spent on?

Answer

The annual income, rounded to the nearest thousand pounds, from the 2013 Bus Operating Contract is received during the subsequent financial year and is set out below.

<u>Year</u>	<u>Income</u>
2013	£46,000
2014	£269,000
2015	£338,000
2016	£265,000
2017	£285,000
2018	£289,000 (provisional)

This income is paid into the revenue budget of the Transport Planning section, which is responsible for the States' Sustainable Transport Policy. As the funds are received into the general revenue budgets for sustainable transport, it is not possible to disaggregate the funding contribution into individual initiatives.

Primarily, in terms of public transport, these include infrastructure projects such as the installation of waiting shelters at bus stops, improvements to walking routes, and the provision of additional pedestrian crossing facilities, all of which help to further enhance the appeal of the bus service.

The moneys are also used to support shortfalls in the funding of concessionary travel reimbursement as a consequence of the growing demand from holders of senior citizen passes.

2.12 DEPUTY C.S. ALVES OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE REVIEW OF THE INCOME TAX SYSTEM (WQ.291/2019)

Question

Will the Minister state –

- (a) when the review of the Income Tax system started;
- (b) how much public involvement there has been in this review;
- (c) how much has been spent to date on the different elements of the review; and

- (d) when the review will finish and the Minister will feed back the findings of the review to the Assembly?

Answer

- (a) The review of the personal tax system commenced in 2016. The first phase reported in March 2017 (R.30/2017): this provided information about changes in the numbers and types of personal income-taxpayers since 2007; and also provided a report from external economists (Oxera) describing the impact on seven Jersey household types of the main changes in tax and contributions over the period 2006 to 2015. This was intended to provide a platform of common and shared understanding of our personal tax system to assist States members in evaluating the outcome of the second stage of the review.
- (b) The second phase of the review commenced in 2017 and this has looked at the options for modernising the personal-tax system. Public involvement in the review has included a survey using social media (a “chatbot”) which received over 1,200 responses; 10 focus groups of islanders run over the period February to June 2018; and an island-wide survey launched in January 2019 and completed in March which elicited over 2,700 responses.
- (c) The main cost of the review has been the costs of one senior policy officer. We estimate that paybill cost at around £84,000. The costs of running the public engagement exercises described above were in the region of £63,000.
- (d) The Minister will announce her recommendations for modernising the personal-tax system later in the year, alongside the Government Plan. Subject to the Assembly’s support for her recommendations, legislation will be lodged in 2020 with a view to the new system being in play for the 2021 year of assessment.

2.13 DEPUTY C.S. ALVES OF ST. HELIER THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE INFORMATION GIVEN TO PATIENTS AT THE GENERAL HOSPITAL ABOUT THEIR BLOOD TYPE (WQ.292/2019)

Question

Will the Minister advise whether there are circumstances in which the Hospital is aware of patients’ blood type but does not inform the patients in question of their blood type; and, if so, will he state the reasons why patients are not so informed in such cases?

Answer

A patient’s blood group is not one of the standard tests that a doctor would request from the hospital laboratories on behalf of a patient. The test is only performed under specific circumstances:

1. Clinical demand (i.e. the patient is likely to need a blood transfusion)
2. The person is a blood donor

Knowing their blood group does not directly affect a person’s health. So even if the person’s blood group has been determined, there is no clinical benefit to sharing the information with the patient. People who regularly donate blood or who regularly receive transfusions will generally know their blood group, but there is no clinical requirement for them to know it.

There is no reason to withhold somebody’s blood group from them, but it has no relevance outside of the clinical setting, so it wouldn’t routinely be shared with people.

When somebody donates blood or receives a transfusion, regardless of how many times it has been checked before, a fresh determination of the person’s blood group is always made using

a fresh sample of their blood. This is a safety measure to avoid incompatible transfusions. Providing compatible blood for someone, even in an emergency, never relies on them knowing their own blood group or having it written down somewhere. The hospital team will always follow evidence-based best practice guidelines to ensure that blood transfusions are safe.

A very small number of people with specific special blood transfusion requirements may be given a card to carry describing those special requirements. This is to save time in an emergency by alerting healthcare professionals as early as possible to the special requirements. These special requirements generally do not relate so much to actual blood groups, though occasionally they may, but to things such as bone marrow transplant recipients requiring blood that's been tested for additional viral contaminants because of their impaired immunity, or patients who have developed atypical blood group antibodies from previous pregnancies and therefore need additional testing to find them compatible blood.

2.14 DEPUTY M. TADIER OF ST. BRELADE OF THE MINISTER FOR CHILDREN AND HOUSING REGARDING THE RENTAL DEPOSIT SCHEME (WQ.293/2019)

Question

Will the Minister advise –

- (a) how many current rental deposits are protected in the mydeposits scheme;
- (b) how many cases of non-protected deposits, if any, have been reported to the department;
- (c) how many of any such cases in (c) have been referred for prosecution; and
- (d) what does the department estimate is the total number of non-registered deposits in Jersey?

Answer

- (a) As the end of May 2019, 11,869 deposits were protected in the mydeposits Jersey tenancy deposit scheme.
- (b) The Minister for Children and Housing has delegated authority to Environmental Health for all matters relating to the Residential Tenancy (Jersey) Law 2011, including tenancy deposit protection. Environmental Health has received 97 enquiries since August 2018 relating to tenancy matters, including tenancy agreements, condition reports, suspected over-charging for services, and tenancy deposits. The number relating specifically to deposit protection is not recorded.
- (c) One case has been referred to the Attorney General for prosecution where a landlord has not protected a tenant's deposit in the tenancy deposit scheme.
- (d) Environmental Health does not have data on the number of deposits that have not been paid into the tenancy deposit scheme. At the commencement of the tenancy deposit scheme, there were forecast to be approximately 13,400 private rented tenancies in Jersey where, as a result, a deposit could be taken. Based on this assumption, up to 1,500 deposits may not have been protected in the scheme.

It is important to note:

- Not all landlords take a deposit.
- Some landlords have stopped taking deposits as a result of the introduction of the tenancy deposit scheme.

- The tenancy deposit scheme only applies to tenancies that commenced, or were renewed or varied, after November 2015 so may not need to be protected in the scheme yet.

However, there will be a level of non-compliance with the tenancy deposit scheme requirements. In cases where Environmental Health becomes aware of deposits that have not been protected – either as a result of a complaint by a tenant or through proactive inspection – they will take action to ensure that the deposits are protected. The proposed landlord license scheme for rented properties will help to identify further cases where deposits have not been protected in the tenancy deposit scheme.

2.15 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE CHIEF MINISTER REGARDING TARGETS FOR NET INWARD MIGRATION TO JERSEY (WQ.294/2019)

Question

Will the Chief Minister explain to members why the target of net inward migration of 325 people per year has not been met in each of the past 4 years?

Answer

The last agreed population policy P.10/2014 ‘Interim population policy: 2014-2015’ was voted on by the Assembly on 1st May 2014. This did not set a target but agreed a ‘planning assumption’ of +325 people per year for the period of the policy. It is not for me to comment on a target set by a previous Government, however it is worth noting that population growth has not been at this level since 2003 (with an increase of +300) and with the lowest annual growth of the last ten years being an increase of +800 in 2009.

I understand the significance of the current net inward migration figures and the difficult decisions that will need to be made by this Government, and in due course this Assembly, if we are all serious about reducing the island’s reliance on inward migration.

There is no simple answer to doing this and that is why in August 2018 I requested Statistics Jersey to research a body of work on ‘Estimating government receipts and expenditure for Jersey households’, which was published in April. In March 2019 I also established the Migration Policy Development Board to look at the inter-related and complex issues involved in producing realistic and effective options.

The recently published population figures demonstrate a reducing net migration rate and I am pleased with the progress that the Assistant Chief Minister has made in utilising the current controls that Government has to help reduce the rate of net inward migration.

There is much more work to be done, but I expect to have a properly researched, relevant and realistic interim report out for initial consultation with invited parties in the autumn of 2019, with the migration policy going to the Council of Ministers in the first quarter of 2020, for onwards debate by the Assembly.

All minutes and reports of the Migration Policy Development Board are published on line at: www.gov.je/migrationpolicy

To date the MPDB has held 8 meetings:

Agenda

Speakers

Presentations/papers considered

<u>Meeting 1:</u> 07 March	Agreed the Board's terms of reference, scope and invitees	N/A	N/A
<u>Meeting 2:</u> 21 March	Current migration & population controls	Acting Assistant Director, Immigration & Nationality, JCIS. Senior Manager, Business Licensing, CLS Housing Control Manager, CLS	Immigration controls & work permits Control of Housing of Work (Jersey) Law Fiscal Policy Panel Advice for 2020-2023 Government Plan
<u>Meeting 3:</u> 04 April	Estimating Government receipts & expenditure from Jersey households	Statistician, Statistics Jersey	Statistics Jersey – estimating Government receipts & expenditure from Jersey households
<u>Meeting 4:</u> 18 April	Jersey demographics	Statistician, Statistics Jersey Chief Statistician, Statistics Jersey Senior Economist, Chief Minister's Department	Population estimate 2017 Long term revenue v expenditure
<u>Meeting 5:</u> 16 May	Previous population policy Future workflows	Head of Ministerial Support Unit, Corporate Policy Group Director Policy, SPPP	Migration systems in other parts of the world
<u>Meeting 6:</u> 30 May	Migrant access to services	Director, SPPP Policy Principal, Immigration & Migration	Discussion paper (pending)
<u>Meeting 7:</u> 13 June	Skills and labour shortages	Director, Education	Discussion paper (pending)
<u>Meeting 8:</u> 27 June	Infrastructure, Housing & the Environment	Director of Strategy & Innovation, SPPP Assistant Director, Planning & Environment Assistant Director, Social Policy Policy Principal, Housing	

The MPDB has the following meetings planned:

Meeting 9: Identify areas for policy proposal development over summer recess
11 July

2.16 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR EXTERNAL RELATIONS REGARDING THE DECISION TO ALLOW PUBLIC ACCESS TO THE REGISTER OF BENEFICIAL OWNERSHIP OF BUSINESSES (WQ.295/2019)

Question

Will the Minister explain to members why the Government has agreed to allow public access to the register of beneficial ownership of businesses, given the previous position of opposition to such access; and will he further explain why such access will not take place until 2023 and whether such public access will apply to beneficial ownership of companies through trusts?

Answer

The Government has a long-standing policy of compliance with international standards, often doing so as an early adopter of such standards. As such Jersey is variously cited as being well-regulated, co-operative jurisdiction that can point to high ratings from Moneyval and OECD assessors.

Government adopted a very firm position to oppose attempts by backbenchers in the United Kingdom Parliament to legislate for us with those attempts being described by the Chief Minister in March of this year as inoperable and wholly unnecessary.

The joint (with States of Guernsey and the Isle of Man Government) commitment published on 19th June 2019 clearly sets out policy direction towards a public register of company beneficial ownership. This explained a progressive approach that built on an existing commitment made as part of our successful engagement with the Code of Conduct Group process, work that will take place in 2021 and further extended in 2022.

A public register of company beneficial ownership will show precisely that; it is not a public register of trusts. Precise definitions will be contained in future legislative proposals.

2.17 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE PUBLICATION OF WAITING LISTS FOR SPECIALIST HEALTHCARE SERVICES (WQ.296/2019)

Question

Further to the response to Oral Question 165/2019, will the Minister commit to publishing waiting times for specialist healthcare services using the mode average (i.e. most frequent), separated into the waiting time to see a consultant and the waiting time for treatment?

Answer

Currently we publish average (mean) waiting times on www.gov.je by specialty for:

- patients seen by a consultant in an outpatient clinic at Jersey General Hospital (JGH) /Overdale for their first appointment; and
- patients being admitted to JGH for an inpatient/daycase procedure/treatment.

We are undertaking significant work on our data to allow more robust breakdown of the figures and also to provide assurance about robust management of the waiting lists – through the development of a PTL (Patient Tracking List). We will publish further data when we are in a position to do so.

This will include a breakdown by clinical priority (urgent/soon/routine) for patients referred to a consultant in secondary care and patients admitted for a procedure.

As part of the data work, publication of the different measures of average (mean, median and mode) will be considered. Each has its limitations and it is important to consider the distribution of waiting times. For example, the mode does not take account of outliers, such as very long waits.

2.18 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR EDUCATION REGARDING THE REPORTING SYSTEM FOR EXPENDITURE ON THE PUPIL PREMIUM (WQ.297/2019)

Question

What reporting system does the Minister have in place to account for expenditure incurred on the pupil premium?

Answer

Each school publishes an annual strategy and evaluation on their website by 31st of January for the previous financial year. The exception to this is schools with very small numbers who would risk identifying individual children. These documents detail how the school have utilised the funds received, the impact of the expenditure on pupils and the planned expenditure for the forthcoming year. These are reviewed by the senior adviser for Jersey Premium who oversees Jersey Premium on behalf of the Minister.

In accordance with the Jersey Premium Policy schools are expected to fully account for the use of Jersey Premium funding and should maintain the records necessary to document all expenditure.

<https://www.gov.je/SiteCollectionDocuments/Education/P%20Jersey%20Premium%20Policy%200180711%20JP.pdf>

2.19 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE CHAIRMAN OF THE STATES EMPLOYMENT BOARD REGARDING THE COMPLAINTS MADE TO, AND AGAINST, THE BOARD SINCE 2014 (WQ.298/2019)

Question

Will the Chairman provide members with a table showing the number of complaints that have been made to, and against, the States Employment Board for each year since 2014, identifying in each case the nature of the complaint, the process involved in addressing it and the outcomes?

Answer

The answer will be provided by the next States sitting.

The data required to provide the answer needs to be collated from a variety of sources including third parties.

2.20 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE CHAIRMAN OF THE STATES EMPLOYMENT BOARD REGARDING LEGAL ACTIONS TAKEN AGAINST THE BOARD SINCE 2014 (WQ.299/2019)

Question

Will the Chairman provide members with details of the legal actions that have been taken against the States Employment Board in each year since 2014 and state in each case the nature of the action and whether it is ongoing or has been determined; and, where the case has been determined, will he state the quantum of damages that have been paid by the Board or the States' insurers as a consequence?

Answer

The answer will be provided by the next States sitting.

The data required to provide the answer needs to be collated from a variety of sources including third parties.

2.21 DEPUTY M.R. HIGGINS OF ST. HELIER OF H.M. ATTORNEY GENERAL REGARDING THE REFERRAL OF SEXUAL OFFENCES FROM THE STATES OF JERSEY POLICE TO THE LAW OFFICERS’ DEPARTMENT (WQ.300/2019)

Question

Will H.M. Attorney General advise members of the number of sexual offences that have been referred to the Law Officers’ Department for consideration for prosecution by the States of Jersey Police each year since 2014, indicating the type of offence in each case; will he advise how many of these referrals indeed resulted in a prosecution and what the outcome was in each instance; and in those instances where a prosecution was not pursued, will he give the reasons why those cases were not pursued?

Answer

The number of offences referred to the Law Officers’ Department (Criminal Division) from 2014 to 2018 is set out in the tables below.

In summary, there were 403 alleged offences referred from the States of Jersey Police (SOJP) during the relevant period. Of these, 252 offences resulted in conviction. There were 141 offences where there was ‘no further action’ taken, ‘no evidence offered – post charge’, or the defendant was ‘acquitted’. Nine cases are currently on-going; and there was one offence where ‘words of advice’ were given.

It should be emphasised that the question has been asked, and the answer has been given, by reference to the number of offences referred to the Law Officers’ Department. Many offenders face more than one offence. Accordingly, the number of offenders is significantly lower than the number of offences.

THE CODE ON THE DECISION TO PROSECUTE

Each case referred to the Law Officers’ Department for advice is reviewed by a Legal Adviser in accordance with the ‘Code on the Decision to Prosecute (‘the Code’)’. This involves a two-stage test:

The first-stage is the **evidential test**. If a case does not pass the evidential test it cannot proceed no matter how important or serious it may be. If the case does pass the evidential test a decision has to be made if a prosecution is warranted in the public interest.

The second stage is the **public interest test**. A decision to commence or continue a prosecution will occur when the case has passed both tests.

Where a case is not prosecuted, it will be because it did not meet the test under ‘the Code’.

A link to ‘the Code’ is found below:

<https://www.gov.je/SiteCollectionDocuments/Government%20and%20administration/ID%20Code%20on%20the%20Decision%20to%20Prosecute%20March%202016.pdf>

ALL CASES AND OUTCOMES REFERRED TO LOD – CRIMINAL DIVISION

SEXUAL OFFENCES - 2014-2019

(Advice Files – **Green** / Magistrates Court – **Blue** / Royal Court – **Red**)

2014

OFFENCE	NO.	NO FURTHER ACTION / NO EVIDENCE	CONVICTIONS	OUTCOMES
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		OFFERED / ACQUITTED		
Outraging Public Decency	2	1	1	<ul style="list-style-type: none"> No evidence offered – insufficient evidence 1 year bind over order
Indecent Exposure	4 1	1 0	3 1	<ul style="list-style-type: none"> 50 hours' community service 4 months' imprisonment + 10 year notification order 6 months' probation No evidence offered – insufficient evidence 2 weeks' imprisonment
Possession of Indecent Images	1 10	1 0	0 10	<ul style="list-style-type: none"> No further action – insufficient evidence 3 years' imprisonment (concurrent x6) 1 ½ years' imprisonment*² 6 months' imprisonment*² 2 years' imprisonment + 10 year notification order 1 year imprisonment, 5 year notification + restraining orders*⁶
Making of Indecent Images	3	0	3	<ul style="list-style-type: none"> 2 years' imprisonment (x3)*²
Inciting the Making of Indecent Images	2	1	1	<ul style="list-style-type: none"> Acquitted*² 1 ½ years' probation, 5 year notification + restraining orders*⁴
Indecent Assault	2 2 32	2 0 27	0 2 5	<ul style="list-style-type: none"> No further action – insufficient evidence No further action – insufficient evidence 3 years' probation + 180 hours' community service + 5 year restraining order 110 hours' community service + 3 year notification order + £1,000 compensation Acquitted 5 years' imprisonment*¹ Acquitted (x8)*³ 3 years' imprisonment, 5 year notification + restraining orders Withdrawn*⁵ Withdrawn (x6)*⁷

				<ul style="list-style-type: none"> • 1 ½ years' probation + 180 hours' community service*7 • Withdrawn*8 • 4 years' imprisonment (x2)*9 • Acquitted (x10)*10
Procuring an Act of Gross Indecency	6	4	2	<ul style="list-style-type: none"> • 5 years' imprisonment*1 • Withdrawn*3 • 1 ½ years' probation + 312 hours' community service*8 • Acquitted (x3)*10
Inciting an Act of Gross Indecency	2	2	0	<ul style="list-style-type: none"> • Withdrawn (x2)*10
Unlawful Sexual Intercourse	1 1 8	1 1 1	0 0 7	<ul style="list-style-type: none"> • No further action – insufficient evidence • No evidence offered – insufficient evidence • 2 years' probation (concurrent x6), 5 year notification + restraining orders • Withdrawn*4 • 1 years' imprisonment, 5 year notification + restraining orders
Incest	2	0	2	<ul style="list-style-type: none"> • 1 ½ years' probation + 180 hours' community service + 2 year notification order*7 • 1 ½ years' probation + 312 hours' community service + 2 year notification order*8
Rape	10	6	4	<ul style="list-style-type: none"> • Withdrawn • Life imprisonment + 15 year notification order*1 • Withdrawn (x3)*1 • 6 years' imprisonment, 10 year notification order + 8 year restraining order • 5 years' imprisonment, 5 year notification + restraining orders*5 • Acquitted • 7 years' imprisonment + 5 year notification order*9 • Acquitted

Telecommunications Law	2	0	2	<ul style="list-style-type: none"> • 1 ½ years' probation*⁴ • 2 months' imprisonment*⁶
TOTALS	91	48	43	

*¹ – Outcomes for one particular defendant for indecent assault, procuring an act of gross indecency & rape (*note; although 3 offences are recorded as withdrawn, the defendant received life imprisonment*)

*² – Outcomes for one particular defendant for possession, making & inciting the making of indecent images

*³ – Outcomes for one particular defendant for indecent assault & procuring an act of gross indecency

*⁴ – Outcomes for one particular defendant for inciting the making of indecent images, telecommunications offences & unlawful sexual intercourse

*⁵ – Outcomes for one particular defendant for indecent assault & rape

*⁶ – Outcomes for one particular defendant for possession of indecent images & telecommunications offences

*⁷ – Outcomes for one particular defendant for indecent assault & incest (co-accused with *⁸)

*⁸ – Outcomes for one particular defendant for indecent assault & incest (co-accused with *⁷)

*⁹ – Outcomes for one particular defendant for indecent assault & rape

*¹⁰ – Outcomes for one particular defendant for indecent assault, procuring an act of gross indecency & inciting an act of gross indecency (*note; 13 offences acquitted and 2 withdrawn relate to this single defendant*)

2015

OFFENCE	NO.	NO FURTHER ACTION / NO EVIDENCE OFFERED / ACQUITTED	CONVICTIONS	OUTCOMES
Indecent Exposure	2 1	1 0	1 1	<ul style="list-style-type: none"> • 3 month bind over order • No evidence offered – not in public interest (historic + minor)*⁷ • 1 ½ years' imprisonment, 5 year notification + restraining orders
Possession of Indecent Images	10	0	10	<ul style="list-style-type: none"> • 9 months' imprisonment, 3 year notification + restraining orders, destruction of equipment (x2)*² • 3 years' imprisonment, 5 year notification +

				restraining orders (concurrent x8)
Making of Indecent Images	7	0	7	<ul style="list-style-type: none"> • 1 years' imprisonment • 1 ½ years' imprisonment + destruction of equipment (x2)*¹ • 1 years' imprisonment, 5 year notification + restraining orders, destruction of equipment (concurrent x2) • 1 year 3 months' imprisonment, 3 year notification + restraining orders, destruction of equipment (x2)*²
Distribution of Indecent Images	1 1	0 0	1 1	<ul style="list-style-type: none"> • 90 hours' community service ('revenge porn' case) • 1 ½ years' imprisonment + destruction of equipment*¹
Attempted Indecent Assault	1	0	1	<ul style="list-style-type: none"> • 6 months' imprisonment, 5 year notification + restraining orders*⁵
Indecent Assault	17 20	1 0	16 20	<ul style="list-style-type: none"> • 90 hours' community service + 1 year notification order • 1 year bind over order + 2 year notification order + £250 compensation • 70 hours' community service + 7 year notification order • 4 years' imprisonment, 5 year notification order + 10 year restraining order (concurrent x8) • 100 hours' community service + 2 year probation order + 5 year notification order + £500 compensation • 3 year bind over to leave the Island (plea accepted to common assault) • 100 hours' community service + 1 year probation + 5 year notification order • 1 year bind over order + 2 ½ year notification order + £1,000 compensation + £800 prosecution costs

				<ul style="list-style-type: none"> • £750 fine + 3 year notification order • No evidence offered – insufficient evidence*⁷ • 4 ½ years’ imprisonment + 8 year notification order + 2 year exclusion order • 5 years’ imprisonment, 10 year notification order + 6 year restraining order*³ • 6 years’ imprisonment, 10 year notification order + 6 year restraining order*³ • 1 year probation + 5 year notification order • 1 year 9 months’ imprisonment (x2)*⁴ • 1 year 2 months’ imprisonment (x2)*⁴ • 300 hours’ community service + 1 ½ years’ probation • Acquitted (x2) • 2 years’ imprisonment, 5 year notification + restraining orders (x2)*⁵ • 2 ½ years’ imprisonment, 5 year notification + restraining orders (x4)*⁵ • 240 hours’ community service + 1 ½ years’ probation + 2 year notification + restraining orders (x2)*⁶ • 1 ½ years’ imprisonment (x2)*⁸
Attempting to Procure an Act of Gross Indecency	1	0	1	<ul style="list-style-type: none"> • 11 months’ imprisonment*⁴
Procuring an Act of Gross Indecency	1 6	0 0	1 6	<ul style="list-style-type: none"> • 50 hours’ community service + 1 year probation + 5 year notification order • 2 years 1 month imprisonment*⁴ • 1 year 9 months’ imprisonment*⁴ • 2 years’ imprisonment, 5 year notification + restraining orders*⁵ • 1 year imprisonment, 5 year notification + restraining orders*⁵

				<ul style="list-style-type: none"> • 240 hours' community service + 1 ½ years' probation + 2 year notification + restraining orders (x2)*⁶
Meeting a Child following Sexual Grooming	1	0	1	<ul style="list-style-type: none"> • 90 hours' community service + 1 ½ years' probation + 2 year notification + restraining orders*⁶
Unlawful Sexual Intercourse	4	0	4	<ul style="list-style-type: none"> • 2 years 5 months' imprisonment*⁴ • 240 hours' community service + 1 ½ years' probation + 2 year notification + restraining orders (x3)*⁶
Incest	1	0	1	<ul style="list-style-type: none"> • 4 ½ years' imprisonment, 5 year notification + restraining orders*⁸
Sodomy	2	2	0	<ul style="list-style-type: none"> • No evidence offered – insufficient evidence (x2)
Rape	1	0	1	<ul style="list-style-type: none"> • 5 years' imprisonment + 5 year notification order
Telecommunications Law	1	0	1	<ul style="list-style-type: none"> • 90 hours' community service + 1 ½ years' probation + 2 year notification + restraining orders*⁶
TOTALS	78	4	74	

*¹ – Outcomes for one particular defendant for making & distributing indecent images

*² – Outcomes for one particular defendant for possession & making indecent images

*³ – Outcomes for one particular defendant for indecent assault

*⁴ – Outcomes for one particular defendant for indecent assault, attempting & procuring an act of gross indecency & unlawful sexual intercourse

*⁵ – Outcomes for one particular defendant for attempted indecent assault, indecent assault & procuring an act of gross indecency

*⁶ – Outcomes for one particular defendant for indecent assault, procuring an act of gross indecency, meeting a child following sexual grooming & telecommunications offences

*⁷ – Outcomes for one particular defendant for indecent exposure & indecent assault

*⁸ – Outcomes for one particular defendant for indecent assault & incest

2016

OFFENCE	NO.	NO FURTHER ACTION / NO EVIDENCE OFFERED / ACQUITTED	CONVICTIONS	OUTCOMES
Outraging Public Decency	1	0	1	<ul style="list-style-type: none"> 3 years' imprisonment, 5 year notification order + 6 year 9 month restraining order
Possession of Indecent Images	2 2	0 0	2 2	<ul style="list-style-type: none"> 150 hours' community service, 1 ½ years' probation, 5 year notification + restraining orders 120 hours' community service + 1 year probation 3 years' imprisonment, 5 year notification + restraining orders*¹ 1 year 3 months' imprisonment, 5 year notification + restraining orders
Distribution of Indecent Images	2	0	2	<ul style="list-style-type: none"> 1 ½ years' imprisonment, 5 year notification + restraining orders*¹ 1 ½ years' imprisonment, 5 year notification order + 6 year restraining order
Indecent Assault	4 8 72	4 0 34	0 8 38	<ul style="list-style-type: none"> No further action – insufficient evidence No further action – insufficient evidence No further action – insufficient evidence*¹⁰ No further action – insufficient evidence*¹² 1 year bind over order 110 hours' community service + 5 year notification order 90 hours' community service, 1 year probation + 5 year notification order 140 hours' community service + 2 years' probation + 5 year notification order 120 hours' community service + 3 year notification order 100 hours' community service 130 hours' community service + 1 ½ years' probation 150 hours' community service, 1 ½ years' probation, 5 year notification + restraining orders

				<ul style="list-style-type: none"> • 10 years' imprisonment , 15 year notification + restraining orders (concurrent x2) • 4 years' imprisonment, 5 year notification order + 10 year restraining order (concurrent x8) • Acquitted (x8)*2 • Withdrawn (x2)*2 • 4 years' imprisonment, 5 year notification + restraining orders (concurrent x3) • Acquitted*3 • 2 years 8 months' imprisonment, 7 year notification + restraining orders • 5 years' imprisonment, 10 month notification order + indefinite restraining order*4 • 6 years' imprisonment, 10 month notification order + indefinite restraining order*4 • Acquitted*5 • Withdrawn • 6 years' imprisonment*6 • Withdrawn (x6) • 10 years' imprisonment (x7)*7 • Acquitted*8 • Acquitted (x4)*9 • Withdrawn (x10)*11 • 4 years' imprisonment*11 • 6 years' imprisonment (x3)*11 • 8 years' imprisonment*11 • 8 years' imprisonment + 10 year notification order + 13 year restraining order + £50,000 compensation*11 • 2 years' imprisonment (x6)*13 • 4 years' imprisonment (x2)*13
Procuring an Act of Gross Indecency	10	7	3	<ul style="list-style-type: none"> • 11 years' imprisonment, 10 year notification + restraining orders*6 • Withdrawn*6 • 9 years' imprisonment (x2)*7 • Withdrawn (x3)*7 • Acquitted (x2)*7 • Acquitted*8
Attempted Sexual Grooming	1	0	1	<ul style="list-style-type: none"> • 9 months' imprisonment + 2 year notification order
Unlawful Sexual Intercourse	1 1 2	0 0 1	0 1 1	<ul style="list-style-type: none"> • Recommendation to give words of advice

				<ul style="list-style-type: none"> • 90 hours' community service, 1 year probation + 3 year notification order • 1 ½ years' probation, 5 year notification + restraining orders • Acquitted*7
Rape	4 15	4 6	0 9	<ul style="list-style-type: none"> • No further action – insufficient evidence • No further action – insufficient evidence • No further action – insufficient evidence*10 • No further action – insufficient evidence*12 • Acquitted*3 • 7 ½ years' imprisonment, 10 month notification order + indefinite restraining order *4 • Acquitted*5 • Acquitted • Acquitted*7 • Acquitted*8 • Acquitted*9 • 10 years' imprisonment (x6)*13 • 12 years' imprisonment (x2)*13
Sodomy	4	0	4	<ul style="list-style-type: none"> • 8 years' imprisonment (x4)*13
TOTALS	129	56	72	(+1 advice file re USI where words of advice recommended)

*1 – Outcomes for one particular defendant for possession & distribution of indecent images

*2 – Outcomes for one particular defendant for indecent assault (note; 8 counts acquitted & 2 withdrawn against this single defendant)

*3 – Outcomes for one particular defendant for indecent assault & rape

*4 – Outcomes for one particular defendant for indecent assault & rape

*5 – Outcomes for one particular defendant for indecent assault & rape

*6 – Outcomes for one particular defendant for indecent assault & procuring an act of gross indecency

*7 – Outcomes for one particular defendant for indecent assault, procuring an act of gross indecency, unlawful sexual intercourse & rape (note; although 4 offences are recorded as acquitted and 3 withdrawn, this defendant received a sentence of 10 years imprisonment)

*8 – Outcomes for one particular defendant for indecent assault, procuring an act of gross indecency & rape (note; 3 counts acquitted against this single defendant)

*9 – Outcomes for one particular defendant for indecent assault, & rape (note; 5 counts acquitted against this single defendant)

*10 – Outcomes for one particular defendant for indecent assault & rape

*11 – Outcomes for one particular defendant for indecent assault

*12 – Outcomes for one particular defendant for indecent assault & rape

*13 – Outcomes for one particular defendant for indecent assault, rape & sodomy

2017

OFFENCE	NO.	NO FURTHER ACTION / NO EVIDENCE OFFERED / ACQUITTED	CONVICTIONS	OUTCOMES
Outraging Public Decency	1 2	1 0	0 2	<ul style="list-style-type: none"> • No further action – insufficient evidence • 6 weeks’ imprisonment + 5 year notification order*¹ • 12 weeks’ imprisonment + 5 year notification order consecutive*¹ (Total 28 weeks’, 5 year notification + Deportation Recommended)
Incest	1	0	1	<ul style="list-style-type: none"> • 5 years’ imprisonment + 8 year notification + restraining orders
Indecent Exposure	1 1	0 0	1 1	<ul style="list-style-type: none"> • 1 year bind over order • 1 ½ years’ imprisonment + 5 year notification + restraining orders
Making Indecent Images	2	0	2	<ul style="list-style-type: none"> • 16 weeks’ imprisonment + 5 year notification order*¹ • 8 weeks’ imprisonment + 5 year notification order*¹
Possession of Indecent Images	2 1	1 0	1 1	<ul style="list-style-type: none"> • 120 hours’ community service + 1 ½ years’ probation + 5 year notification + restraining orders • No evidence offered – insufficient evidence • 150 hours’ community service + 1 ½ years’ probation + 5 year notification + restraining orders
Indecent Assault	1 10	0 0	1 10	<ul style="list-style-type: none"> • 1 year probation + 3 month exclusion order + 3 year notification order • 3 years’ probation (with requirement to complete course of therapy) • 13 years’ imprisonment + 15 year notification order + indefinite restraining order (x3)*²

				<ul style="list-style-type: none"> • 6 ½ years' imprisonment + 15 year notification order + indefinite restraining order (x4)*² • 5 years' imprisonment + 15 year notification order + indefinite restraining order*² • 4 years' imprisonment + 15 year notification order + indefinite restraining order*²
Gross Indecency	1	0	1	<ul style="list-style-type: none"> • 4 years' imprisonment + 15 year notification order + indefinite restraining order*²
Inciting an Act of Gross Indecency	1	0	1	<ul style="list-style-type: none"> • 6 ½ years' imprisonment + 15 year notification order + indefinite restraining order (x4)*²
Procuring an Act of Gross Indecency	1	0	1	<ul style="list-style-type: none"> • 6 ½ years' imprisonment + 15 year notification order + indefinite restraining order (x4)*²
Sexual Grooming	1 3	1 0	0 3	<ul style="list-style-type: none"> • No further action – insufficient evidence • 180 hours' community service + 3 year notification + restraining orders • 10 months' imprisonment + 5 year notification + restraining orders • 6 months' imprisonment + 5 year notification order
Rape	1 1	1 1	0 0	<ul style="list-style-type: none"> • No further action – insufficient evidence • Acquitted
TOTALS	31	5	26	

*¹ – Outcomes for one particular defendant for outraging public decency & making indecent images

*² – Outcomes for one particular defendant for indecent assault, gross indecency, inciting an act of gross indecency & procuring an act of gross indecency

2018

OFFENCE	NO.	NO FURTHER ACTION / NO EVIDENCE	CONVICTIONS	OUTCOMES
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		OFFERED / ACQUITTED		
Indecent Exposure	2 2	1 0	0 2	<ul style="list-style-type: none"> • No further action – insufficient evidence • ‘Charge’ advised – accused left Island and has not returned • 6 weeks’ imprisonment • 1 year probation
Possession of Indecent Images	8	0	7	<ul style="list-style-type: none"> • 4 years’ imprisonment + 5 year notification order + 8 year restraining order • 1 ½ years’ imprisonment • 1 ½ years’ imprisonment*¹ • 1 year 8 months’ imprisonment + 5 year notification + restraining orders • 4 ½ years’ imprisonment + 10 year notification + restraining orders • 1 year 8 months’ imprisonment + 5 year notification + restraining orders • 5 years’ imprisonment + 15 year notification + restraining orders • Ongoing – in Royal Court 06/11/19
Indecent Assault	9 7 7	8 2 1	0 5 2	<ul style="list-style-type: none"> • No further action – insufficient evidence • No further action – insufficient evidence • No further action – insufficient evidence • No further action – insufficient evidence • No further action – insufficient evidence • No further action – insufficient evidence • No further action – insufficient evidence • No further action – insufficient evidence • Ongoing • 120 hours’ community service + 6 months’ probation + 4 year notification order • 120 hours’ community service + 6 months’ probation + 2 year notification + restraining orders • 6 weeks’ imprisonment + 5 year notification order

				<ul style="list-style-type: none"> • 90 hours' community service + 2 year notification order • 90 hours' community service + 3 year notification order + £250 compensation • No evidence offered – insufficient evidence • No evidence offered – insufficient evidence • Acquitted • 3 years' imprisonment*¹ • 4 years' imprisonment consecutive*¹ • Ongoing – in Royal Court 05/08/19 • Ongoing – in Royal Court 28/06/19 • Ongoing – in Royal Court 08/10/19 • Ongoing – in Royal Court 28/10/10
Gross Indecency	1	0	0	<ul style="list-style-type: none"> • Ongoing – in Royal Court 07/10/19
Attempt to Meet a Child	2	1	1	<ul style="list-style-type: none"> • Acquitted • 10 months' imprisonment + 5 year notification + restraining orders
Sexual Grooming	1 8 1	1 0 0	0 8 1	<ul style="list-style-type: none"> • No further action – insufficient evidence • 9 months' imprisonment + 5 year notification + restraining orders • 11 months' imprisonment + 5 year notification + restraining orders • 7 months' imprisonment + 5 notification + restraining orders • 9 months' imprisonment + 5 year notification + restraining orders • 10 months' imprisonment + 5 year notification + restraining orders • 9 months' imprisonment + 5 year notification + restraining orders • 7 months' imprisonment + 5 year notification + restraining orders • 10 months' imprisonment + 5 year notification + restraining orders • 1 ½ years' probation + 5 year notification order + 10 year restraining order

Unlawful Sexual Intercourse	3	3	0	<ul style="list-style-type: none"> No further action – insufficient evidence No further action – not in the public interest No further action – not in the public interest
Rape	9 14	9 2	0 12	<ul style="list-style-type: none"> No further action – insufficient evidence No further action – insufficient evidence No further action – insufficient evidence No further action – insufficient evidence No further action – insufficient evidence No further action – insufficient evidence No further action – insufficient evidence No further action – insufficient evidence No further action – insufficient evidence No further action – insufficient evidence 8 years' imprisonment + 15 year notification order + indefinite restraining order 10 years' imprisonment + 12 year notification order + indefinite restraining order (x10)*² Acquitted Acquitted Ongoing – in Royal Court 20/08/19
TOTALS	74	28	38	9 Ongoing

*¹ – Outcomes for one particular defendant for possession of indecent images & indecent assault

*² – Five co-defendants all received the same sentence for 2 charges each of rape

2.22 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR CHILDREN AND HOUSING REGARDING CASES REFERRED TO THE CHILDREN'S COMMISSIONER (WQ.301/2019)

Question

Will the Minister request details from the Children's Commissioner of any cases referred to the Commissioner that she concluded did not fall within her remit and that she was therefore unable to address directly; and of the action, if any, the Commissioner took in relation to any such cases and of any advice given by the Commissioner either to the referee(s) or to whom the cases were subsequently referred?

Answer

The Commissioner for Children and Young people is an independent role that is unique and does not resemble other parts of government. The Office is not under the direct authority of the States Assembly, legislature or judiciary. It is at arm's length from the Government. The Minister is not therefore privy to information held by the Commissioner regarding the discharge or performance of the functions of that Office.

The Commissioner will prepare an annual report on the discharge of the Commissioner's functions during the financial year. This report will include a review of issues identified, a review of the functions discharged, an overview of the work for the next financial year, accounts of the office, and recommendations made to the Government.

The Commissioner for Children and Young People (Jersey) Law Part 2 Article 5 sets out the primary and general functions of the Commissioner. Part 3 of the Law describes the formal investigations and assistance functions. The remit of the Commissioner is clearly defined in Law. Should the Commissioner be made aware of issues that are not within the remit of the Law, then the Commissioner will raise those issues with the relevant authority.

2.23 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR CHILDREN AND HOUSING REGARDING THE MINISTER'S POLICY POSITION IN RESPECT OF QUALIFYING RULES FOR HOUSING (WQ.302/2019)

Question

In light of the publication of the 'Review of access to social housing in Jersey', will the Minister state his policy position regarding the 10-year qualifying rule for housing and advise whether he has considered any alternatives to that provision and, if so, what the costs and implications of any such alternatives are?

Answer

The '*Review of Access to Social Housing*' examined one specific area of Jersey's housing market (the social rented sector) and recommended measures by which access to social housing could be improved. The issue of non-qualified accommodation was outside the scope of the review, but it did, nevertheless, identify it as one of the challenges in Jersey's housing market.

High demand for housing and limited housing supply have led to substantial rises in the costs of renting a home in Jersey, particularly for households who live in non-qualified housing. In January 2019, I published the '*Objective Assessment of Housing Need Report*'. The report indicates that the island requires as many as 1,100¹ non-qualified units of accommodation by 2030 if it is to meet anticipated future housing needs (page 19).

<https://www.gov.je/Government/Pages/StatesReports.aspx?ReportID=4193>

The Housing Policy Development Board is undertaking a comprehensive review of the housing market in Jersey, and will propose policy measures to improve access to, and the affordability, of housing. The Policy Development Board has been clear that the non-qualified sector must be examined as part of this work. Any consideration of Jersey's housing market cannot be undertaken without the main complexity within it – a two-tier housing system for qualified and non-qualified households – being a central area of investigation.

The housing requirements set out in the Objective Assessment of Housing Need will inform the work of the Housing Policy Development Board as it develops solutions to Jersey's housing challenges, and how it provides suitable and affordable accommodation in the non-qualified sector. The Board

¹ Based on net migration of +1,000 pa.

will report with its recommendations by spring 2020, at which point Ministers will consider what measures might be required around the provision of non-qualified housing.

The issue of the non-qualified housing sector is an extremely complex issue, and linked with economic and population policy. Any changes must, therefore, be thoroughly investigated in order to fully understand the implications of making any changes.

3. Oral Questions

3.1 Deputy K.G. Pamplin of St. Saviour of the Minister for Health and Social Services regarding the services provided for deaf Islanders: (OQ.180/2019)

Following the answer to my Written Question 285/2019, will the Minister state what work has been done, or is being undertaken, to ensure sufficient services are provided to meet the needs of deaf Islanders?

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

My answer to the Deputy's Written Question 285/2019 details the services provided to deaf and hard of hearing Islanders in Health and Community Services, and in Children, Young People, Education and Skills, including services within schools. In addition, work has been undertaken alongside the voluntary organisations to better understand the communication and support needs of the deaf community in Jersey. It chose a need for Government to play a part in providing interpreting services, advice and advocacy, community support and specialist knowledge. The Directors General for both Health and Community Services and Children's Services continue to explore options of how best to meet these needs and there has been discussion with Earsay, the Jersey Deaf Society and the Deaf Partnership Board to ensure this process includes all voluntary sector bodies and all members of the deaf community. We are organising an information and engagement session so that all these ideas can be shared with the wider deaf community. That meeting will include communications support using British Sign Language interpreters and speech to text reporters. The plans that will be discussed at that meeting include the introduction of a dedicated worker with specialist knowledge who will provide advice, advocacy and support for the deaf community. In our Customer and Local Services Department there is also work going on, on a project, to implement a remote interpreting services for British Sign Language users across the whole Government of Jersey.

3.1.1 Deputy K.G. Pamplin:

I thank the Minister for his answer and his written answer, which I was trying to read very quickly. In 2018 there was one British Sign Language level 3 trained social worker however their employment ceased in April this year and currently there is no social worker with that high level of skill. What work is going on to replace that much needed role in social work?

The Deputy of St. Ouen:

I am not in a position to discuss an individual member of staff and the departure of any individuals.

[9:45]

But work is going on to create and recruit to a post of a deaf community liaison officer. That work is being carried out in conjunction with representatives from the voluntary organisations that support the deaf community in Jersey and it is currently undergoing external evaluation. Then recruitment to the post will commence. Meanwhile, British Sign Language is used by at least 2 staff within our services who have level 2 British Sign Language.

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

In regard to the level 3 work of the social worker that Deputy Pamplin just mentioned, or with regard to the post rather than the individual, in a recent communication the Minister for Health and Social Services mentioned that there was no replacement, and I believe this has just been reiterated. Could the Minister for Health and Social Services please explain why a crucial post that created a vital link between deaf people and society was got rid of without having a planned replacement or a plan to replace them?

The Deputy of St. Ouen:

It is not the case, as might be inferred from the question, that we are reacting to a departure of a member of staff. There was a plan being developed throughout last year, indeed when I first came into office this work was being undertaken, as to how best to meet the needs of the community and, as I have said before, the post of a community liaison officer is being developed and that is in conjunction with the voluntary organisations that represent the community.

3.1.3 Deputy K.F. Morel:

The Minister for Health and Social Services mentions that this is being done to best meet the needs of the community. Families that have contacted me have told me quite simply they knew nothing about this. Could the Minister explain how he is meeting the best needs of the community without liaising or speaking with the deaf community?

The Deputy of St. Ouen:

All I can say is that this work is - and I have said it before - being done in conjunction with the 2 charities who work in the area and those 2 charities come together as the Deaf Partnership Board, with Government, to plan these services. I have had meetings with members of the deaf community. I have had letters that I have responded to, emails also. I am willing to discuss the issue with all those who might not yet be aware of the current services and the current plan.

3.1.4 Deputy K.G. Pamplin:

I also return to an F.O.I. (freedom of information) on a similar subject that the Children's Service do not have any workers specifically providing support for D/deaf and hard of hearing children. I did not know if the Minister for Children and Housing was aware of this fact. With that in line, and everything he is saying, will he put this as an urgent matter on an already very busy agenda for the Minister?

The Deputy of St. Ouen:

I am reporting from the written answer that was provided to the Deputy, that there are 2 qualified teachers for the deaf and one audiologist working in Education. There are additional resource centres for hearing needs at St. Clement and Le Rocquier schools with team leaders and key workers. There is a children's complex needs team, which supports families with children who have permanent or substantial disabilities, which would include deaf or hard of hearing issues. I cannot speak for the Children's Department any longer but it would appear from the research undertaken to provide the written answer that there is a team and there are people in post supporting children.

3.2 Deputy S.M. Ahier of St. Helier of the Minister for Treasury and Resources regarding the application of the Goods and Services Tax (G.S.T.) *de minimis* clause applied to internet purchases: (OQ.174/2019)

Will the Minister advise the Assembly whether she intends to remove the *de minimis* exemption clause from G.S.T. (goods and services tax) on internet purchases?

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

In accordance with longstanding practice, revenue raising proposals will be announced as a complete package and all at once. This year they have been announced as part of the Government Plan. As part of the process of receiving and considering representations from representative bodies and trade associations, I have invited views on the question of the G.S.T. *de minimis* level, which is an administrative solution reflecting the break-even costs of collecting relatively small amounts of G.S.T.

3.2.1 Deputy S.M. Ahier:

Local retailers have to pay G.S.T. on freight when they import goods and then charge G.S.T. when they sell the product. But if the same item is purchased online and delivered to their front door there is no G.S.T. to pay. Does the Minister intend to address this iniquity?

Deputy S.J. Pinel:

Historically £12 of G.S.T., which is £240 of goods after G.S.T. increased to 5 per cent, was deemed to be the break-even point but improvements in customs and postal procedures, as well as the way online retailers manifest shipped goods, now suggests a lower break-even point, possibly as low as £100. The retailer situation, Members will know that I have been discussing with stakeholders whether it might be sensible in the interim to reduce the *de minimis* level to reflect the lower break-even costs of collecting G.S.T. on imported postal goods arising from improved productivity in Jersey Customs and Jersey Post.

3.2.2 Deputy G.J. Truscott of St. Brelade:

I agree with Deputy Ahier. It really is about a level playing field. I have been in retail in the past and certainly local retailers do feel the squeeze, (1) from the internet and (2) to the fact that they are having to charge G.S.T. where plainly anything under £240 currently does not get charged. Has the Minister any idea of how much revenue on current figures coming into the Island could be gained from reducing the *de minimis* in the Island?

Deputy S.J. Pinel:

I also agree with both Deputy Truscott and Deputy Ahier; it is not a level playing field. I want to stress that this is largely about fairness and removing as soon as feasible the unfair treatment of goods supplied by online retailers. The amount of revenue from it at the moment is about £600,000.

3.2.3 Deputy R. Labey of St. Helier:

Does the Minister recognise that certainly at the last election one of the biggest, if not the biggest concern, for my constituents was the cost of living in Jersey and that internet shopping provides an important way of keeping the cost of living down for households?

Deputy S.J. Pinel:

Yes, I do agree and it is an expensive place to live and online shopping does. But then one has to bear in mind that there is the fairness to the local retailers that has to be considered as well. It has been a longstanding policy to abolish the *de minimis* once the E.U. (European Union) has introduced its planned changes. That is probably going to be in 2021 and Jersey would follow suit, in that case.

3.2.4 Deputy J.M. Maçon of St. Saviour:

Does the Minister acknowledge that even under the current levels if packages are over the threshold what people do is they split them into 2 orders therefore come under the threshold, and this practice will continue under any drop of the *de minimis* level and therefore there is a possibility of putting in more civil servants without collecting any money whatsoever?

Deputy S.J. Pinel:

Yes, I do appreciate that and we know that that happens and if we reduce the *de minimis* it would probably still happen, which places an extra burden on Jersey Post and deliverers. But, as I say, when the E.U. changes their initiative we will follow suit.

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

Does the Minister - she says that she believes in fairness for the retail trade - believe in fairness for the consumer who by many retailers is being charged an extra 20 per cent, which is the equivalent of the V.A.T. (value added tax)? So we are being charged at the same prices as U.K. (United Kingdom) consumers. Will she do anything about that?

Deputy S.J. Pinel:

It is certainly something the Government is discussing and trying to address but it largely depends on E.U. and what they charge. For instance, Amazon is always a good example because they will eventually, with the new directive, have to take the tax from whichever country they are delivering, whatever the V.A.T. equivalent is, and take that off and then return it to the country in question.

3.2.6 Deputy M.R. Higgins:

The Minister is relating it to internet sales and V.A.T. by people like Amazon. But what about the ordinary retailer in the Island that is charging U.K. prices, 20 per cent, which is higher than it should be within the Island?

Deputy S.J. Pinel:

Yes, as I have said, I agree with the Deputy and it is not all local retailers that do that. But some do and if it is U.K. companies it is very difficult to enforce them not to charge.

3.2.7 Deputy K.F. Morel:

Of course, competition is one way to ensure that prices are brought down and 20 per cent extra is not charged, does the Minister appreciate the ridiculousness of a situation whereby her own policies mean that it is harder to set up a new competitive retail business in Jersey precisely because you are competing on an unfair playing field and therefore we have reduced competition in the Island. Does the Minister accept there is a ridiculousness in her policies on this matter?

Deputy S.J. Pinel:

I do not think it is necessarily a ridiculousness on my policies. We have had the *de minimis* level for years, since G.S.T. came in. I have already said in answer to 2 questions that I do understand that it is about fairness and removing, as soon as feasible, the unfair treatment of tax on goods supplied by online retailers.

3.2.8 Deputy M. Tadier of St. Brelade:

Does the Minister agree that one of the reasons that G.S.T. is so controversial fundamentally, whether it is to do with *de minimis* or generally, is that G.S.T. is a fundamentally regressive tax in that somebody who has to spend all of their income on-Island on the essentials of life will be paying a higher rate of G.S.T. effectively than those who do not spend all of their income? Therein lies the fundamental problem.

Deputy S.J. Pinel:

No, I do not agree. I think G.S.T. is one of the more broad, fair and simple taxes inasmuch as everybody pays it. Even tourists pay it so I do not agree with the Deputy on this one.

Deputy M. Tadier:

Supplementary, if I may.

The Bailiff:

That was really not a follow-up question. A supplementary question on the question which was first lodged by Deputy Ahier ...

Deputy M. Tadier:

This is a follow-up question on one of the themes that the Minister has raised. She said that she is committed to a level playing field when it comes to taxation and that is a principle presumably she follows in her policy making. Does that extend to the inequality between 1(1)(k)s who pay 1 per cent of tax and other locals who pay 20 per cent of tax?

The Bailiff:

That is not a supplementary on G.S.T.

Deputy M. Tadier:

Is this simply about punishing those with the least ability to purchase ...

The Bailiff:

Thank you, Deputy.

Deputy M. Tadier:

... who are forced to go overseas?

The Bailiff:

That is not ... will you sit down please? Deputy, will you please sit down? That is not a supplementary on *de minimis* exemptions from G.S.T.

3.2.9 Deputy S.M. Ahier:

Does the Minister agree that we need to have a level playing field to encourage competition and to enable local shoppers to buy goods at the same G.S.T. rate, whether they are bought online or at Jersey retail outlets?

Deputy S.J. Pinel:

Yes.

3.3 Deputy G.P. Southern of St. Helier of the Minister for External Relations regarding the impact of changes to Jersey's Anti-Money Laundering regulations on the decision by Lloyds Bank to suspend approximately 8,000 bank accounts: (OQ.171/2019)

Will the Minister set out what changes to Jersey's Anti-Money Laundering regulations over the past 3 years, if any, have led to the suspension of some 8,000 bank accounts by Lloyds Bank?

Connétable R.A. Buchanan of St. Ouen (Assistant Minister for External Relations - rapporteur)

The Minister for External Relations is away on business and we have engaged with Deputy Southern who is happy for me to respond to the question. Sorry about the confusion. There has been no fundamental change in legislation over the past 3 years to prompt this action. The banking code of practice was last updated in 2018 and the Money Laundering Order 2018 was also updated in 2018 in the form of a code of practice; neither of those changes would have prompted this. As a broad principle, regulated entities are required to periodically review their clients using a risk-based approach. This will include the validity of K.Y.C. (know your customer) documentation and client activity during the period in question. All Jersey licensed banks risk appetite and policies are also required to be reviewed and updated regularly as part of their corporate governance.

[10:00]

After an appropriate time for a response, a client's account is required by regulation to be frozen if the regulated entity has not received sufficient information from clients to fulfil their prevailing regulatory obligations.

3.3.1 Deputy G.P. Southern:

Can the Minister estimate if Lloyds has some 8,000 bank accounts that it does not know the name or cannot contact, does not know the address of the owners of these accounts, how many bank accounts across the spectrum of banking might there be in the Island whose name, I.D. (identification) and address is not known?

The Connétable of St. Ouen:

To firstly correct the Deputy, the name and the address of the client will be known but the address may not be current, which is part of the issue. I cannot give him a numeric answer but I can undertake to contact the regulator and find out the number of frozen accounts across the whole of the Jersey banking sector.

3.3.2 Deputy S.M. Ahier:

Does the Minister accept that the vast majority of bank accounts that have been suspended have no connection to illegal activities and that it is essential that these people are contacted by any means possible to ensure that no hardship is being placed on the elderly, the vulnerable, the infirm and the disabled?

The Connétable of St. Ouen:

I sympathise with the Deputy's point but I can assure you that the banks have made every effort possible to contact these customers because simply by regulation they are required to do that. But, yes, there will be some accounts that belong to people who do not know they have them anymore but if the bank does not have current contact details then it is impossible for them to get in touch with them. But it is open for the customer to come back to the bank at any time to unfreeze the accounts.

3.3.3 Deputy M.R. Higgins:

I was going to ask another question but the Minister has not really answered the question about the vulnerable. Can he assure people that of the 8,000 accounts that is not people who perhaps have not been using their account very much, and if they lose their bank account they may have no means of paying bills and have to go to the Community Savings Bank, or something like that. Can the Minister assure people that no ordinary person is being disadvantaged by this policy of taking away their bank accounts?

The Connétable of St. Ouen:

An account that is frozen has not been taken away. It merely means that activity is suspended on it until the customer concerned produces the appropriate identity and address documentation. If it is a local person who is in hardship they simply have to approach the bank with the appropriate documentation and the account will be unfrozen immediately. I cannot see how locally that could cause hardship. I can understand somebody who lives outside the Island who might find it more difficult but then the banks are generally pretty helpful in getting their accounts unfrozen. Apart from anything else, it is a drag on staff to have frozen accounts. They are subject to higher K.Y.C. and observance. It is in the bank's interest to get rid of the frozen account anyway.

3.3.4 Deputy G.P. Southern:

The Assistant Minister mentioned regularly updating the records. Can he tell me what interval that regular updating of accounts might be?

The Connétable of St. Ouen:

In terms of the specific time periods that will vary from organisation to organisation, but banks are required to grade their customer by risk grading, so typically it will be low, medium and high. A normal time period for low risk accounts would be 5 years; medium risk accounts could be 3 years; high risk accounts, which includes a politically exposed person, would be annually.

Deputy M. Tadier:

May I raise a point of order? I am looking at Standing Order 10 and I have come to the conclusion when it comes to contents of questions that I am put here to question policy, and the rationale there of Ministers and to hold them to account for the benefit of my constituents for important issues that are important to them and with this ruling, I feel that I cannot participate any further in question time this morning because I do not believe I can carry out my job effectively in representing those constituents. So I will be retiring for the rest of question time. I apologise to the Minister for Social Security that I will not be able to put my question to her today.

The Bailiff:

That is entirely a matter of choice for you, Deputy, if that is what you wish to do.

3.4 Deputy M.R. Higgins of the Chief Minister regarding the division of responsibilities between Ministers and Directors General: (OQ.178/2019)

Will the Chief Minister explain how responsibility is divided between Ministers and Directors General for the actions of their departments and how he ensures a distinction between policy and operational responsibility is maintained; and, in light of the machinery of government legislation agreed by the previous Assembly, how, if at all, he has changed this approach to this area since being appointed?

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

The legal relationship between Ministers and officers is clear. Ministers provide policy direction having received the advice of officers and officers are required to implement the policy directions of their Ministers. This is laid down in Article 18(3A) of the States of Jersey Law 2005 as a result of the P.1/2018 debate.

3.4.1 Deputy M.R. Higgins:

Since last year and the Chief Minister has taken over, we now have a system where collective responsibility has supposedly gone but the Chief Minister did impose it in the effect of a vote on the States Employment Board, and equally we have a Chief Executive who has full executive powers for the budget. How do you reconcile the powers of the Chief Executive being able to override the Directors General in the departments and equally your ability to override Ministers?

Senator J.A.N. Le Fondré:

The powers of the Chief Minister to remove Ministers was put in place by this Assembly before my time... when I say “before my time” before my time as Chief Minister. The powers of the Chief Executive were outlined as a result of the P.1 debate. They are all powers that this Assembly has, in its wisdom, decided to confer. Let us be absolutely clear, the Chief Executive cannot override Ministers. If there is a real issue that comes forward, ultimately Ministers do make that decision. I would expect that would go to the Council of Ministers if there was a real problem. In terms of the comments around the ability to override Ministers, ultimately Ministers ... sorry, what I was trying to say is one of the problems that was originally identified, and I go all the way back to C. and A.G. (Comptroller and Auditor General) reports probably for the last 5, 8 years, along those lines, and I believe it was referred to as a double fracture. The point was that the Chief Minister did not have the

power to encourage Ministers, shall we say, in one direction but more importantly that the Chief Executive also could not direct officers. So, when for the implementation of policy, it was perfectly feasible that the Council of Ministers might decide something but nobody could implement it. Where that has now changed, as a result of the amendments by previous Assemblies, is that the ability for the Chief Officers to direct officers in departments was put in place and also the greater power, if that is the right expression, the ability of the Chief Minister to encourage Ministers in a particular direction was put in place as well by the ability to remove. Let us just be very clear, the ability to remove a Minister is a double-edged sword because one would rather assume the power still remains that if a Minister is removed that Minister can then stand again for any replacement. Therefore it is something that the Chief Minister would have to consider very carefully.

The Bailiff:

Final supplementary?

Deputy M.R. Higgins:

No, Sir, that was very illuminating.

3.5 Deputy R.J. Ward of St. Helier of the Minister for Social Security regarding the processes in place to help vulnerable people with their claims for benefits: (OQ.177/2019)

What processes, if any, are in place to help vulnerable people with their claims for the benefits available to them; and is the Minister's assessment that the current level of any such help is sufficient?

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

Bringing Government services under one front door at Customer and Local Services makes it quicker and easier to access them. This includes all benefits and also customs, tax and planning, among others. We offer bookable appointments, communications, and are working with the Disability Strategy Delivery Group to improve our accessibility. I do think this represents a good level of help for vulnerable people but I am always open to hearing ways that the department, the Customer and Local Services can do better. I do recognise that helping the vulnerable is more than just bringing services into one building but we are also investing in taking some services out in the community, with the Closer to Home project and working in partnership with the voluntary sector. Closer to Home will be launched next Saturday officially and hopefully be rolled out into other Parishes and hubs very soon.

3.5.1 Deputy R.J. Ward:

I would like to recognise publicly, just before I have got a question, the work of some of the voluntary sector that help our vulnerable members of our society claim. Would the Minister consider a pilot scheme so that a named individual in Social Security is the first point of contact and always the point of contact for specifically identified, particularly vulnerable members of our society because sometimes they are seeing different people at different times and having to re-tell stories are the problems that people are facing? Mistakes happen and they just get amplified over time.

Deputy J.A. Martin:

I thank the Deputy, we had a brief conversation yesterday in light of this question, what he actually needed from the answer. I went straight back to officers and discussed this. A named person, it is one of those ... it is a double-edged sword, as the Chief Minister has just said. But everybody that turns up now, their first interview is recorded. Anything that the officer thinks is vulnerability, it is all there. If people are not taking it in, people have not got English as a first language, if people have brought somebody, they have a contact for that somebody, we now only ask for a signed letter to have again voluntary sectors. It is not something I have ruled out. I discussed with officers yesterday

and sometimes what we are trying to do is to get all officers to a competent level in all the new hubs so that everyone will be dealt with. Unfortunately, as I say, vulnerable people will be the ones that sometimes do slip and hopefully, again, every time the Deputies behind me - we have a very good working relationship - bring this to my attention I will do everything I can down in my department to help.

3.5.2 Deputy S.M. Ahier:

Will the Minister agree that since the claims form has become more detailed and complex that it will be helpful to include a question on page one: "Have your circumstances changed within the last year? Yes or no." This would assist the elderly and disabled from an often arduous task.

Deputy J.A. Martin:

I am sorry the Deputy thinks the claims forms have become harder to fill in. This is what we are trying to avoid. I will speak to the Deputy and ask him exactly what he means. Yes or no. I mean we only ask people to contact us if their circumstances have changed in the last year. If we feel from other sources that we find out that things have changed that is when people are written to. But normally that is when ... as I say, we only contact people when they tell us and we do try to encourage people as soon as any circumstances change, whether you are earning more, earning less, moving someone in, moving someone out. You tell the department straightaway. We can assess your form. If you need more money you will get more money and obviously if it is the other way, unfortunately that is the way it is.

3.5.3 Deputy G.P. Southern:

Is there not a case for sharing more information across all the benefit services in her department so that miscommunication and lack of information does not cause overpayments from time to time in benefit systems and that automatically the information is shared across all staff in the department rather than keeping it data protected and not shared, which can lead to serious problems?

Deputy J.A. Martin:

That is the only time if the department felt there would be a breach in data protection, but the Deputy has been in the room when we have discussed this. We are trying to get to a point where anyone who is receiving income support, who is working, who may have a long-term sick claim, or an L.T.I.A. (long term incapacity allowance) or a disabled payment, the department knows all this. It is there for them to see. We are working towards that, if we are not already there. As I say, these hubs will be people in different places.

[10:15]

A pensioner who needs income support is completely different to a person under 60 who is working who needs income support and we need to get this expertise across the spectrum. That again goes back to why would we have a named person. We need to move people around so they are all experts in these hubs.

3.5.4 Connétable S.A. Le Sueur-Rennard of St. Saviour:

In this day and age when we are trying to promote everything on computers, surely if the information is already in there the one person dealing with somebody just has to push the computer and all the information will come up on the screen. I do not understand why we have to go from one to the other to the other to the other because they do not have the information. Surely, if your name comes up on the screen your information should all be there and it would make life so much easier for people that are coming to these places because they are herded around like cattle and moved to different departments, and that is a worry for a lot of people. Could we have these general computers, which we all want ... we need to vote with computers, we need to be able to do this with computers? Why can we not just do the simple thing, your name comes up on the screen and all your information is

there and you do not have to race around and you do not have to start panicking about being moved from A to B?

Deputy J.A. Martin:

I thank the Constable for her question. Basically that is what is happening. If you found yourself out of work tomorrow you do not need to even come down to the department, you can fill in the whole of the income support form online. It can be presented. You can scan in your documents. It can all be done. The initial question was asking about vulnerable people and how we dealt. The information on the first interview is all in the computer. As for moving people around departments, that is what the new Customer and Local Services, as I said, you are unemployed, have you dealt with your tax, do not put that off until tomorrow? You have a massive tax bill on last year's earnings. You have just been made redundant. You need to find out if you have your benefits you need to find out everything that you are entitled to in one building. So we are trying; I do understand, I look forward to the day when the computer tells me what I need to do before I get up in the morning and we are sort of getting there. I really understand where the Constable is coming from. The information is on the computer. The question is vulnerable people, I never want to be in the situation where somebody says you can only apply for this on a computer. We know where that leads; it is not a good story.

3.5.5 The Connétable of St. Saviour:

We are discussing vulnerable people and this is why moving them from A to B in the same building is not helping them. I am sorry. To say that, if you get out of a job, you can put everything online, vulnerable people cannot always handle things online and they do tend to panic. So if they can come face to face to talk to somebody it is so much easier. We are discussing vulnerable people and I really think that to push a button for whoever you are talking to would make life so much simpler if they were pleasant and they had all the questions rather than saying: "You are going to have to go down there to be dealt with" or: "I can deal with this but I cannot deal with that" and I think a one-stop shop for vulnerable people, and for anybody, would be so much easier. I would like the Minister to look into that for me please.

Deputy J.A. Martin:

The Minister is not looking into it; the Minister is trying to deliver that, as I said. In the hubs a named person just for a benefit or a named person that is good on doing your tax and your benefits, and that is basically the majority of people. Somebody who is really good on pensions, so people across the board, because we will be able to deal with less-vulnerable people much more quickly; the training is going on. I fully accept where the Constable is coming from, we are not there yet. That is our aim and I fully expect to get where the Constable wants us to be as soon as possible.

3.5.6 Deputy R.J. Ward:

I take on board that you are trying in the Income Support Department but as a measure of success is it not the case that the vulnerable must not slip through the net because that is the very definition of what we are trying to do with the support systems that we have in our Social Security system. Would you take on board the notion of having advocates for a small but significant number of very vulnerable people, which is a role that is at the moment being taken on by the charity sector, ourselves and my colleagues, and friends that are taking this role on, which is so important for those individuals concerned?

Deputy J.A. Martin:

The people who do, and I am sorry to use that expression, unfortunately the people who we cannot get in the door, who cannot use the computer, are the people the majority of the time who are not getting the benefits and the services that they need. We are working ... I know the Deputy says an advocacy service, we can look into that, but if you cannot get someone to the local charity that

supports them that their friends go to, the people they know go to, then they can advise them: “You should be getting this” or they talk to someone next to them and they find out they have exactly the same problem; they are getting help and they are not. It is the encouraging; it is making sure that once we know that there is a problem somebody is there. We have bookable appointments, we can do people who do not speak English as their first language, we can always advise someone who comes along, and again for other disabilities. We are trying. It is very early days. Customer and Local Services only opened their door last year as a one-stop shop and it has grown and grown and grown, so we need to now catch the staff up and work with the Deputies. The Deputy knows I have been doing this job for nearly 20 years; I know the people who pick the phone up who want the help. Should it be a States Member? Probably not. But at the moment that is where we are. We need a Public Service Ombudsman - we need a lot - but we are where we are and I continue hopefully to work with the Deputy and his colleagues to find a way that we do not get anyone slipping through the net.

The Deputy of St. Ouen:

Point of order please; may I raise the question of Deputy Tadier’s decision to unilaterally withdraw from this Assembly? I would like to ask, is that permissible? Because I was under the impression that we, as all elected States Members, are required to attend the Assembly. If it is not permissible, may I request that Deputy Tadier be marked *en défaut*?

The Bailiff:

It is every Member’s obligation to attend sittings of the Assembly; that is correct. I was going to say something just now about Deputy Tadier in the sense that he raised a point of order, or said he wanted to, but then he left without raising it and I was not able to give any ruling on it. So I hope he is listening outside because what I was going to say was that question time is not a time for debate; its purpose is set out by Standing Orders to seek information on a particular matter or to ask for official action in relation to it. The time for questions is therefore to provide a focus mechanism for holding Ministers or Scrutiny chairs to account. Supplementary questions are in order if they relate to the matter; “the matter” is what is referred to in Standing Order 10. If they do not relate to the matter the purpose of question time is not accomplished. The time for questions at large is questions without notice. So, in relation to question 2, that was a question about *de minimis* exemptions from G.S.T. and that is what the Minister could be expected to have prepared for. It was not about G.S.T. generally and specifically it was not about 1(1)(k) income tax. That is why I made the ruling that I did and I hope that, if Deputy Tadier is listening to this, he might consider returning to the Chamber to ask question 8, which he wanted to ask of the Minister for Social Security. So, Deputy, I wonder, in your question which you have just raised about a point of order, whether you might want to raise it again in 10 minutes or quarter of an hour’s time given that I would not wish to mark Deputy Tadier *en défaut* before he has heard the explanation. You are right that it is the obligation of Members to attend in the Assembly.

The Deputy of St. Ouen:

Yes, I will raise that matter after question 8.

3.6 Connétable K. Shenton-Stone of St. Martin of the Chief Minister regarding oversight of Government of Jersey departments by Ministers: (OQ.169/2019)

In light of the OneGov reorganisation, what measures, if any, has the Chief Minister taken to ensure that every department within the Government of Jersey is overseen by, and therefore the responsibility of, a Minister, in order that there is clear oversight of each department and a figure of authority to whom the public can reach out?

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

When I was elected Chief Minister I took the new structure, which had been previously approved, and mapped it to Ministers and Assistant Ministers to ensure the development of greater experience, which I am sure particularly the Assistant Ministers are presently relishing, and better cross-departmental working. Remember, the whole purpose of the new structure is to break down the silos that previously existed, so it is a different way of working; it integrates policies from a political perspective and an operation and delivery perspective. But it is true that for anyone used to the former departmental structure and that way of working that may be difficult, but we are already starting to see the benefits and I hope that assists the Connétable.

3.6.1 The Connétable of St. Martin:

The question arose because at your most recent Corporate Services Scrutiny Panel quarterly hearing you outlined that the Minister for Social Security had jurisdiction of only a number of parts of Customer and Local Services. The information for what authority elected Members serving as Ministers have over their respective departments is not clear or easily available. So I would say that therefore the public deserve to have a clear understanding of what authority Ministers have over their departments and which departments are largely the responsibility of the non-elected executive.

Senator J.A.N. Le Fondré:

Under the structures, ultimately all Directors General for all departments do report to relevant Ministers. To use the C.L.S. (Customer and Local Services) as an example, most of the services do sit under the Minister for Social Security but, for example, it also includes the library, which sits under the Minister for Education. But I will say that obviously there is a mapping, so firstly there is information online, as we know. The States website from that perspective of the Gov website is being updated and there is likely to be - sometime during quarter 4 - there will be a revised thing, which I hope will make life easier. I do have to issue a mapping document as well, which is in hand, but was slightly delayed because of certain political changes that have taken place recently, and that just needed to be updated. But there is categorically ministerial responsibility for all operations that are taking place, but bear in mind that mainly Ministers set the policy.

3.6.2 Senator S.C. Ferguson:

For the benefit of the public who are probably a little confused about the whole new system, has the Chief Minister seen benefits to OneGov or benefits that we are starting to see and, if so, would he give examples?

Senator J.A.N. Le Fondré:

This is always an interesting question that comes through. In summary, the short answer is yes. From a financial perspective the overall change programme is budgeted to cost, or was estimated to cost, between £8 million and £9 million as a one-off cost. At the moment, we have agreed a programme of £24 million of efficiencies; that is to be delivered by early-2020, of which to date about £12 million to £16 million have actively been identified and are being worked through. That does, by the way, to really emphasise this, include the cost of what is referred to as interims. So essentially the worst-case scenario as of today is that we will have achieved £12 million to £16 million recurring at a cost of £8 million to £9 million. I would hope Members will regard that as a good return on investment. The longer-term period, so that is my worst-case scenario, the departments are tasked with delivering in early 2020 a total of £24 million and then we are working on further savings to be going through as targets during the period of the Government Plan. Once the Government Plan is published, I think before debate, we will be issuing more details on some of the breakdowns of those figures. But at a higher level what I really want to emphasise is that while it is going through a transformation programme that is unsettling for people, at a financial level we are starting to see the benefits of that. They are real and tangible. Also anecdotally, and I do emphasise “anecdotally”, we are getting some

feedback as well at an H.R. (human resources) level that people are starting to see the benefits of the working-together proposals, but there is still further to go.

3.6.3 Senator S.C. Ferguson:

I appreciate that there is going to be £24 million of efficiencies and so on and so forth. Can the Chief Minister give just the odd example of efficiencies that we have so that the public can understand what is happening? There must be something that he can put his finger on and say: “We are going to do this or that more efficiently or with fewer people” or what have you? Please can we have an example or 2?

[10:30]

Senator J.A.N. Le Fondré:

I might even be able to give 3. The restructuring of Customer and Local Services, C.L.S., has eliminated about £400,000 I believe of recurring costs as a saving by eliminating duplication. A minor example is by putting attestation forms online that is a calculated saving of around £30,000 a year. Two other generic examples, one is the processing of certain types of invoices that the Treasury, or what used to be shared services, deal with, a proof of concept is demonstrating potentially an 80 per cent saving in manpower in that particular area. In terms of one of the areas that is being developed is talk of where, for example, particular types of assets we are only using 30 or 40 per cent of the time and through reprogramming, through rescheduling things, we can start using them 60 to 65 per cent of the time. Those are relatively easily achievable targets but they will generate definable benefits. I hope that assists the Senator in her question.

3.6.4 Deputy M.R. Higgins:

A number of Members, myself included, are somewhat puzzled by the roles of Assistant Ministers. For example, Deputy Maçon here is an Assistant Minister in Education, Social Security and Health, and others are spread around as well. Is the Chief Minister going to give them legal powers for the areas that they are dealing with so that we can hold them to account or are we still holding the different Ministers to account?

Senator J.A.N. Le Fondré:

Therein lies a longstanding question, which goes well before me, in terms of what is the ability of the Assembly to hold an Assistant Minister to account or the Minister. Usually, if an Assistant Minister has a particular delegated area of responsibility and the Assembly ask a question, I would normally expect that to land on the Assistant Minister. It is usually the questioner who determines whether they want the Minister to answer the question or not. What I will also add is that the reason I spread Ministers, and I can see a couple of them looking at me at the moment with slightly quizzical expressions, but when we started one has to remember that 18 Members left this Assembly last time around, which is quite a chunk in terms of loss of experience, and so what we had to do and what I have tried to do is, by splitting the roles of Assistant Ministers across different departments, was to make sure that for the future, a little bit of future-proofing, hopefully the Assistant Ministers have experience in more than one department. But it is also around, for example, breaking down the silos and trying to make sure that essentially the Assistant Ministers are sometimes the linchpins between different departments across a theme. So, for example, Senator Pallett is dealing with mental health and also then that ties in quite nicely with wellbeing in schools, which is his other responsibility. There will be others in there where we have deliberately gone across the ministerial structures to ensure we have some cross-departmental working. That is done at the political level as well and that was done deliberately in a very short period of time when I was putting the structure together.

3.7 Deputy K.F. Morel of the Minister for Children and Housing regarding the performance of mydeposits Jersey: (OQ.172/2019)

Will the Minister provide an update on the performance of mydeposits Jersey and confirm whether, or not, the contract is likely to be renewed in 2020?

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

Since the mydeposits Jersey tenancy deposit scheme was set up in November 2015, 11,992 deposits have been protected in the scheme. The total value of deposits paid into the scheme is £15.1 million. The tenancy deposit scheme is performing well. Mydeposits Jersey achieves the performance indicators that were set out in its contract, including time taken to release deposit money when requested to by a landlord and a tenant and the time taken to deal with customer enquiries. Mydeposits also works closely with Citizens Advice to provide clients with face-to-face support with the scheme and is in regular contact with Environmental Health, to ensure landlords comply with the requirements of the scheme. A full review of the tenancy deposit scheme and tender will commence later this year. Procurement rules mean that a competitive tender must be carried out before November 2020, when the contract with mydeposits Jersey comes to an end and mydeposits Jersey will be able to tender to continue running the scheme, if that is what they wish to do.

3.7.1 Deputy K.F. Morel:

It is still somewhat mysterious as to why an Island full of financial services expertise is unable to be awarded the contract for holding deposits on behalf of tenants and landlords. Will the Minister assure the Assembly that, when it comes to the competitive tender next year, local companies will be invited to tender, or will be ensured to be on that list, because we are an Island full of financial services expertise?

Senator S.Y. Mézec:

I know that it is the case that when the deposit scheme was first introduced, it was envisaged that it would be some local agency that would provide that service and I know that there was work done to try to make that the case, but in the end there simply was not a viable option at that point. Now that we are coming to a point where we are 5 years later and with extra work that has been done in terms of tenancy protections since then, it is perfectly possible that there may well be other agencies locally that are well placed to be able to provide that service, so I would be surprised if there is not an option that is included in this. But, obviously, we will have to go through the rules that we have in place, to make sure that the best option is the one that is picked in the end.

3.7.2 Deputy G.P. Southern:

The Minister talked about going out to tender. Shock upon shock. Has he thought of bringing it in-house, so that we can operate the thing? If you cannot make a profit, a net profit, on £17 million worth of deposits, I do not know what is happening. Has he thought of bringing it back in-house?

Senator S.Y. Mézec:

The short answer is yes.

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

A more relevant question, not the value that is on deposit of £17 million, or £15.1 million I think he said, but what is the income generated on an annual basis by mydeposit.com and how many disputes do they settle per year, which is, I believe, supposed to be their real value?

Senator S.Y. Mézec:

In terms of getting an exact figure for profit, I would have to get back to the Deputy on that, but I understand that it is negligible. I understand that it is not much, simply because of the way things

are at the moment. I am just trying to find the figures that we have for disputes. As luck would have it, of course, I cannot find them, but there have been disputes that have been raised and solved in that time, but I will get back to the Deputy as soon as possible with these figures. I apologise for not being able to find them immediately.

3.7.4 The Deputy of St. Peter:

May I help the Minister with some quick mental arithmetic? It is £21 per deposit, as you know, to lodge; we have 12,000 there, I think the average tenancy is probably about a year and a half, so I would suggest the income generated and this is not audited, is probably somewhere around £200,000 a year. Now, how long does it take to settle a dispute? I would suggest that £200,000 a year could probably bring in-house possibly 4 to 5 full-time employees to do that. That is a lot of disputes that they could settle. On top of that, we have £17 million on deposit, I believe in Barclays Bank in Canary Wharf, which is of no use to us whatsoever. That should be on deposit over here and being put to the markets effectively. In order to generate income this Island needs. So would you agree?

Senator S.Y. Mézec:

All of those are very good points and that is why, when this comes up for renewal, then there will be further options on the table to look at something. It is not guaranteed that mydeposits would carry on providing this scheme, but, of course, they are free to put forward an offer to continue it and of course we would have to consider it, because those are the rules.

3.7.5 Deputy G.J. Truscott:

When I was an Assistant Minister in Social Security in the last Government with the Minister, Deputy Pinel, with senior officers we did discuss bringing in-house into Social Security the mydeposits scheme and I was just wondering if that is a conversation that the Minister for Children and Housing could have with the Minister for Social Security. It would be a good thing to bring - as the Deputy of St. Peter made the point - everything in-house; we would employ local people, we will have the money in Jersey and disputes could be resolved, as well, equally.

Senator S.Y. Mézec:

Time has moved on since then and the synergies with the Social Security Department are probably not the best ones anymore when there is delegated responsibility to the Environmental Health Department for the Residential Tenancy Law and, of course, they are also going to be performing more functions as they are given more powers in the coming years. So, if you were to look at something in-house, there are probably more appropriate synergies with Environmental Health, as opposed to Social Security.

3.7.6 Deputy K.F. Morel:

Going back to towards the end of the contract, will the Minister assure the Assembly that consultation with users will be a part of any final appraisal of the way mydeposits has operated over the past 5 years? Because, while I appreciate it is anecdotal, I have heard stories of people who have been let down by the service, despite what the Minister has said, so could you make that assurance?

Senator S.Y. Mézec:

I have also heard of examples where people have felt let down by the service, as well; but then I am also aware that mydeposits has, in many instances, reacted to those experiences and has changed what they have offered over the last few years, including providing better access to on-Island support, whether that is through Citizens Advice, or changes to their website, *et cetera*. So, I think they have been reactive in a good way when that feedback has been given back to them and getting constant feedback to mydeposits about the scheme is something they do already. There will be information that we will have to hand, we already have some, but we will get more in the coming period to understand better what the users' experience has been.

The Bailiff:

We would normally come to question 8, which Deputy Tadier was going to ask of the Minister for Social Security, but he is not here.

The Deputy of St. Ouen:

Therefore, regrettably, it would seem that Deputy Tadier has not taken the opportunity of your invitation that he return to the Assembly and now States Members and members of the public will not have the opportunity to learn the answer that the Minister for Social Security has prepared to the question he put in. I consider that the Deputy should be here as a matter of courtesy, but also he has a duty to attend and in his absence I must ask that he be marked *en défaut*.

The Bailiff:

The obligation, under the States of Jersey Law, is to take an oath of office, which includes this language: "You will attend the meetings of the States whenever you are called upon to do so." That is the reference I made earlier. But we all know that Members come and go from the Chamber from time to time during the course of a meeting and that the purpose of the roll call is to ensure that there is a record of those who turn up to meetings of the Assembly in accordance with the oath of office, which has been taken. There is nothing in Standing Orders which suggests that, having answered to the roll, you can then be declared *en défaut* at a later stage. I think, for myself, I would have some difficulty in taking that step now. The option for you to consider - it is entirely a matter for you and I am not suggesting it at all - would be a motion of censure under Standing Order 21(b), which you would have to take at a later stage, but it may be we all have reacted quickly sometimes in circumstances where we would, on reflection, not have reacted in quite that way and you may well feel that it is best done and dusted and left. At any rate, I do not think it is appropriate to mark Deputy Tadier *en défaut*.

The Deputy of St. Ouen:

Yes, Sir.

3.8 The Connétable of St. Martin of the Minister for the Environment regarding the consideration given to the environmental impact of power stations which supplied energy imported to Jersey in the development of plans to achieve carbon neutrality: (OQ.170/2019)

What consideration will the Minister give to the environmental impact of the power stations which supply the energy Jersey imports when calculating ways to achieve carbon neutrality, as part of his examination and assessment of this matter?

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

A very big question, but a broad answer. As requested, the Council of Ministers will be presenting a carbon neutral plan to this Assembly by the end of this year and the plan will define the scope of environmental emissions, which contribute to the neutrality and the approach to be taken to achieve the extremely ambitious target of carbon neutrality by 2030. Consideration in that plan will be given in relation to the carbon emissions from Jersey electricity imports, as the questioner asked, which are currently from the interconnectors with France. That will be included as part of this work.

[10:45]

3.8.1 The Connétable of St. Martin:

How is the risk of a nuclear power station on our doorstep quantified?

Deputy J.H. Young:

There are a few points of principle; obviously there is an international convention on emissions associated with electricity generation considered in the country of production, this is the international convention by which our current carbon emissions are assessed and reported on. So, at the moment, obviously, the emissions arising in France are accountable in France. At the moment, 66 per cent of that power from France is nuclear and 34 per cent of hydro and, of course, it is absolutely clear that nuclear power has a carbon footprint of around 50 grams of carbon dioxide per electricity unit compared with gas, 450; coal, 1,050; and so on. So, it does have a footprint, but, of course, that does not take into account the embedded energy in manufacturing the plant and so on. So, it is an extremely complex business and so I think that will form part of the plan to define what carbon neutrality is, what measures we are going to use and, of course, the more broad we make that the tougher the targets are going to have to be. Of course, in energy policy terms, it also raises the question whether in the future we do continue to rely solely on an interconnector with France as a source of imported power, or whether we increase our own renewable energy generation. These are all issues that are arising, are going to have to arise and the outline plan will give the scope, but it will be from then on, obviously, that we have the 10 years to carry through those actions if the Assembly approves that plan. So, it is a complicated business, I am sorry to say.

3.8.2 Deputy G.P. Southern:

As part of this plan by the end of the year, will the Minister be setting targets for increasing the use of renewables, rather than just merely low-carbon targets?

Deputy J.H. Young:

That is an energy policy question. My personal view is yes, but I think this needs to be part of the plan that the Assembly considers and part of that plan, we already have a States' decision for an energy policy. That policy needs to be reviewed; that will be part of that work. What I can say with clarity, if you look at the current level of emissions locally, 47 per cent are transport related, so there is no question there is a huge area of work on transport that we have to deal with, 16 per cent are residential and 23 per cent are business and so on. What we are looking for is a plan where all businesses and all individuals change their behaviours, in order to achieve that carbon neutrality. But in the question of how much more local renewable energy, yes, personally I want to see a better take up of solar P.V. (photovoltaic) and solar P.V. on existing dwellings and so on, on roofs and so on, using that capacity. But that requires, in my view, different tariff structures, potentially may require - and this is something I think will cause a reaction but I will say it - a regulated energy market. These are issues that we will have to deal with in selling those policies.

3.8.3 Senator S.C. Ferguson:

Has the Minister yet any estimates of the cost involved in the plan and how much will fall on the individual consumer, including pensioners?

Deputy J.H. Young:

The good news is that the Assembly did recognise that we need to use fiscal measures when they authorised, or instructed, the bringing-forward of that plan and of course those fiscal measures are being addressed as part of the Government Plan and obviously, very shortly, you will be seeing the draft plan and you will see the elements of those costs. What we have also done and I am pleased to say a bid has gone forward for support resources, which I cannot remember off my head, to do this work, because this work is going to cost I think, potentially, at least £150,000, something like that, which I am sorry to say, but those are the facts, which we are going to have to buy in resource to make sure we get this done for 2019 and I did advise the Assembly. The big cost, the numbers range of what the cost of achieving neutrality might be, I think anything up to at least £100 million I have certainly heard, but the plan will have to work out where we draw the line and we will certainly, in my view, need to have systems of incentives and financial support to assist those members of our

society that cannot achieve carbon neutrality because their means do not allow them to do so and that requires some assistance with subsidies. That will have to be part of the plan.

3.8.4 Connétable M.K. Jackson of St. Brelade:

Would the Minister agree that, despite all, it is essential that we keep some independent generating capacity within the Island, so that we are covered in the event of cable failures, outages from Cap de la Hague and any other circumstances, so that we are self-sufficient.

Deputy J.H. Young:

Absolutely. The figures are around about 5 to 7 per cent we get of energy already from the waste plant. I do not know what the lifetime of that is, but the electricity provider, Jersey Electricity, do have a generating capacity both in heavy fuel oil and in gas in terms of the gas turbines cut in in 20 minutes, as I understand it, where the heavy oil generators take longer. So, we do have that backup facility, but, of course, the carbon emissions from those are quite significant. I have the numbers here and, sorry, I cannot find them, but there are significant carbon emissions from that local generation. That is why I answered in the question to Deputy Southern that I think renewable energy sources and increasing those is something that is the direction of travel for the future, for our local generation.

3.8.5 The Deputy of St. Peter:

While I am a supporter of electric cars and electric buses, I believe that the manufacture of an electric car, because of the battery component, can use up to 4 times the amount of carbon than a traditional car in the manufacture alone. This is something that we have to live with, but I do think it is something that we ought to make the Island aware of when we are going down this route. Can you please assure that is part of your review process?

Deputy J.H. Young:

Yes, it is a real difficult choice this: do we take a narrow view that what we are going to do in our plan is just focus on local emissions and seek to eliminate those, or do we look at embedded emissions that come from elsewhere as a result of our consumption and our activity. That is the choice. Whatever happens, one has to recognise that Jersey's contribution to the worldwide picture is extremely small and so, therefore, personally, I think that is where the priority is and long term we have to rely on external advice, knowledge and experience from elsewhere, on what are the environmental costs of, for example, extraction of mineral ore and so on, rare earths and so on, for battery production and so on. That is why we need expert advice - and I see Senator Ferguson shaking her head - to help us give you that information, to help you make those choices.

3.8.6 Deputy R.J. Ward:

Is it not the case that what we should be preparing for is an end to the fossil fuel-based economy that could happen quite rapidly and, therefore, the economic impact of that would be much greater than any concerns we have over preparing for what we decided in this Assembly is a climate change emergency? Therefore, I ask the Minister, is it not a matter of urgency that the development of varied renewables on this Island is the only way to give us any sort of energy independence and the only way really to address the issue of carbon neutrality and climate change on a wider scale?

Deputy J.H. Young:

There is a lot in that. I am not sure I am being invited to challenge the worldwide economic system in there, but nonetheless the issues are in energy in this Island; we need energy and so I do not think anybody is advocating an energy-free society. But the issues are we need to have reliability of supply and we need to have low emissions and we need to have reasonable costs within our economy. Those are the elements that would feature in an energy policy. I absolutely agree that the production of local renewable energy is potentially one of those things, which is going to help us and is going to

be a major option in the future. As I understand it, issues like I heard this weekend, talks from experts producing potential tidal energy proposals up in Alderney and I learned, in fact, that they are moving towards greater cost-effectiveness. But we will see. But, in the meantime, solar P.V. is definitely clearly an economic provision and that is something we should find ways of encouraging.

3.9 Deputy M.R. Higgins of the Minister for Economic Development, Tourism, Sport and Culture regarding the work of Events Jersey: (OQ.179/2019)

Will the Minister state how many events Events Jersey has organised since it was formed; and will he provide the size of its budget and the number of staff supporting it?

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

The remit of Events Jersey does not cover the logistical, or operational, aspects of event organisation. In other words, they are not event organisers. Events Jersey was established to raise the productivity of the sector and increase the export event earnings by attracting consumer, business and sporting-led events and festivals to Jersey principally out of the main season, aligning with the Jersey Destination Plan. Working with event organisers to deliver really positive experiences for event visitors and that is in line with the Visit Jersey Product Strategy, published in January 2018. But, in direct answer to the Deputy's question, to date over 60 event organisers have been engaged with, or assisted by, Events Jersey. Events Jersey budget is currently £200,000 *per annum* and Events Jersey is staffed by one full-time events executive and that role is currently vacant and being advertised; the recruitment of that role is ongoing. The individual reports to the head of product at Visit Jersey and is part of the wider Visit Jersey team. We structured it like that, because it was more economic to do so, so it works very closely with Visit Jersey. Some Members may recall, a week or so back, I forwarded a circular from Events Jersey just outlining one of its latest sporting promotions with links to their website.

3.9.1 Deputy M.R. Higgins:

Can the Minister detail some of the 60 events organisers that they have been in touch with and give us an idea of the support they have been giving?

Senator L.J. Farnham:

Rather than read through the list, I am happy to share that information with Deputy Higgins, but they help with event launches, they have also created impact to help event organisers put their credentials together, really they are out there liaising in other countries, persuading event organisers to bring their events to Jersey in the winter months. They work very closely with the Breca Swimrun. Of course, the main event there they have helped establish and work with is the Super League Triathlon at the end of September. But I am happy to share the details with the Deputy.

3.9.2 Deputy K.F. Morel:

In his answer, the Minister said that over 60 events had been attracted to Jersey, he failed to give a timeframe for that, so I was wondering if the Minister could let us know, over 60 events, over which timeframe?

Senator L.J. Farnham:

The Deputy is putting words into my mouth. I said over 60 events have been engaged with, or assisted and to the best of my knowledge that is since the beginning of 2018, but I will clarify that and try to provide some more detail to the Deputy.

3.9.3 Deputy M.R. Higgins:

I was interested to hear that it is involved with Visit Jersey and would the Minister not agree we have almost come full circle in the sense, if they are doing events, or supporting events, or trying to encourage events and they are also advertising the Island, that really it is the old Tourism Department and perhaps it was a mistake to have got rid of the old Tourism Department?

Senator L.J. Farnham:

No, I completely disagree with that; just about every level of that short statement by the Deputy. Events Jersey is an intrinsic part of the work that Visit Jersey do and we have to improve our productivity in the hospitality sector and the way we are going to do that is by bringing more visitors to the Island in the shoulder and winter months and that is at the heart of the work Events Jersey is doing and doing very successfully and is gaining momentum. I am very pleased to support it and to continue to support it.

The Bailiff:

We now come to question 11 and, before I invite Deputy Morel to put it, can I also give an invitation to Members who are paying school fees, either for their own children, or for their grandchildren, or I suppose anybody else's children, that if that is the case they should, if they are going to ask a question, declare the financial interest before they ask it. Deputy Morel, you have a question to put to the chairman of the S.E.B. (States Employment Board).

[11:00]

3.10 Deputy K.F. Morel of the Chairman of the States Employment Board regarding the financial impact of teachers' strikes on families: (OQ.173/2019)

Yes, I do pay school fees to one of the States-owned fee-paying schools. Given that a number of parents are reportedly refusing to pay school fees for those days of education missed by their children because of the teachers' strikes, will the Chairman state the total fees that would not be paid should that happen and will he advise what assessment has been undertaken of the total cost of the strikes to families, for instance through missed days at work and extra childcare?

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

The Connétable of St. Ouen is answering the question. I have a similar conflict of interest.

The Connétable of St. Ouen (Vice-Chairman, States Employment Board - rapporteur):

Yes, I am far too old to have that conflict of interest sadly; my children have long since left school. Issues in relation to school fees are not within the remit of the States Employment Board. However, the Children, Young People, Education and Skills Directorate have been asked what the total fees lost might be in the event that parents withhold some, or all, of the outstanding amounts. Unfortunately, this amount is not yet known as summer fees, as the Deputy I am sure will know, have already been paid in advance and the autumn billing run has yet to be issued, or received by parents. While I understand that some parents may have calculated amounts to withhold, it is, I believe, the Education Department's position that any fees that are due must be honoured, as evidenced by the recent Director General's letter. The second part of his question, it has not really been possible to do any assessment of circumstances, arrangements, or costs incurred by individual families resulting from the strike days, as we do not hold any relevant data. It is, therefore, virtually impossible for us to quantify the cost and any number we provide here would be purely speculative and unverifiable.

3.10.1 Deputy K.F. Morel:

I find it astounding that no assessment has been made of the potential cost to the Island and to families and I ask the Assistant Minister, or the Vice-Chairman of the States Employment Board in this situation, is that one of the reasons why the strikes were allowed to drag on for so long? I mean, unprecedented strikes, as far as my lifetime is concerned. I have never known teachers go on strike

for 8 days in one month. Is that one of the reasons why the States Employment Board was so slow to act and to bring this to an end? Was it because they had no idea how much it was costing the Island, or Islanders?

The Connétable of St. Ouen:

I completely refute the Deputy's suggestion that we were not aware that it was costing parents money while this action was taking place and I have to say we deeply regret this. However, it was not entirely of our making, it in fact was not us who called the teachers out on strike; it was, in fact, the N.E.U. (National Education Union) that called them out. In terms of verifying this, I will discuss this with the Education Department and I know they are thinking about doing a piece of work, but it will be a fairly long-term piece of work and when I say 'long-term' a couple of months, at least, before we can have any accurate figures.

3.10.2 Deputy R.J. Ward:

Can the Assistant Minister confirm that, during the strikes, when some staff were unpaid for a day, they returned to class to teach exam classes in an effective unpaid way and can he confirm what happened to the unpaid money to staff during that time?

The Connétable of St. Ouen:

Yes, I can confirm that some teachers did return to classes to teach exam students and, obviously, we are extremely grateful for them doing that, because exams are a particularly crucial time in any student's lifetime. I am not able to provide the Deputy with an accurate figure. In fact, in terms of the teachers, the amount of money that will, or will not, be paid to teachers, we will not know that until the July pay day takes place. But I am happy to provide that information once that happens.

3.10.3 The Connétable of St. Brelade:

Given that several pupils will have been affected by the strikes in terms of tuition at a crucial time, would he agree that it would be appropriate to hypothecate some of the monies that have not been paid to teachers to the Education Department, to provide additional specialist tuition?

The Connétable of St. Ouen:

I thank the Constable for his question. This really is not a matter for the States Employment Board; it is a matter that would need to be referred to the Minister for Education, because it would be her decision, not mine, to do this.

3.10.4 Senator S.C. Ferguson:

It is not just families who have felt the cost of this; some companies have, in fact, made it possible, have run crèches for families, so that they could carry on with their work. However, if I hire a tradesman and he does not complete the task for which he has been engaged, I do not pay him. So, why not give a discount to parents on the next *tranche* of fees that are due, to recognise the fact that it has cost them to cope with the vagaries and the vicissitudes of the strike?

The Connétable of St. Ouen:

I thank the Senator for her question. The response is pretty similar to the one I gave to the Constable of St. Brelade. This is not a matter that is within the remit of the States Employment Board and it is a matter for the Minister for Education.

3.10.5 Senator S.C. Ferguson:

But, surely, the S.E.B. can make a recommendation to the Minister, or at least raise the topic?

The Connétable of St. Ouen:

Yes, the topic has been raised with the Minister for Education but, as you know the Minister for Education as well as I do, I would not dream of speaking for her and it is a decision that she has to make. We will be having discussions with her.

The Bailiff:

This is suspiciously close to your area of responsibility, Deputy.

3.10.6 Deputy L.B.E. Ash of St. Clement:

Would the Assistant Minister agree that one of the difficulties is that fees are not merely for teachers, they are also for buildings, for support staff, for books, for groundsmen, so that is one of the reasons that making that calculation would be difficult, would he agree with that?

The Connétable of St. Ouen:

I thank the Assistant Minister for his question; however, I do not want to be drawn on this subject, I think it really is a matter for the Minister for Education to opine on. But I have some sympathy with his view.

3.10.7 Deputy K.F. Morel:

Could I ask the Assistant Minister, along with the States Employment Board, to undertake basic due diligence by creating a guide of basic calculations - where, if a certain department is on strike, whether it is Fire, whether it is other civil servants, whether it is teachers - basic guides as to how much it costs the Island for these people to be on strike? If nothing else, it will focus the minds of the States Employment Board in future to know the costs of the strikes, or pay disputes, that they are involved in.

The Connétable of St. Ouen:

I thank the Deputy for his question, which is as insightful, as it always is. All I can do is say that I will take note of his views. We are broadly aware of the economic impact and the costs of any strike and we deeply regret it. But, yes, I will take note of what the Deputy says.

3.11 Deputy G.P. Southern of the Minister for Treasury and Resources regarding the impact of increasing the Income Tax rate by 1% and maintaining allowances at current levels: (OQ.175/2019)

How much revenue would be raised from the top 10 per cent of income earners and from the bottom 10 per cent of income earners by increasing the income tax rate by 1 per cent and maintaining allowances at the current levels?

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

Based on complete data for the 2016 year of assessment and assuming a 1 percentage point increase in both the standard rate and marginal rate of tax, the top 10 per cent of income earners will contribute around £8 million more and the bottom 10 per cent of income earners, who do pay tax on account of having income in excess of the tax exemption thresholds, would contribute about £0.2 million more. We estimate that around 30 per cent of Islanders do not pay income tax on account of the tax exemption thresholds. Of those that do pay tax, the top 20 per cent of earners contributed 62 per cent of income tax for 2016 and the bottom 20 per cent contributed 2 per cent of income tax.

3.12 Deputy K.G. Pamplin of the Chief Minister regarding the development of a population and migration policy: (OQ.181/2019)

Following the recent report that net inward migration has now exceeded 1,000 people for the fourth year in a row, will the Chief Minister bring forward a policy on population and migration as a matter of urgency?

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

Yes, the Chairman of H.A.W.A.G. (Housing and Work Advisory Group), the Connétable of St. John, is answering this question.

Connétable C.H. Taylor of St. John (Assistant Chief Minister - rapporteur):

Immediately after coming into post, the Chief Minister requested Statistics Jersey to undertake a body of work to help inform the population debate and to ensure that the future decisions on migration were based on evidence. The Migration Policy Board was then set up in March 2019 and is urgently working through the interrelated and complex issues required to produce a migration and population policy. This ensures that the Island can strike the right balance between having a sustainable economy, a balanced population and meeting their environmental needs. It is hoped an interim report will be published this autumn.

3.12.1 Deputy K.G. Pamplin:

I thank the Assistant Chief Minister for his answer. I am curious as to what happened to the previous Government's policy and as part of their work. Could he identify and allude why that was pulled, what was so wrong about it that has launched this period of work?

The Connétable of St. John:

I thank the Deputy for his question. When you look at the previous Proposition that was pulled in September last year, Part (a) basically says to agree that we need a migration policy. That is taken as read. Part (b) that a sustainable balance should be introduced. That is reasonable. Part (c) that the control of housing and work should prioritise requests from businesses, which invest in skills. That is what we do anyway on H.A.W.A.G. Part (d) says: 'To request the Chief Minister ...' That is what we are doing. Part (e) says: 'To request the Chief Minister ...' That is also what we are doing. Part (f) says: 'To request the Chief Minister ...' We are doing that. We have formed the policy board, we are working on it, we are gathering evidence in order to bring forward, basically, what that Proposition said.

3.12.2 Deputy R.J. Ward:

Will part of that evidence be an assessment of the Island's skills, if you like a skills audit, so that the skills needs of the Island, that we have to address if we are going to have any population policy, will be an integral part of the report that is produced by the Policy Board?

The Connétable of St. John:

The skills form a very important part of migration, because we have to balance the skills with the needs of the Island. I am just quickly going through the papers, which unfortunately are not here. We have been addressed by Skills Jersey and we have had a presentation from them and we are working very much with them, as we are with many other organisations.

3.12.3 Deputy R.J. Ward:

Can I ask you, Assistant Chief Minister, is the Board aware of the main areas of skills need across Jersey? Not just now, but with projections over the next 10, 20, 30 years, because that will be the essential key to having a successful and a sustainable population policy, rather than just looking at numbers.

The Connétable of St. John:

I absolutely agree. We are looking at skills. We cannot give definitive answers, because this is part of the research we are doing. But the skills are vital and it is important that the immigration matches the skills. But it is also important that we grow the skills here on the Island and not rely on importing them.

3.12.4 Senator K.L. Moore:

Given the Assistant Chief Minister's comments about the previous population policy, could the Assistant Chief Minister explain to the Assembly why the Council of Ministers withdrew the previous population policy, rather than bringing it in as an interim measure while they prepare themselves for a future population policy?

The Connétable of St. John:

I fail to see what measures would have been brought in, because it says (d) is to request the Chief Minister bring forward amendments to the 2019 Control of Housing and Work Law. This is what we are doing. But we can only bring it forward when we have the evidence as to what to bring forward.

[11:15]

3.12.5 Deputy M.R. Higgins:

When the new Council of Ministers came in, to ensure continuity, the Chief Minister adopted many of the policies of the previous Administration. I am saying he did not - I do not know if he did, or did not - why did he not follow the 350-household limit that was supposed to be in place, but which was never met by the previous Administration?

The Connétable of St. John:

The policy that has been introduced, unfortunately, is a policy that fails to meet the target. We inherited this policy; I am not going to comment on how wrong, or how right, that policy is. We cannot withdraw licences. If a licence has been granted to an individual business, then that business has the right to maintain that licence. We cannot withdraw it. This is an area that we are looking into, so that we have greater control.

Deputy M.R. Higgins:

Supplementary?

The Bailiff:

We have numbers of questions to come, Deputy; I will come back to you if there is time.

3.12.6 Deputy G.P. Southern:

The Assistant Minister suggested that one of the factors to look at, before awarding licences, is the training policy of the company required. Does it not strike him as ironic in suggesting that the training policy is failing if they are coming to H.A.W.A.G. to request licences? The training programme that they have in place has failed, already failed. Surely that is the case.

The Connétable of St. John:

I do not think the Deputy is quite right in saying that the training process has failed. What H.A.W.A.G. says is that individuals should be trained for the future and as the businesses very often grow the training that they provide in the growth of the business is all inherent and that is not a feature that we have picked up on.

Deputy G.P. Southern:

Supplementary, if I may, Sir. Has the Assistant ...

The Bailiff:

Deputy, the same point I put to Deputy Higgins a moment ago, we have got numbers of Members wanting to ask questions and I will come back to you.

3.12.7 Deputy J.M. Maçon:

So that we can hold the S.E.B. to account, does the *rapporteur* believe that what H.A.W.A.G. should be doing is also either by quarterly, or every 6 months, reducing by sector the number of applications that are rejected, so that we have an idea of how effectively H.A.W.A.G. is performing?

The Connétable of St. John:

The permissions that are granted and not granted are, in fact, online and those that come on appeal to H.A.W.A.G. are part of that, but not identified separately. I believe there may be an issue as to why they are not identified separately, but I will look into it.

3.12.8 Deputy K.F. Morel:

Only yesterday, I spoke to a retailer who told me they had closed 2 stores, because they were unable to get licences from H.A.W.A.G. for people to work in their stores. Partly that is because there is an issue, not just for skills in Jersey, but there is an issue of lower skills and a need for lower skills and, at some point, jobs which you would say are unskilled as well. Does the Assistant Chief Minister understand and have an overall view of that situation that it is not just software programmes that Jersey needs, but it is also people to undertake jobs that many Islanders, to be blunt, refuse to undertake themselves?

The Connétable of St. John:

Yes, I am very well aware of that and the current policy has licensed employees, which were the former J-cats and that tends to be people with higher skills. We then have registered employees and they tend to be more of a labouring nature than a skills nature. We are very well aware and there is this clear definition between the 2.

3.12.9 Deputy G.J. Truscott:

The words dithering and procrastination may be a bit harsh. I will not be using them quite at this stage, maybe in the autumn, but I do look forward to your report when it comes out. I think nobody is advocating to stop inward migration. Without question, this Island needs people. We need doctors, we need social workers, we need all the important skills, advocates, you name it. Nobody is saying that we just need to take control. At the moment, this open-borders policy is just ruining, in the long term, this Island's future. Control is the word I would like the Assistant Minister to perhaps adopt and does he agree?

The Connétable of St. John:

Yes, we need control, we need a vibrant economy and it is achieving that balance. We heard from a former speaker how 2 shops have closed, because he cannot get the staff, while at the same time the recent headlines are that inward migration is unacceptably high. It is a difficult balance and what is important is that a thoroughly researched piece of work is brought to this Assembly for the Assembly to agree all together.

3.12.10 Deputy M.R. Higgins:

The Assistant Chief Minister did not answer the question that I asked. I was asking why they have not continued with the 350 heads of household and try to control it that way, rather than having no controls, whatsoever; will he please explain?

The Connétable of St. John:

When a licence is issued, that licence is issued and we are unable, at the present time, without certain procedures, to retract that licence. This is one of the areas we are looking into.

3.12.11 Deputy G.P. Southern:

When I last studied the problem of population and work licences, 10 or 12 years ago, the pattern forward was that a company would come, request some licences, let us say 6 licences, be awarded 2 and say: "Go away, train up your staff, or recruit locally." Then they would come back 6 months later and 9 months later and say: "Another 2, we cannot do it." Then 6 months after that would come back and get the final 2. Is that a pattern that he recognises still, in the practice of H.A.W.A.G., that what happens is that you just slow down the flow and eventually companies get their requirements?

The Connétable of St. John:

That is a familiar scenario that he suggests that businesses apply for more licences than they need and that they then subsequently come back again and again. We have recognised that and I sincerely hope we have the integrity not to be fooled by that.

3.12.12 Deputy K.G. Pamplin:

I thank other Members for joining in what is a very important issue. My final question goes back to my original question; this is a matter of urgency, so bearing all of that in mind and everything that has just been said, will the Assistant Chief Minister confirm there will be no effort to bring this forward if they feel that the time is there and enough work has been done? Will he commit when we will be debating this, if that is not the case?

The Connétable of St. John:

This is being carried out with complete urgency and the seriousness of this is known. I do not want to compromise on time to spoil what needs to be something that will be long-lasting, for the next 15, 20, 25 years. As for the actual timescale, I cannot commit to it, because there are unknown variables, such as law-drafting time and other issues. But it will be brought as quickly as is ... I forget the word, I am not good at English, as quickly as possible.

The Bailiff:

Possible; always a very good word, 'possible'.

Deputy G.P. Southern:

Sir, before we move on I note that the Minister for Children and Housing is due for questions without notice and also is due to make a statement regarding the Citizens' Panel. It might be more efficient if he makes that statement first, rather than having a question and then coming back to the statement and having a question time.

The Bailiff:

Minister, would you find that convenient?

Senator S.Y. Mézec:

I have no views either way, Sir.

The Bailiff:

It would certainly enable Members to ask you questions about other things, which would probably be a good thing.

Senator S.Y. Mézec:

Possibly, Sir. I just note that the statement has not been handed out to Members yet, but if that can be done quickly, then I do not mind just doing it that way round.

The Bailiff:

Very well, we will do that first. It was clearly not a party decision. Very well, Minister. Do all Members have a copy of the statement? No, apparently not. The Connétable of St. Lawrence, has the statement arrived on the Connétables benches yet? Senator, I daresay Members have got ears, as well as eyes, why do you not start reading the statement?

STATEMENTS ON A MATTER OF OFFICIAL RESPONSIBILITY

4. The Minister for Children and Housing will make a statement regarding the Citizens' Panel

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

The 3rd July 2017 was a sorrowful, shocking and significant day in Jersey's history. It was a dark day when Islanders fully realised the horror that some of our most vulnerable children went through. On 3rd July 2017, the Independent Jersey Care Inquiry published its final report into the failings in Jersey's childcare system over many decades and that report finally gave a voice to all those who have suffered abuse and revealed the true extent to which Jersey's institutions failed our children and their families. The inquiry brought to light multiple incidences of child abuse suffered by Islanders in Jersey's childcare system from 1945 onwards. One of the recommendations of the Independent Jersey Care Inquiry was that there should be some tangible public acknowledgement of those that have been ill-served by the care system over many decades. The findings published on 3rd July are a powerful reminder of the devastating consequences of child abuse and we must never forget that and we will not. Tomorrow it is 3rd July, marking 2 years since the Independent Jersey Care Inquiry report. It is a dark day that we want to turn into a bright day for all children, young people and their families, a day to celebrate our children and look forward to bright futures. We want 3rd July to be both a day of remembering Jersey's past, but a day to look to the future. I am pleased to announce today that Jersey will have an annual Children's Day from 3rd July 2020 and we are inviting and involving the Island's young people to get involved in all aspects of its creation. A Children's Day for Jersey is one of the suggestions made by a Citizens' Panel, who are a group of independent Islanders, who have been working with the Government of Jersey for more than a year. In 2018, the Government of Jersey commissioned a Citizens' Panel to make a set of recommendations to honour the survivors and determine how Jersey should remember: 14 Islanders were initially recruited to form a Citizens' Panel, which comprises adult survivors, who were abused in care and a number of randomly invited members of the public. Together, the panel concluded that in order to meet the inquiry's recommendation of an official public acknowledgement of past failings, a number of permanent projects should be put in place. These would collectively allow Jersey to look back at its past and acknowledge the children who have been failed and harmed but also, importantly, look towards the future, to ensure that no other child in Jersey would ever have to experience such failings.

[11:30]

One panel member described their involvement with this process as follows: "I feel privileged to be part of the Care Inquiry legacy Citizens' Panel. I have always had a profound sense of justice. My sincere wish is the whole Island will support our carefully thought out hopes and aspirations for the future. This next step will, I hope, enable a heavily-divided community to work through its past well-documented failings. There has been much loss, pain and in many cases irreparable damage done. Reconstruction goes hand in hand with reconciliation." The Citizens' Panel agreed collectively that this ambition could be met through a commitment to implement all 4 elements of the legacy project, which was recommended to Ministers in July last year. This includes a package of help and support for survivors and their families and the creation of a prominent memorial, which will both acknowledge the realities of the past and speak to the future aspirations of the Island for its

looked-after children. Today, I want to talk about the other 2 elements of the Citizens' Panel legacy project: Jersey's Children's Day and the legacy emblem. Jersey Children's Day will provide activities that celebrate childhood and family life, as well as opportunities to remind children and young people that they should always be able to express themselves and share their opinions at any time. The day will also centre on educating children, young people and adults about children's rights and how they should not be afraid to speak out. The Citizens' Panel also recommended that there should be a recognisable emblem, which should be used to become the symbol of the entire legacy project and provide a consistent link between all its elements. The panel's desire is that the emblem should be related to a butterfly, or butterflies. Butterflies have come to have a deep significance for the Citizens' Panel as symbols of life, endurance, transformation and hope. I am, therefore, delighted to announce that the Citizens' Panel are inviting young people to submit a design idea for their legacy emblem, which will be used for Jersey Children's Day and across other elements of the legacy project. Details are being shared with secondary schools, Jersey Youth Service and key public agencies. The full details will also be published on the Government website. The winner will be invited to work with a professional graphic designer to see their ideas developed into a number of different versions, so the final emblem can be used on websites, social media, printed documents and items, such as clothing, pencils, or wrist bands. I would like to take this opportunity to publicly thank each of the members of the Citizens' Panel for their hard work and commitment in working alongside the Government of Jersey on the legacy project with such passion, personal insights and for their thought-provoking ideas, which I fully support. Today, some of the Citizens' Panel have decided to speak out publicly about their involvement, which I also thank them for. I will finish this statement today with just another powerful personal statement from the Citizens' Panel: "The past is the past and can never be forgotten, but the present and the future is now the way forward. Being on the panel was an insight into the suffering that took place by those that survived, who will carry their scars until the end of their days. We, the people of Jersey, must ensure that this is never allowed to happen again in the future." [Approbation]

The Bailiff:

We have up to 15 minutes of questions, if Members wish to put them.

4.1.1 Deputy M.R. Higgins:

One of the paragraphs in the statement I find completely right: "The findings published on 3rd July are a powerful reminder of the devastating consequences of child abuse and we must never forget that and we will not." Yesterday, I attended a briefing on the redress schemes and one of the things that came out, that the States have set aside, I think, £6.8 million for this scheme if people come forward to do it. Basically, they were being asked, if you were abused, whether sexually, or physically, by a member of staff. We know that many of the people who attended Les Chênes were, according to allegations at the Care Inquiry, battered by the pinball wizards. I refer to the plural, there were 2 people, who were described as pinball wizards. I think we are never going to get closure on this until these people are prosecuted. I ask the Minister for Children and Housing what he is going to try and do to encourage people to come forward, so that these people can be prosecuted and dealt with.

The Bailiff:

I am not sure that arises out of the statement that has just been made by the Minister, Deputy.

Deputy M.R. Higgins:

Sorry, Sir, I thought we were combining question time with the statement.

The Bailiff:

No, we are going to come on to questions, so you will be able to put your questions later on; the Minister has had notice of it.

Deputy M.R. Higgins:

OK, that is good, thank you.

The Bailiff:

Are there any questions on the statement?

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

The Minister obviously creates great importance to this and I applaud him for it. Does he have any intention of proposing that 3rd July becomes a Bank Holiday?

Senator S.Y. Mézec:

That is not on the table right now, but I would be guided by what the Citizens' Panel themselves say on this and what conclusions they come to with the consultation that will take place to form this. The Deputy will know that I am a fan of Bank Holidays and I think we do not have enough Bank Holidays in Jersey. But, because I think that this is and ought to be led by the Citizens' Panel and the young people of Jersey, I would be guided by what conclusions they reached on that.

QUESTIONS - resumption

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

The Bailiff:

No further questions. We will now come on to question time and I am sure you can still remember it; Deputy Higgins does not need to repeat his question. Senator, will you answer Deputy Higgins' question? Thank you.

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

The matter of prosecutions in many respects is separate to what we are trying to do with this redress scheme, but it is a point that has been raised and one that, of course, I have sympathy with. I do believe, as I hope everybody does, that those who were responsible for criminal behaviour, particularly criminal behaviour towards vulnerable children and young people, absolutely should be brought to justice. It is not down to the Minister for Children and Housing to prosecute people, though, a Government Minister does not have that ability. But what may happen as a result of people taking a second look at this is they will examine evidence and where evidence is found that could be used for a prosecution, I certainly hope that people will come forward with it.

5.1 Deputy M.R. Higgins:

The redress is basically saying anybody who was manhandled; I remember the briefing yesterday, the term 'manhandled' by members of staff. We have put together this scheme, because we acknowledge that manhandling took place and we are setting aside £6.8 million to compensate people. But, unless we have some concerted action to bring those members of staff to trial and I accept the Minister is not responsible for this, but he can encourage people to come forward. I must also say there was evidence also given by a member of staff who witnessed it going on. I find it incomprehensible that we are not taking any steps to do this and will the Minister do everything in his power to encourage people to come forward and I say bring these people to ...

Senator S.Y. Mézec:

The Deputy is right, I am not the chief prosecutor of the Island. I do not have the legal ability to bring forward prosecutions myself. This will be, probably, a very difficult experience for those who will be engaging with this scheme over the coming year. Ultimately, those people must do what they feel is right for them. For some of them, they may want to draw a line under this and not think about

it again in the future, others may want to push things. But, as I said in response to the Deputy of St. Martin's question, my view on this is led by those who are going through this themselves. If there are those who feel that having taken another look at this, as a result of this redress scheme, want to push for prosecutions, or believe they have now got evidence that will help them in that direction, then, of course, I encourage them to do that.

5.2 Deputy G.P. Southern:

Could the Minister update Members on any progress with the Youth and Community Centre developments in the north of town?

Senator S.Y. Mézec:

A meeting took place in the last couple of weeks with myself, the Minister for Education, representatives from Property Holdings and Andium Homes. Different ideas are now being floated about potential locations, about what the facilities would include. The information that I have seen, that the Youth Service has put together, examining the demographics of the area, so working out what size a facility it would have to be, what activities or support would need to be provided from that, I think is quite advanced at this stage, which is good to see. I have, literally, this morning had an invitation to the next meeting for that, but I am pleased at the progress we are making and I am feeling quite excited about it, when I have seen some of the concepts we are looking at, at the moment.

5.3 Deputy R.J. Ward:

Just going back to the redress scheme, does the Minister believe that the tone of the redress scheme risks not genuinely reflecting a sincere apology over, nor is it a trauma-informed approach in terms of engaging people?

Senator S.Y. Mézec:

Unlike the previous redress scheme, this redress scheme will come with an apology alongside it, which will be signed by myself. I have not put a form of words together for that apology yet but, of course, I am very aware of the fact that this is an incredibly sensitive issue, particularly for those who will be going through this process, who have had a very difficult time in the run up to it. I am, of course, conscious of the fact that we have to show our apology, not just in words but in our actions as well and that personal apology will come in the future. But I am, of course, conscious of the fact that I would want that to be a genuine apology and hope I get the opportunity to make that.

5.3.1 Deputy R.J. Ward:

Given that the process requires consent to Government having access to records, private medical records and psychological assessments, for example, can the Minister reassure those considering applying to the scheme that a full, sensitive and supportive approach will be given to those who are applying? It has never been more important that that is the case for this scheme.

Senator S.Y. Mézec:

I think the Deputy is absolutely right. This time round, we are in the fortunate position of having been through this previously with a different scheme and so a lot of learning went on as a result of that scheme. He will have heard, at that briefing yesterday, that therapeutic support is part of the package that will be part of this redress scheme.

5.4 Deputy G.J. Truscott:

I have sat on the Planning Committee now for 4½ years and I have never seen the amount of applications going through for more buildings. Plainly, the Government has identified that 7,000 properties will have to be built pronto, basically, going forward. Does the Minister agree that it is high time that we brought in a population control policy?

Senator S.Y. Mézec:

I absolutely do. It is fundamental to our planning, as an Island community, not just for what homes we will need to build, but also what education services we will provide, what size the hospital is going to have to be. I will say that there are other projects that are being dealt with at the moment that I am finding frustrating at the length of time they are taking because of the delays there then is for identifying sites for affordable housing, social housing, *et cetera*. I think that is incredibly important and the work that the Housing Policy Development Board will do will interact with the work that the Migration Policy Development Board do and there are Members who are serving on both of those panels.

5.5 Deputy S.M. Ahier:

With the huge rise in population levels over recent years, will the Minister inform the Assembly where all the people, without housing qualifications, are living, or are they living here illegally?

Senator S.Y. Mézec:

Could he just clarify what he means by that question, where are they living?

Deputy S.M. Ahier:

Is there enough accommodation for people without housing qualifications?

Senator S.Y. Mézec:

I think it is certainly the case that there is overcrowding in the non-qualified sector of housing. I think figures at the last census would have shown that and a new census is due to be held in the coming years, which I would be surprised if they did not reveal the same thing. I am deeply uncomfortable with that situation. I am deeply uncomfortable, frankly, with the whole housing qualification system, which I think makes that situation harder to deal with. What I will say, though, is that with the enhanced powers that the Environmental Health Department are having, the minimum standards in housing that are being introduced, then hopefully that will go some way to help them with that situation.

5.6 The Deputy of St. Martin:

Irrespective of immigration policy and if we did not import another person on to the Island, it is clear to me that demand for housing has never been as strong as it currently is. Has the Minister, since he took office, promoted, or proposed, any new housing sites to the Minister for the Environment?

Senator S.Y. Mézec:

The Deputy will know that I have fought for the sites that were already planned to be housing sites to continue to be housing sites, alongside the help of the Deputy of St. Martin, who has also done his bit there, as well. I recently had a meeting with the Minister for Infrastructure and some of his officers, as well, to look at potential sites that may, or may not, come up in the future that I would like to push for to be sites for affordable housing. As I said in an answer to a previous question, some of that is frustrating, because of sites being held back because of potential other uses.

[11:45]

But I am absolutely pushing for as many sites as possible to be released, so that we can build housing on them.

5.6.1 The Deputy of St. Martin:

How does the Minister feel about so many States-owned sites being left empty when we have such a huge demand for housing?

Senator S.Y. Mézec:

I think it is incredibly frustrating. I am aware of some sites that I walk past frequently and look at and think that will be a great site for housing that is currently not being used to its full potential. I find that frustrating. I have communicated that to other Ministers, who have responsibility, but there are projects, unfortunately, that are holding back some of these sites getting freed up to be used. The hospital project being the obvious one there, as there are sites that currently have a question mark over their future use. I find that frustrating.

The Deputy of St. Peter:

The Deputy of St. Martin has asked my question about the unoccupied properties in States ownership.

5.7 Deputy J.M. Maçon:

With the Minister's dual hats of housing and children, does he agree that the provision for young people and even the schools within, in particular, St. Helier are reaching the point of saturation point and, therefore, what will the Minister for Children and Housing be advising the Minister for the Environment in the Island Plan about the policy of cramming more buildings into St. Helier and the urban area?

Senator S.Y. Mézec:

Not just the roles that he states, but also I am a St. Helier resident and am very keen that it is enhanced as a place to live and work and send children to school. I am concerned about the future scope of the schools in the area. I know of people in St. Helier who live close to a particular school, but are not getting places for their children in them, even though they are in the catchment area and having to go further afield, because there are too many applications for those particular schools. That discussion about how school sites are enhanced, or developed, to increase capacity will obviously be part of that Island Plan discussion. It has to be joined up though and, as well as schools, I am particularly keen to make sure that open green space in St. Helier is maintained, or enhanced, to improve the quality of life there.

5.8 Deputy G.P. Southern:

The statement mentioned children's rights and I extend that a little to suggest that since we have voting for 16 year olds will the Minister commit himself to work with P.P.C. (Privileges and Procedures Committee), the States Greffe and the Minister for Education, in particular, to provide a vibrant course in politics in our schools? Will he go further and work with the Digital Assistant Minister, to ensure that in order to encourage as many 16 year olds to vote as possible we have in place by 2022 a digital voting scheme?

Senator S.Y. Mézec:

The Deputy will know that I am very keen on both of those ideas. I have had some discussions with the Assistant Minister for Education and the Minister for Education about the politics curriculum in schools. I know that is something that the 3 of us are very passionate about and, of course, P.P.C. will have its role to play in that. In terms of digital voting, again, I wholeheartedly support that and I understand that that is not amazingly simple; that can be a difficult thing to do to get it secure and make sure everybody's vote is protected properly. But, in the event that progress is made on there - of course I want that to be as successful as possible for young people - but, in the event that it is not ready in time for 2022, I personally think there is a lot more that could be done to encourage young people and students to use their votes; better postal-voting campaigns for young people who are off the Island starting at university. I, personally, do not see why we do not open pre-poll voting to students in school but, again, that is something that would fall in P.P.C.'s remit, but I will be lobbying them to do that.

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

What is the Minister doing in relation to the large number of vacant properties that are around the entire Island?

Senator S.Y. Mézec:

The Housing Policy Development Board is looking at this issue as we speak. There are officers who are trying to correlate the limited information we have got about empty properties in terms of why they are empty, because there will, of course, be some properties that are empty for perfectly understandable reasons. That work, collating that information, is ongoing and when we are in a better position on that we can use that evidence base to come up with a policy that will help bring those properties back on the market. That was something I spoke about in my election campaign. We are doing the background research now, so get more evidence to help inform that way forward.

The Bailiff:

This will be the final question, Deputy Ahier.

5.10 Deputy S.M. Ahier:

Will the Minister advise the Assembly why lighting in stairwells of Andium properties are left on 24 hours a day, 7 days a week? Should we not be keeping electricity usage down?

Senator S.Y. Mézec:

I cannot offer him an exact explanation for that. I would have to ask Andium Homes why that is done as a matter of course. Of course, though I do believe that, as a States-owned housing provider, then they should be meeting the highest standards; environmental, energy consumption, *et cetera* and that is an ongoing discussion that I will certainly have with them, not just about lights, but about heating and water use and all of the other areas as well.

The Bailiff:

Thank you. That brings this part of question time to an end. Before we start on the next part, can I invite any Members listening to questions in the adjoining rooms to return to the Chamber, because we are at a minimum, or nearly, for the purposes of being quorate?

6. Questions to Ministers without notice - The Minister for Treasury and Resources

The Bailiff:

The second question period for the Minister for Treasury and Resources now commences.

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

The Common Strategic Policy, P.110/2018, debated on 4th December last year committed the Council of Ministers to and I quote: “Work to achieve fairness in the delivery of services to the public, which does not disadvantage St. Helier ratepayers when compared with the ratepayers of other Parishes.” End quote. I have examined the report on the Council of Ministers’ first year in office, published on 18th June, particularly Common Theme 3 and I can find no reference to any work having been undertaken in this important area, important at least to St. Helier ratepayers. Would the Minister for Treasury and Resources please assure me that work is ongoing to achieve this agreed objective?

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

I completely agree with the Connétable that fairness is the whole dynamics of the C.S.P. (Common Strategic Policy) and I cannot, specifically, go into details of that because the Government Plan is going to be released next week, lodged on 16th July, so the week after next and the details will be in that.

The Connétable of St. Helier:

Can I thank the Minister for Treasury and Resources for her answer? Because, as it happens, 16th July is St. Helier Day and that is an appropriate day for that, hopefully, good news for St. Helier ratepayers to be published.

6.2 Deputy G.J. Truscott:

The redress scheme was launched yesterday, which I totally agree with. I think it is the appropriate thing to do. It is going to help draw a line and bring a very murky past to a conclusion and I think that is so important going forward. A number of Members attended the meeting and it was alluded to the fact that it is going to cost £6.9 million, potentially. I was just curious where this money is coming from. Will it be adding to the deficit, or will you be taking this money from the reserves?

Deputy S.J. Pinel:

The money has already been identified, as we knew the redress scheme was coming and it was all part of the Care Inquiry budget.

6.3 Deputy M.R. Le Hegarat:

I have now submitted 2 written questions, 250 and 281/2019. I asked for the figures for April 2019 and this is the response: 'It will not refer back to the April position, or any other preceding months.' Please, can the Minister explain why the Treasury cannot provide figures for the end of April? Is this because there are overspends within departments and if this is the case, which departments and how much?

Deputy S.J. Pinel:

Sorry, I do not have the written question in front of me to which the Deputy is referring. I am not quite sure what the complaint is, is it that we have not provided figures for the end of April?

Deputy M.R. Le Hegarat:

What I would like to know is, I am not an accountant, but I do have an understanding of financial matters. Please, can the Minister explain why we cannot know what the financial position was in April? I fully accept they are going to provide me with June. I would like April and I would like to know why I cannot have it.

Deputy S.J. Pinel:

I think it is a very good question but, of course, by the end of April we were producing the reports and accounts for the whole of the previous year, so that may be why it was not possible to answer the questions fully, as the Deputy would have liked. But I will follow it up with the officers.

6.4 Deputy G.P. Southern:

The Minister states that her review of the personal tax system will be published alongside the Government Plan. Can she assure Members that we will not be reverting for the old system of: this is how much money we have got to spend, divvy it up how you like as to where you spend it, but that we make joined-up tax and spend proposals at the same time? Can she assure Members that that process this time has been shared?

Deputy S.J. Pinel:

Yes and the review of the personal tax system, as the Deputy quite rightly says, will be provided alongside the Government Plan. But this is a review and potential modernisation of the tax system, it is not financial money-raising objectives in that particular personal tax system.

6.4.1 Deputy G.P. Southern:

Can the Minister assure Members that she will be delivering the envelope that we have to spend in a timely manner when the Government Plan is published?

Deputy S.J. Pinel:

Yes, that is the whole difficulty of producing a Government Plan in line with revenue and expenditure and that is why it is taking quite a lot of time and effort to do that, so that it is fair. The priorities are realised with capital expenditure and from whence we get the revenue.

6.5 Deputy S.M. Ahier:

Will the Minister consider raising the G.S.T. rate on luxury goods, thereby enabling the removal of G.S.T. from fresh food and vegetables?

Deputy S.J. Pinel:

No. This has been discussed many times before and the complexity and the administration of removing various items from G.S.T. make it almost impossible to carry out. I know it is done elsewhere, but it is a very low amount of G.S.T. here and, as we said in answer to an earlier question, the collection of the G.S.T. is brought on an even-handed way and to remove, I think it was Jaffa Cakes and Twiglets and crisps, is just virtually impossible to administer, so, no, we are not looking at doing that.

6.6 Deputy G.J. Truscott:

Based on a similar thing to the previous question, would the Minister consider from an environmental point of view increasing the tax G.S.T. on diesel vehicles?

Deputy S.J. Pinel:

We already have a vehicle emissions duty and that is another thing that is going to have to be looked at, in accordance with the proposition passed by this Assembly on climate change. It is difficult, inasmuch as it has been passed by the Assembly, to achieve it by 2030, I think, is extremely ambitious, if not impossible. But it will cost a considerable amount of money to implement and that is part of the Government Plan to look at what we can introduce in order to finance what is quite, potentially, very expensive. U.K., I think, is a trillion pounds; I am not saying we are comparable, but it is going to be an expensive mission.

6.7 Senator K.L. Moore:

Will the Government Plan include the costs of and the savings driven by the One Government programme?

Deputy S.J. Pinel:

That is in correspondence at the moment with P.P.C. to see what we can do to incorporate both of those.

6.8 The Deputy of St. Peter:

I believe the F.T.S.E. (Financial Times Stock Exchange) has returned to a reasonably healthy 7,500 recently, unless something has happened in the last couple of hours and I have not checked it. Will the Minister kindly give us an update on the investment performance of the Strategic Reserve Fund accordingly?

Deputy S.J. Pinel:

Yes, as the Deputy will know, with his financial knowledge, that 2018 took an incredibly bad hit. Having said that, previous years, 2016 and 2017, there had been a massive increase in the Common Investment Fund, which includes the Social Security Reserve Fund, the Strategic Reserve, all of the bigger funds. The Strategic Reserve, off the top of my head, I think, now sits at £803 million and the

Social Security Reserve Fund is about £1.2 billion. They have gone up a lot, but they did lose overall, as a Common Investment Fund, about £100 million in 2018, which was largely recovered in the first 3 months of 2019.

6.9 Senator K.L. Moore:

Noting the discussion about reducing corporation tax in the U.K. as part of their leadership bid in the Conservative Party, what vision does the Minister have for a competitive economy here in Jersey?

[12:00]

Deputy S.J. Pinel:

I do believe we have a competitive economy and I know that corporate rates have come up several times in previous Assemblies, but they were introduced in order to allow competition. At the moment they will not be changed, as has been the projection, in the forthcoming year.

6.10 Deputy R.J. Ward:

Can I ask the Minister whether the Treasury takes into account any future costs of significant climatic change impact, such as significant changes in temperature through summers, greater storms, rising sea levels and whether these Treasury considerations are taken into account, not just the headline figures of a trillion pounds to impact carbon neutrality?

Deputy S.J. Pinel:

Yes and, of course, I thank the Deputy. I only mentioned that because I do not think that a lot of consideration was given to projected cost when the proposition was discussed. Obviously, we do have to take into consideration what the costs would be and a projected move in the Government Plan would be to move something from, perhaps, fuel tax, fuel duty, to put it into an environment fund.

The Bailiff:

Are there any further questions for the Minister for Treasury and Resources? If not, then I call ... Senator Moore, just in time.

6.11 Senator K.L. Moore:

Apologies, Sir. As a member of the States Employment Board, does the Minister support the Education Director's letters that have been written to parents who are disputing the fees and the costs of travel and food for their children on days when they have not attended school due to strikes?

Deputy S.J. Pinel:

That is not an answer that I can give in the few seconds that we have got left because, as a member of the States Employment Board, I think I have to be directed by the Vice-Chairman of the States Employment Board and he has already given the answers very eloquently this morning to those questions.

6.12 The Deputy of St. Martin:

Following on from an answer the Minister has just given: is the Treasury Department now in favour of a hypothecation, of taking money from one tax and putting it in to a separate fund in order to be used for a specific object?

Deputy S.J. Pinel:

It is an interesting question and it is an interesting concept as well and I think it is quite new when it is done in this fashion, moving it from one duty into a fund. But, we have to look at sovereign funds as well for capital expenditure, so it is a whole new way of looking at how we fund what we have to

do. The Minister for Children and Housing was asked earlier about the empty buildings that could be used, lots of them, but they have to be paid for and we have got to find ways of doing it.

The Greffier of the States (in the Chair):

Are there any other questions for the Minister? If not, that brings the period of questions without notice to an end.

PUBLIC BUSINESS

7. Establishment of an elected Speaker (P.47/2019)

The Greffier of the States (in the Chair):

We now move on to Public Business. The first item is a proposition from Senator Le Fondré entitled Establishment of an elected Speaker, P.47/2019 and 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 agree that – (a) while retaining the Bailiff in his role as President of the States, the States Assembly should select a Speaker from the elected Members of the Assembly to be able to preside in the absence of the Bailiff and Deputy Bailiff; (b) the selection and appointment of the Speaker should be the first items of business for any new States Assembly and, should the office become vacant during the term of an Assembly, be the first item of business at the next scheduled meeting of the Assembly; (c) the Speaker should be elected to serve for the duration of an Assembly term, or for the remainder of the Assembly's term if (for any reason) he or she is elected mid-term; (d) the process for electing the Speaker should follow a similar format as those for the election of the Chief Minister, Ministers and Scrutiny Panel Chairmen; (e) provision should be made for the Speaker to resign and/or be removed from office by the States Assembly; (f) the Speaker should be required to act impartially, and be seen to act impartially, when presiding over the States. Upon being elected, the Speaker would be required to resign from any membership of a political party; (g) the Speaker, while presiding at the meeting, shall have the same powers as the Bailiff when presiding at such a meeting; (h) the role of the Speaker shall include the promotion of the States Assembly and of democracy in Jersey; (i) the additional resources required to support a Speaker should be provided for within the current structure of the States Greffe; (j) the Privileges and Procedures Committee should bring forward all necessary actions, including legislative amendments, to implement these changes in time for the Assembly to select and appoint a Speaker as soon as is reasonably practicable.

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

I have lost track of the number of times the role of the Bailiff, as President to the Assembly, has come up during my political career. What is clear is that no change has arisen. It has probably made the office of the Bailiff more difficult in the sense that one aspect of the Bailiff's role has been continually under the microscope and involves a key constitutional change and this was confirmed by the Attorney General when this matter was last debated and in his written answer to the Assembly last year. Both this Assembly and the last Assembly resolved that the Bailiff cannot be removed from holding the presidency of this Assembly without a referendum. As Chief Minister, it seems to me that there is a public interest in seeking to resolve this problem and it is right to bring this proposition to the Assembly, to allow Members to consider it. What I am seeking is an evolution, not a revolution. Let us be clear, I support the role of Bailiff in this Assembly and as civic head and I have continuously stated that when facing any election. It is clear that removal would represent a constitutional change and also, in my opinion, that Islanders, as a whole, are attached to the office of the Bailiff and are proud of Jersey's long-held status as a Bailiwick. Significant constitutional changes should proceed by consensus; this, or similar, is one of the few ways, if not the only way,

that we might achieve a consensus. This proposition represents an opportunity for both points of view on this matter to come together. This could work. But, nonetheless, it is also clear that while many Members are passionately in favour of the system, which has served Jersey so well and in favour of it being maintained as it is, there are others who are equally as passionate in believing that every Parliament should be able to choose its Speaker from among its own Members. These views were strongly championed on the working party jointly established by myself and Deputy Russell Labey. But, what was very interesting to me and, I believe, to other members of that working group, was the submission we received from the Bailiff and which was reproduced in the appendix to my report accompanying the proposition. The question for Members today will be whether this represents, as a principle, a sufficient compromise to achieve a degree of change and, hopefully, to put this to bed for quite some time. As I have said, it is an evolutionary approach, not a revolutionary one, something which might appeal not only to the supporters of the present role of the Bailiff, but also to those who advocate change. Just to remind Members what we are referring to and to quote from the report: ‘In essence, it would put a structure around some of the informal processes which are presently practised when legislation is being considered by the Assembly. At present, for certain types of legislation, the Bailiff and the Deputy Bailiff do often choose not to preside over the Assembly, in order to avoid any perception of conflict when court cases arise under that legislation.’ For those who have been seeking radical change, the existing arrangements, which have not arisen in this debate so far, there are 2 problems. One is that nothing has ever been put forward to address the issue of civic head and, secondly, the independence of any Speaker. To start with a civic head, I believe that most, if not all, Members of the Assembly support the retention of Bailiff as civic head of the Island; I would hope that was almost a given. But, also to be clear and the last 2 propositions on the matter they have been very clear in stating, as part of the proposition, the Bailiff should remain as the civic head of Jersey and then they carry on, continue to swear in Members of the States Assembly and the Royal Court, preside in the Assembly during that process, in that case electing a Speaker, be invited to preside in, or address, the Assembly on various occasions. But, for all practical purposes that would, in effect, remove the Bailiff from this Assembly. He would in law and in fact cease to be the Presiding Officer. I do refer, there is a very excellent submission made by Sir Michael Birt to Lord Carswell and the relevant quote here from Sir Michael Birt is: ‘It is his position as President of the States, which has underpinned his status as civic head of the Island.’ Sir Michael went on to say: ‘I know of no country or jurisdiction where a person who is merely the Chief Justice is the civic or ceremonial head of the country or jurisdiction.’ He carried on: ‘I accept that if, for example, the legislation enacting any reform provided in law the Bailiff’s position as civic head.’ In other words, if there was something written for the legislation saying that the role as civic head would be retained: ‘This would underpin it for a while, however, I do not believe that it would last any more than a few years. It would simply not be sustainable over the longer period. The Bailiff would become a remote figure, unknown to Members of the States, because he would have no regular interaction with them. From my point of view that would be huge loss.’ But he went on to say: ‘Therefore, that there would be no good reason for the Bailiff to continue to be the person who represented the Island and, for example, led on ceremonial occasions, such as Liberation Day and Remembrance Day in his present capacity as apolitical representative of the Island, as in non-political.’ Those who attended the talk given by the current Bailiff, which was at the end of March, where he described his diary of engagements as civic head for the first 3 months of the year and explained why in his view, his standing in attending such functions as civic head, depended on his role as President of the Assembly, can surely be in no doubt that Sir Michael Birt was right in saying what he did. I also note, as an aside, that, as far as I am aware, that was certainly one of, if not the first time, that the Bailiff has been given the opportunity to speak to Members about this matter. Secondly, it is one of the few times that his opinion has been sought and I hope that was well received and valued by those Members who attended. It was certainly refreshing from my point of view. That is the first problem with the propositions that, in the past, sought the Bailiff’s removal. Everyone seems to agree that the Bailiff should remain civic head, but removing the Bailiff from

having a meaningful role, as Presiding Officer of the Assembly, makes his, or her, fulfilling that role very difficult. Therefore, the key principle in this proposal is that the role of Bailiff, as President of the Assembly, is supported and is not diminished. There is a second problem with the propositions that have been lodged seeking the Bailiff's removal and that problem arises from the effect of election to the office of Speaker, so the effect upon those whom the Speaker was elected to represent: his, or her, parishioners, constituents, call them what you like. In the full-blown role the elected Member would simply be unable to represent his, or her, constituents effectively. Indeed, I think it was the last proposition on this said in black and white that: 'The elected Speaker under the full-blown model would not be able to lodge propositions, table questions, participate in debates, or vote.' That very much gives some rise into disenfranchising them, the very people who have elected that individual into the Assembly. But that would, effectively, prevent any Connétable, most Deputies and certainly all those in a single-Deputy Parish and many Senators - because they are often in prominent positions in Scrutiny, or in Government - from offering themselves as a Speaker, if they wish to continue to represent those who elected them. The problem simply has not been resolved by any of the other propositions. But, in my view, both of these problems do not arise with this proposition. In this proposition, the Bailiff will continue to fulfil a meaningful role in the Assembly. He will continue to act as President, but he will agree the division of the business with the elected Speaker. Accordingly, the Bailiff will be able to continue to act as civic head, because of his, or her, strong relationship with this Assembly. In other words, the role of civic head will be underpinned by the role as impartial Presiding Officer; that would not be undermined under an alternative scenario, but would otherwise be as effective removal from the Assembly and it is a bit of a nuanced position, but I hope people understand that.

[12:15]

But also the potential problem about the Speaker being unable to represent his, or her, constituents also goes away. Let us be clear, if one has a full-blown elected Speaker, irrespective of all the other issues that come on of that role in a Jersey context, the Speaker has to be seen to be independent and impartial. For the avoidance of doubt, I do consider the present system we have to be independent and impartial. When the present suggestion was first mooted, one of the issues was over the role of any new Speaker and how to ensure that independence. It was thought that any person would have to be required again not to ask questions, lodge propositions, *et cetera*. Because, bear in mind that people get elected on the basis of their political views and that is why impartiality and independence are very important in this role. But if the role is restricted just to mainly dealing with legislation, then I think that issue largely falls away. I do refer Members and just turn to it, to paragraph 23. I hope Members have the Proposition in front of them, which is reference to the Bailiff's letter that was attached to it. Paragraph 23 is quite key to this debate and the Proposition. I will just read it, from the Bailiff saying: 'Taking this approach would require - and we would always expect - the development of an understanding that Bailiffs and elected Speakers will reach a consensus of the apportionment of the role as Speaker. There would probably be an understanding that the Bailiff will not preside whenever legislation or, for example, the Island Plan is being adopted; that the Bailiff would preside over questions and votes of no confidence and on the election of Ministers and so on; that perhaps in the first instance policy debates might be dealt with by the Bailiff, or might be shared, depending on whether the elected Speaker felt strongly about the policy issues in question, or on the convenience generally, which arose at the time.' So, what is quite clear around these proposals is that flexibility is very important here. For example - bearing in mind this would be legislation - if there was the equivalent of a Queen's Valley law, so i.e. when in days gone by Queen's Valley was flooded, or some form of compulsory purchase debate and then the Speaker, bearing in mind he or she was elected by constituents, the Speaker could still step aside and could ask that the Bailiff, or the Deputy Bailiff, to preside over that particular sitting in the Assembly. It would remove, therefore, any issues around conflicts of interest. It also addresses the issue around disenfranchising the very constituency that elected that individual into this Assembly. In summary, the 2 principal problems

with previous propositions designed to replace the Bailiff, or the Speaker, are resolved by adopting this middle course. Now, there are some other problems, which are resolved as well and as is clear from the answer given by the Attorney General to the question asked by Senator Ferguson - it was on 9th October last year - the removal of the Bailiff from the role of President of the Assembly of the States is a constitutional issue. Furthermore, the Bailiff is currently guardian of the constitution and Lord Carswell said that such a role should continue. I was reminded of the answer to the written question asked by Senator Mézec at the beginning of this year where it is clear that role, i.e. guardian of the constitution, is an important one. That is particularly significant for the Island at this time of great constitutional change, namely Brexit. It would be quite wrong to risk the Bailiff's ability to act as the guardian of the constitution at this difficult time for the Island and something I did not know is that in Norman law the term *bailli* actually means *gardien*. There are 2 other points that arise from Propositions that have been lodged in the past which have sought the removal of the Bailiff from the Assembly. I only mention these in case they are raised again in the course of the debate. One is around human rights. It was suggested by Lord Carswell that there was a human rights difficulty in the Royal Court, not in this Assembly, with the Bailiff acting as presiding officer. Now, let us be clear, there is not. Indeed, when Lord Carswell last addressed States Members, he appeared to accept that there was not a human rights angle problem here. Lord Carswell said at the time of his review in 2010 that the role of the Bailiff was compatible with the independence and impartiality requirements of the judiciary under the European Convention of Human Rights, but he said that that position might change. But, in fact, as the Law Officers' report to the Assembly in 2016 shows, the European Convention Case Law has made it clear that what is required is that the judiciary is viewed objectively as being an institution independent of influence from the executive and from the legislature. In these circumstances, Law Officers have advised that the European Courts approach the independence of the judiciary as remaining consistent and that there is no basis - repeat no basis - for saying that the institutional arrangements that exist between the executive, legislature and judiciary in Jersey give rise to an objective appearance that the court is not independent. The Bailiff enjoys a high degree of constitutional protection from influence on the part of the executive, or the legislature and accordingly any challenge on human rights grounds based on his presidency of the Assembly would not succeed. The second and currently more fashionable argument advanced in relation to the role of the Bailiff arises from the rule about separation of powers. I do want to say a little about that, because it is often cited as the main reason for change and, bearing in mind the number of times it has come up, I went back to an earlier speech. In that speech I referred to a submission made to one of the reviews that had taken place which said: 'The removal of the Bailiff from the States Assembly is thought by some to be desirable on the grounds of principle. A person should not, it is said, hold office simultaneously in the Parliament and the court.' Without understanding the principle, people have referred to the notion of the separation of powers enunciated by a gentleman called Montesquieu - which I think goes back to 18th century and was a French philosopher of the time - as if it was an obvious consequence that something is wrong with the current role of the Bailiff. In fact, what Montesquieu so admired about the British constitution in the 18th century and this is just before the French Revolution - which is how long this argument has been going on for by the way, if not longer - was the division of governmental power between the legislature, the executive and the judiciary, which he thought to be the foundation of liberty. So, in other words, this is where the argument has been coming from. It was the power of the judiciary to keep the executive in check that appealed to him. However, Montesquieu understood very well that an overlap between some of these divisions existed in Britain; so, in other words, there was an overlap, but he was still a fan of the system because in France the executive power was in the hands of the King. In other words again this is not about a clear and absolutely 100 per cent divide. There is an overlap. Building on that, the House of Commons library, I understand, contains a standard note on the separation of powers and it indicates that in most countries there is no strict separation of powers, but a compromise. So, in Jersey, the most significant breach of the separation of powers rule is possibly encapsulated in myself and the other 11 Ministers and Assistant Ministers. It is the fact

that the whole of the executive is contained within this legislature and is not in fact separated from it. In fact, there is an argument that goes that if the Ministers were not here we would not be able to have question time, which had a certain appeal for a very brief instant. However, the paper does observe that the argument in favour of this breach of the rule in relation to the separation of powers is that it provides stability and efficiency in the operation of Government. Not Parliament; Government. So, it has been said that it would be more accurate to say that the United Kingdom's system resembles a balance of powers, rather than a formal separation of powers. If we draw all that together, it can be said that there is separation of powers in Jersey as between the executive and the judiciary. There is almost complete separation of powers in Jersey as between the judiciary and the legislature, save for the one member of the judiciary, the Bailiff, who holds the role in the legislature as impartial, non-voting chair. There is no separation of powers as between the executive and the legislature, as the executive is fully contained in the legislature. After all that, does any of that matter? Well, the key issue in any jurisdiction is whether the separation, or balance, of powers is sufficient to ensure (1) can the legislature, this Assembly, hold the executive - me and the Council of Ministers and the Assistant Ministers - to account in its sphere of operation and that is Parliament and that includes Scrutiny; (2) that the judiciary can hold the executive to account in the courts. So, in context, can this Assembly in practice hold the executive, or Government, to account? It will not have hopefully escaped Members' notice that occasionally, from time to time, Government business is defeated in this Assembly and that is notwithstanding our ability to lodge and initiate legislation. It will be a matter for Members to consider and one would suggest, therefore, that the legislature can and does hold the executive to account. Secondly, is the judiciary able to hold the executive to account? Well, it seems very clear that the judiciary experiences no difficulty in holding the executive to account in Jersey. Reported cases show that judicial review and the system of administrative appeals to the Royal Court frequently lead to quashing of decisions made by, or on behalf of, Government. So, in other words, Ministers can and do lose cases in the courts. By contrast, there are many jurisdictions all over the world where there can be said, theoretically, to be a formal separation of powers when, in fact, the system of government has broken down. It is very easy to find authoritative reports on the internet describing jurisdictions where on paper there is a formal separation of powers but, in fact, the executive is dominant and neither the legislature, nor the judiciary, are able to hold the executive to account. That is not the case in Jersey. Our balance of powers works very well and does not need to be sacrificed on the altar of the strict version of a theory of government, which no part of the British Isles - and that is with its 8 quite different parliamentary bodies - complies with. So, to cut through an awful lot of the jargon there, but I think it is quite important to put that down quite carefully, it is about perception rather than reality. This proposition will address that perception, while keeping the role of Bailiff as having a meaningful role in the Assembly and, therefore, keeping the Bailiff a civic head of this Island. Finally, there is one significant advantage to my proposition and it has been confirmed by the comments of P.P.C.; if we were to go down the referendum route and then, against all the odds, the people of the Island were to vote to remove the Bailiff from the Assembly, we would then, after the referendum, face a passage of potentially contentious legislation through the Assembly which finally, after all is said, would be implemented. I do not know how long that process would take, but probably at least a year; it might even be 2, perhaps longer. The benefit of this proposition is that the legislation involved will be straightforward, it is not a constitutional change, but more importantly we can start this Proposition now. If this Proposition is adopted, the Bailiff would be entitled to invite the Assembly - and I am sure he would - to elect someone who he could nominate under the existing provisions of the States of Jersey Law to preside in this Assembly, in his absence. The Bailiff and the new Speaker could then agree the protocol between them as to how the work would be divided. This would, of course, be published. I think the Bailiff's letter would provide a good starting point for such a protocol and, potentially, we could have an elected Speaker in this Assembly by autumn. The legislation can then, of course, be introduced to formally give effect to what has been agreed. I also briefly addressed the comments from P.P.C. on cost. I think the cost would be minimal, because I think one is looking at

displacement activity, not necessarily significant new activity. So, whatever side Members are on in terms of this important issue for our Island and our Bailiwick, I do commend this Proposition as a way of resolving this contentious issue and allowing us to move on to other things, allowing the Bailiff to get on with fulfilling the duties of his office with this issue put to bed and allowing any elected Speaker to fulfil the important work that he, or she, is able to do, not least the outreach and other work in schools and elsewhere which would follow part (h) of the proposition. The people of the Island and the majority of Members, in my opinion, support the principle of an apolitical civic head of the Island, appointed by the Queen to the office of Bailiff. Many Members of this Assembly and many outside perceive an elected Speaker as an important democratic principle. This proposition allows us to do both. In a stable, mature, democracy in a time of some change occurring external to this Island, it allows an evolution in the role of Bailiff. It preserves the role of civic head; it maintains the role of Bailiff in its constitutional and importantly cultural importance to this Island and its long history, much of which has been shaped by Bailiffs over the past 800 years. So, there is no damage to the constitutional position. It also deals with perception, as seen from outside, it is flexible and that is important. Members really do need to think about this, because it meets many needs without being a constitutional shock.

[12:30]

In short, it places us on to a more formal footing of what broadly happens now in respect of who presides when legislation is considered. I really do hope that Members will consider these proposals in the spirit of which they are brought. I am sorry I have taken a few minutes to explain it, but I thought some of the points are important. I hope they clarify, I hope they stop some hares running. But I make the proposition and I hope we have a good and meaningful debate.

The Greffier of the States (in the Chair):

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

7.1.1 The Connétable of St. Helier:

I am afraid this Proposition is neither fish nor fowl and if I may be excused a culinary figure of speech - I know these are beloved by my fellow P.P.C. member, Assistant Chief Minister and Constable of St. John - when you go to our wonderful central market you need to know what it is you are buying. Is it a nice piece of fish, or is it a plump fowl? The problem with this Proposition is we do not know. We had words in the Chief Minister's speech that it could work, nuanced, it is flexible; but it really is very unclear first of all the link between a *projet*, which talks in paragraph (a) about the absence of the Bailiff, or Deputy Bailiff and the report and indeed the speech of the proposer which talks about the elected Speaker merely covering for the Bailiff, or the Deputy Bailiff when legislation is debated. I put it to Members: what happens if a future Bailiff chose to absent themselves from States business to get on with the job of being a judge and civic head? The Speaker would effectively be asked to preside all the time. It is absolutely allowed by the *projet*, which merely says the Bailiff, or Deputy Bailiff have to be absent. Secondly, at paragraph (h) the proposer talks about displacement activity and the Greffe somehow funding the potentially huge role of promoting the States Assembly in the Island and democracy in Jersey. Members, who have visited other Parliaments, will know that the work of a Speaker in promoting Parliament in the jurisdiction is huge and it is important and it is staffed and resourced. I do not think so little of the activity of the Greffe to believe that that new job set out in paragraph (h) can be accomplished without any financial, or staffing resources. So, I wish to propose a reference back and I wish to propose it on 2 grounds. First of all there is a lack of clarity in the Proposition about the scope of the Speaker's role. It is simply not clear. We say they are going to work it out together in the autumn and there will be a protocol. We do not know what we are voting for. We do not know if we are voting for a Member to set aside the bulk of their time in this Assembly as the Speaker and to really give it their all, or whether they are just going to do it when legislation is being debated, so there is a lack of clarity about the scope of the job. Secondly - and

this has already been highlighted by a committee on which I sit - there is, I believe, an unrealistic assessment of the financial and staffing resources involved. I do not think we can sign up to a Proposition which does not give a realistic estimate of how much money it is going to cost this Assembly to do the job properly, if that job has to be done. Those are the 2 grounds on which I wish to refer this back.

7.2 Establishment of an elected Speaker (P.47/2019) - reference back

The Greffier of the States (in the Chair):

A reference back is being proposed, that is Standing Order 83 for those of you with the Standing Orders open. The Member has to provide the grounds for the reference back, either further information required, or resolution of ambiguity, or inconsistency. In my view the Constable has made the case for a reference back to meet the criteria in the Standing Order. I have no discretion and if that is the case and, therefore, the reference back is allowed if it is seconded. **[Seconded]** Does anybody wish to speak on the reference back?

7.2.1 Deputy M.R. Higgins:

This may sound slightly controversial, but I have made these points before. The Chief Minister made the point that the Attorney General came up with the view that it was a constitutional matter and I certainly dispute that. I would point out that the Attorney General is giving an opinion. Remember ...

The Greffier of the States (in the Chair):

Deputy, this is a debate on the reference back, it is not a debate on the main proposition. It is about whether the proposition should be referred back and, therefore, not debated today, or whether the debate should carry on. It is not the debate.

Deputy M.R. Higgins:

Could I explain why it should be referred back?

The Greffier of the States (in the Chair):

That is the point of the debate, yes.

Deputy M.R. Higgins:

Well that is the point I am making. I believe that an opinion was given and it is just that, an opinion. We have found in the past that legal opinions have not always been correct and low value consignment relief is an example, which cost us £1 million. The other thing too is I believe that part of the reference back should be to go to a U.K. constitutional expert, or an academic, who deals with constitutional matters. It is a specialist field when it comes to dealing with the constitution and I do not believe that we should just leave it to our own people, we should go to experts for it. So, I would ask as part of the reference back it go to the constitutional experts.

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

I disagree with the concept of a reference back in this instance. I do not think this proposition warrants a reference back. I think that the gaping holes pointed out by the Constable of St. Helier do not render it a worthy use of time and resources that a reference back would entail. I think we should just have the debate today and have the vote today, because I think that a reference back is designed for us to query a bit of information that is unclear and come to our attention at the very last minute. There are plenty of opportunities for Members to put in amendments before a debate, do research, ask questions, meet the proposer. In this particular instance, this topic has been widely discussed. We all have developed views on the matter and if there is a particular issue that needs airing I think

the debate is the forum for us to do that today, not a reference back which is simply going to take up lots of time and resources in itself.

7.2.3 Deputy J.A. Martin:

I cannot add one word to the previous Speaker, excellent speech and I agree with every word. We have the debate, we get it over and done with, you have a vote yay or nay, I am sorry.

7.2.4 Senator J.A.N. Le Fondré:

I agree entirely - I may not agree with her in the main debate - with the Deputy in terms of what she just said. This was lodged on 30th April. There have been no amendments. The comments were received from P.P.C. last night. In terms of the 2 issues that have been addressed, the point is that Members either like this as a compromise solution and think of it as a way forward, or they do not like it and they vote against it. That is it. The point is to try and bring a resolution. I was asked by certain Members who thought the original proposals that came through, when we circulated them as part of the working group, had merit, and that this Assembly deserved to have that opportunity to consider them. It may be that people, during the course of the debate, identify certain issues and so, yes, it may be that we need to go explore further, but we will only get that information from Members expressing those views. In terms of the outreach side, I will say - certainly it has been what is said to me directly - in the past the Bailiff has offered to do outreach programmes and I believe he has never been taken up on that issue. But that is why on the basis that the capacity has previously been offered, I believe there is additional capacity being put into the Greffe as part of the proposals coming forward in the Government Plan and I also believe that, obviously, there is the existing programme, that any additional financial impact thereafter will be small, certainly in the initial years. The fundamental principle on this - and it is for Members to decide whether they want to have that debate today or not, I absolutely endorse what Deputy Perchard has just said, so I will not be voting for a reference back, oddly enough - is that Members should know where they are on this. They either want to keep absolutely the *status quo*, they either want to remove this Bailiff completely, or they would try a way forward. This is about having some flexibility, getting the posts in the right place and giving them the flexibility to work out those ways of operating. As soon as it becomes legislated for then we start arguing over different points. This is about getting some principles in place and then allowing that to evolve. That is about having relationships and working with each other. On that basis, I really do hope that Members will reject this reference back.

The Greffier of the States (in the Chair):

Does any other Member wish to speak on the reference back? If not I call on the Constable to reply.

7.2.5 The Connétable of St. Helier:

I, too, was impressed by Deputy Perchard's speech; I do not agree that a reference back can only be used for last minute information. References back - and I am sure Senator Le Fondré, in a former life, has used them himself - are used as a genuine way to get more information out of the proposer and I think if this had come from a backbencher it would certainly have been referred back by Ministers, who would have said there was not the flesh on the bone, if I can use another culinary metaphor and I am sorry that the Constable of St. John did not come back with his own suite of dining images. There is clearly not much appetite for a reference back and I look forward to continuing my opposition to this Proposition in the main debate, but I maintain the reference back and ask for the *appel*.

The Greffier of the States (in the Chair):

The *appel* has been called for on the reference back. I ask Members to return to their seats and I ask the Greffier to open the voting.

POUR: 7		CONTRE: 39		ABSTAIN: 0
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Senator K.L. Moore		Senator L.J. Farnham		
Connétable of St. Helier		Senator S.C. Ferguson		
Connétable of St. Clement		Senator J.A.N. Le Fondré		
Deputy M.R. Higgins (H)		Senator T.A. Vallois		
Deputy R. Labey (H)		Senator S.W. Pallett		
Deputy S.M. Wickenden (H)		Senator S.Y. Mézec		
Deputy I. Gardiner (H)		Connétable of St. Saviour		
		Connétable of St. Brelade		
		Connétable of St. John		
		Connétable of Trinity		
		Connétable of St. Peter		
		Connétable of St. Mary		
		Connétable of St. Ouen		
		Connétable of St. Martin		
		Deputy J.A. Martin (H)		
		Deputy G.P. Southern (H)		
		Deputy of Grouville		
		Deputy K.C. Lewis (S)		
		Deputy M. Tadier (B)		
		Deputy J.M. Maçon (S)		
		Deputy S.J. Pinel (C)		
		Deputy of St. Martin		
		Deputy of St. Ouen		
		Deputy L.M.C. Doublet (S)		
		Deputy of St. Mary		
		Deputy G.J. Truscott (B)		
		Deputy J.H. Young (B)		
		Deputy L.B.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)		

The Greffier of the States (in the Chair):

The Constable is entitled to carry on with his speech in the main debate if he wishes, though I note it is 12.44 p.m.

7.3 Establishment of an elected Speaker (P.47/2019) - resumption

7.3.1 The Connétable of St. Helier:

I would be quite happy to finish my speech now and then I will not have to reflect over lunch, if I may. I have already indicated in my opening remarks that this is a very woolly Proposition. It has been called a fudge by other Members and we seem to really be in these food images - I guess it is because lunch is coming - but it is incredibly unclear. I want to say 2 other things to the proposer. First of all, if he thinks if this is approved that it will put the matter to bed he is gravely mistaken, because it will not. I am afraid it is a matter of ideology, this matter will keep coming back to the

States until we are mature enough - to borrow his word - until we really become a mature democracy and we have an elected Speaker. Because I am afraid it is immature democracies that stay in the 16th century and do not change. So, it will not be put to bed and I am sorry because I know the present Bailiff does not like the fact that we keep having these debates, but we will keep having them until this matter is properly put to bed. The second point I want to make is that it is quite an extraordinary document, P.47/2019. I remember bringing a Proposition myself to have an elected Speaker - I am one of many Members who have tried it - and I was castigated by a former Bailiff, then I think a Senator, for the brevity of my report supporting the Proposition. Well, I am going to castigate the Chief Minister because the bulk of his report has been written by the present Bailiff, a person hugely conflicted in a political arena. I think it is inappropriate that we have had this report put to us, which has largely been co-written by the holder of the office that some of us believe should be consigned to history. I will be opposing P.47/2019.

LUNCHEON ADJOURNMENT PROPOSED

The Greffier of the States (in the Chair):

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

[12:43]

LUNCHEON ADJOURNMENT

[14:17]

The Greffier of the States (in the Chair):

We are going to resume the debate on the Proposition entitled ‘Establishment of an elected Speaker’ from Senator Le Fondré.

7.3.2 Deputy M. Tadier:

It is not uncommon for speeches to not directly deal with the subject at hand and I think that is one charge that I would level against the mover of this very bizarre Proposition, but he surpassed that often-attained goal and managed to speak against his own Proposition. In order to explain what I mean by that, let us look at what this Proposition is, rather than what it is not. The Constable of St. Helier quite rightly gave a salutary reminder about the wider context of this debate and why it is not going to go away anytime soon, because this is an issue of principle where there are often 2 sides that just cannot agree. It seems that the mover of this Proposition is trying to appeal both to those polarised opposites and the middle ground, as some kind of compromised position. I was also pleased that the reference back was voted against thoroughly overwhelmingly, because it would have elevated this Proposition to a status that it did not deserve and it would have focused our minds and energies on an issue that has been well-rehearsed, rather than dealing with any fundamental issue. The reason I say that the Chief Minister spoke against his own Proposition was because he is saying that there is a problem if you elect a Speaker from within our membership, you might possibly disenfranchise your constituency. That is what he is saying and I understand that argument that is being put forward. It is perhaps one of the more coherent arguments, rather than a visceral one that is put forward in the whole wider debate of the role of the Speaker of the Assembly and it is not one that I buy into because I see the role of Speaker as it is a political role and if one were to be elected to the Assembly and the Assembly were to decide that any particular Member should be a Speaker, that would simply be another function of the Assembly and one would be acquitting one’s duty to one’s constituents by serving in that particular role, so I disagree with that. But, for the Chief Minister to say that he is still going to propose that we have an elected Speaker, albeit for a very small part of the presiding time,

is not in line with his own particular view. That is why I find it even stranger that he would be using that as an argument. There are a couple of other issues. I would not vote for this Proposition even if I thought that ultimately it would lead us to a position where we had an elected Speaker full time. The reason I would not do that is for the following. I think it would be dishonest of me to support something for reasons that were not completely open and transparent. If we are going to make the change to having an elected Speaker, we should do it because the majority of us are in agreement that that is the correct procedure and the correct way forward and that we should not attempt to do it by some form of evolution. I was thinking over the lunch break, I do not know why the aphorism of evolution rather than revolution has become so popular in the wider political vocabulary. I think part of the reason is it is used to try and steady the horses and say: "We do not want to make any vast sweeping changes, let us just change little by little." But anybody who has read Richard Dawkins will know that when he talks about the principle of evolution, he refers to it and compares it to that of a blind watchmaker. The point of evolution is that there is not a particular outcome that you look at and say: "By doing this we will, therefore, come to this position." The mover of this Proposition on the one hand is saying to us: "If you want to get to the position where you have an elected Speaker then do it this way, because evolution is better than revolution. You are never going to get change through in Jersey unless you do that." But the reality of evolution is you do not exactly know what you are signing up to, because that is the way evolution works, you have genetic mutations and if you take on the political analogy of that we are being asked to make decisions today when we do not know what the real outcome of that will be. That is not the way we do politics. Similarly, I would say to any staunch supporters of the role of the Bailiff in this Assembly that they should not support this either, because it could lead them down that blind alley of the blind watchmaker. It may well be that we find that we get an elected Speaker in this Assembly and we find: "This works pretty well, does it not?" It will not just be when the Bailiff pops out for convenience, or because we sometimes sit on a Friday and he has got court duties; that will become the norm and we will find out that: "Why are we paying the Bailiff to sit in this Assembly when we can have an equally competent States Member to carry out that role?" So, the idea of equal work for equal pay, which I know is something that is important to the Chief Minister in his other hat, as the chief of the States Employment Board, it becomes a legitimate argument for anyone in this Assembly, or on the outside, to then say if a States Member can perform the function of the President of this Assembly for let us say £46,000 a year - because that is the going rate for a States Member - that then opens up the legitimate question of saying that whenever the Bailiff is in this Assembly presiding he should get a *pro rata* payment of £46,000 a year and he should get paid less for the time he spends in this Assembly than what he spends in that other place. That is entirely rational and that would be consistent with equal work for equal pay unless, of course, we are going to have an exception for the most highly paid public servant in Jersey and that the rules do not apply to him. I refer to him in the masculine, because there is no way, in the foreseeable future, that under the current system we will see a female Bailiff under the current mechanism of job succession. So, it is entirely possible and, of course, that is one of the merits I could make in argument today quite easily as to why we should go down this route, because it might mean that we get a female Speaker in the Chair very occasionally. But that brings me to the final point which is what we are debating today is not the role of the Bailiff and that is why I have not talked about the Bailiff and the merits of him being in this Assembly primarily. We are talking about whether, or not, it is better to have an elected Speaker when the Bailiff and Deputy Bailiff are not here, or whether we are better served by the Greffier. That is essentially what the Chief Minister is saying to us today. There is a certain irony which has not escaped me - and I do not want to embarrass the current Chair unnecessarily - but if there is a conflict of interest today it was not necessary for the Bailiff to recuse himself, because we are not fundamentally talking about changing the Bailiff's role. We are talking about changing the Greffier's role, so that in this current scenario it would not be him chairing, or it would not be ma'am chairing when it is her turn, it would be one of us. I put it to anyone in this Assembly: do you think that it is better to have an elected Member chairing very occasionally, or the Greffier, who does not have to give up his constituency work and

does not have to withdraw from this Assembly in any debate? It begs an even more fundamental irony that we would be giving the decision as to when an elected Member of this Assembly were to chair, entirely to the Bailiff and Deputy Bailiff. They could decide when they did not want to be here and they would decide when an elected Speaker ... the whole thing is a complete mess. Therefore, for that reason, even though the blind watchmaker may well through this strange evolutionary process end up to a position where we might be somewhere where some of us want and some of us do not; I cannot support this. I would have expected better from the mover of this Proposition. I could see the logic of it when it was simply a wrecking amendment to Senator Mézec's Proposition, but now it does not seem to serve any particular function and we will see what the result of any vote is.

7.3.3 Deputy M.R. Higgins:

Earlier, when we were talking about a reference back, I mentioned about legal advice. Now, I do not mean any disrespect to the Solicitor General, or the A.G. (Attorney General), but the point is legal advice is exactly that. It is an opinion. The only time that the advice becomes solid beyond dispute is when a court rules that the advice they have given, or the view they have taken, is correct. I have got to make the point that we take their advice, they are well-educated, well-qualified people, but again it is an opinion. We have had, in the past, things like low value consignment relief where it did cost the Island £1 million when we disputed that in the U.K. and it was bad advice. Guernsey only spent £60,000 and got the same answer we got. I think they knew that they did not really have a case. Equally, we have had other things like the Alwity case, which the States Employment Board are constantly being advised to keep on pursuing. I do not know where their negotiations are, but it could be that is still going to cost us another £3 million when we get it wrong again and they have lost everything in the court so far. That is a point. The other point too is that no matter how able our legal advisers are, they are not constitutional law experts. The A.G., for example, I believe his background was in criminal law, he was a criminal prosecutor. I do not think the Solicitor General was a constitutional expert. But the point is, I do believe that if we are going to look at this and we are going to argue this case back and forth and it is a constitutional matter, we should speak to the people who really know about the constitution and know about the law and get the best possible advice. The second reason why I will not be supporting this - and Deputy Tadier has come on to it really - I do not think it should be an elected Member of the States. I believe we are ably served by the Greffe and the Greffier and the Assistant Greffier have chaired this Assembly on so many occasions and no one has had a complaint. **[Approbation]** I can say, without doubt, I think it is universally accepted in this Assembly that they are impartial and they have done brilliantly in the job they have done. So, as far as I am concerned, I believe that we should be looking at the Greffier and the Assistant Greffier chairing the Assembly in place of the Bailiff, not only for the cost grounds that Deputy Tadier has said.

[14:30]

I might say that 2 comments come to mind from the past in dealing with previous Bailiffs. A previous Bailiff, when I was on P.P.C., when I first came into the States, we were looking at the role of the Bailiff even back then, that is about 11 years ago and one Bailiff said ... I suggested the Greffier and the statement was: "Well, he is a clerk" and I think what a snobbish and sort of almost elitist-type view of what the role of the Greffe is. For example, when there is a challenge to the Standing Orders, or whatever and what happens? The Greffier, or the Assistant Greffier, goes up to the Bailiff and is pointing out which sections of Standing Orders. They know the rule book better than anybody. So, I do think we are going the wrong way on this one. I think the Chief Minister has come up with a fudge and it is not going to satisfy everyone and I shall be opposing it. Even if it does go through, I will probably bring back a Proposition to make the Greffe do the role, rather than the Bailiff. They may not want it, but that is coming.

7.3.4 Deputy J.H. Perchard:

I am strongly against the idea of electing a Speaker from within the Assembly, particularly if that Speaker were only to step in if the Bailiff and Deputy Bailiff were unable to preside. It is easy to imagine a situation when an elected Speaker would spend the morning acting as a States Member, voting and asking questions, followed by an afternoon of presiding over the Assembly. Changing from one to other in this manner, I think, would be difficult, as it would require a Member to switch unexpectedly, or with very late notice, from being an active politically driven Member to one who is expected to be completely impartial. I do think this would be a difficult mental shift for anyone in this position. I am also opposed to the idea of having an elected Speaker from within under our current electoral structure. If I were the Speaker, for example, at those times when I would be presiding my district would not be represented by a Deputy. I think that is wrong. Under the new electoral reform proposals, should they pass in September, there would still be an impact in this way. If I were one of the 5 elected Members - or 6 in St. Saviour, but I will use 5 because it is a majority - and I became the elected Speaker, at times when I would be presiding my district would be 20 per cent less represented than everyone else, which again I think is wrong. Finally, even though the elected Speaker in the Chief Minister's Proposition would only be able to preside when the Bailiff, or Deputy, were not available, I do not think it would be appropriate for that Member to preside over a debate on a government policy if they were also a member of the Government. Likewise, I do not think it would be appropriate for a member of a Scrutiny Panel to preside over a debate on policy they have scrutinised. Due to the unpredictable nature of when the elected Speaker would be needed, I think it is impossible to avoid this conflict if the Speaker is also an active Member of the Assembly. I would be happy to see this Proposition pulled from the debate. That is the exact wording - not quite exact, I changed the pronouns obviously to third person - but that is the email I sent to the Chief Minister on 21st May, to which I did not receive a reply. Comments made in his opening remarks suggest that the Chief Minister perceives this debate as an indicator of the feeling of the Assembly regarding whether, or not, the Bailiff should preside over the Assembly, or whether there is an appetite for an elected Speaker. I refute this implication for several reasons. Firstly, if this was truly an exercise in identifying the mood of the Assembly, then this absolutely is not the way to achieve this goal. If the Chief Minister wants to know how we feel about the prospect of an elected Speaker, whether within or without the Assembly, there are other more appropriate ways to do this that do not include a debate and are certainly less timewasting. At this point, Sir, with your permission I would like to ask the S.G. a question, before continuing my speech. Solicitor General, my question is would it be appropriate for an elected Speaker, who is less likely to have the legal training of the Bailiff, to be advised by the Attorney General, or your good self, on legal determinations such as the interpretation of Standing Orders, or the approval of questions for lodging?

The Greffier of the States (in the Chair):

I am not sure that is a legal question, as such, it sounds more like seeking an expression of opinion. I feel quite conscious of my status here, Deputy, as a non-lawyer, exactly in the position you are describing.

Deputy J.H. Perchard:

Sure. I perceived it to be a legal point, maybe I could clarify with the Solicitor General whether it is, or not, a legal point.

Deputy M. Tadier:

Can I help with a Standing Order that you can answer as the Chair, if I ask a question of a Standing Order?

The Greffier of the States (in the Chair):

Let us deal with Deputy Perchard first. I do not think that is a legal question. You are inviting a comment about whether something is appropriate, given that somebody in this Chair might not have

legal training and be advised by somebody who is an expert lawyer. I am not sure there is a legal question there.

Deputy J.H. Perchard:

OK. I perceived that there might ... OK, well I will just continue. My perception is and my understanding is that there might be some issue with a Member sitting in the Chair obtaining advice which would have legal determinations, on the interpretation of Standing Orders, or the lodging of particular questions. That was my point that I was hoping to have affirmed by ...

The Greffier of the States (in the Chair):

If I can help with that, things like lodging and the tabling of questions, they do not happen in the Assembly, they happen outside the Assembly. It is not unusual for non-lawyers to get advice from lawyers and then to decide how to proceed on the basis of that advice. I am not sure how much more I can say on that. If the Solicitor General wants to say something then feel free.

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

I am grateful, I think I largely agree with you. In terms of questions concerning Standing Orders and the lodging of questions, those are normally procedural matters which the Attorney General does not advise on. So, as I understand, the proposal that is contained in the Chief Minister's Proposition, that position would largely continue. In terms of questions concerning legislation, obviously the Attorney and my role as far as assisting Members with questions on legislation is concerned, that also would continue. I hope that assists.

Deputy J.H. Perchard:

Thank you. I think that should this Proposition be adopted, which I hope it is not, that would certainly be an area to explore in more detail, because I do see a potential for there to be a conflict when it comes to seeking legal advice and, therefore, a resource implication, i.e. would we need to source, or resource, another person, perhaps, to provide legal advice to a Speaker that is separate from the Attorney General. But that is something that I am still unclear on, so would certainly need further development. Following on from that, just to continue looking at resources, I do not think that this Proposition assessed competently the potential cost and resource implications in full. As was alluded to by the Chief Minister and has been pointed out by P.P.C. and this is a quote from the report: "The report accompanying the Proposition states there are no financial or manpower implications arising from it. P.P.C. does not consider this to be an accurate statement. Paragraph 1 states that additional resources to support a Speaker should be provided within the structure of the States Greffe. There are likely to be some additional resources. A Speaker may wish to travel to meet other presiding officers; they may wish to host dinners, or receptions, for visiting parliamentarians. There may also be a need for additional staff resource to support the Speaker, particularly if it is envisaged that the Speaker undertakes outreach work in the Island." I do think it is naïve to think that there would not be any requirement for further support of someone to take on that role, particularly if they are doubling up in their role as a States Member. The Chief Minister briefly commented on this in his opening remarks, stating that he thought it would not be that much of a cost, because it was largely due to 'displacement', whatever that means. Thirdly, a vote against this Proposition is not a vote against the concept of an elected Speaker. In fact, I think it is likely that Members who do support the notion of an elected Speaker are likely to reject this Proposition, because it is completely impractical and poorly considered. The outcome of this vote cannot be taken as an indication of whether, or not, Members support the idea of having an elected Speaker, or not. To do so would be a gross misrepresentation of Members' views. I urge the Chief Minister to pull his Proposition. I do not think there is an appetite for it today, reading from the mood of the Assembly on a wider scale. I think for the benefit of us moving on to the next item it would be very good to wrap this up.

7.3.5 The Connétable of St. Martin:

I am pleased to follow Deputy Perchard. I will put my cards on the table and say I do support the role of the Bailiff in the Assembly and the role of the Greffe as Speaker when the Bailiff is unavailable. But I find this Proposition troubling, because I am not convinced that this Proposition will do anything to make this Assembly more democratic and simply offers an unseemly halfway house. Indeed, there is genuine concern that it will do the opposite. What this Proposition means is that we force one lucky constituency to lose its representation in times when the Bailiff and Deputy Bailiff are unavailable. It would be particularly concerning if the Speaker elected just so happened to be one of the Assembly's most experienced, or knowledgeable, Members regarding certain Propositions and themes, thereby denying us access to a vital perspective and potentially making our decision less informed in key debates. It removes a voice and a vote. How is that more democratic than the current system? Furthermore, does this Proposition not risk misuse? The Proposition does not seem to dissuade the elected Speaker from campaigning for certain policies that they may then have to oversee the debate of - something that I find troubling - thereby potentially calling into question the authenticity of their impartiality to a far greater extent than we currently witness with the Bailiff. I feel that the Assembly should have confidence in its own independence and not need the fig leaf of one independent Speaker elected from the Assembly.

7.3.6 Senator S.Y. Mézec:

This debate is, of course, a complete and utter waste of everybody's time so let me explain at length why that is the case. I am sorry to say that I disagreed with pretty much every single word that was said by the Chief Minister in his opening speech. I think it was badly researched and I think it misunderstands a large proportion of the legal principles that underpin this and I think far too much weight is being given to sources that simply are not as credible on this issue as the sources that know what they are talking about much more. Lots has been made in this debate about the role of the Bailiff as guardian of the constitution and I keep raising this point because it is simply a fundamental misunderstanding of the role of guardian of the constitution when it is spoken about in the context of the Bailiff as President of the Assembly. The role of guardian of the constitution is and will always be the Chief Justice of the Court, not the Speaker of the Parliament. The Speaker of the Parliament has no powers or ability to act as guardian of the constitution; it is the Chief Justice who does. Removing the Bailiff from this Assembly does not affect his role as guardian of the constitution and it is a misunderstanding of that role and we cannot move forward on this issue until people understand how that works. Questions were also raised about the civic head of the Island, how if the Bailiff is removed from the Assembly he will cease to be the civic head eventually. I ask the question: who would take over as civic head? There is literally nobody else in the Island better placed to take that role and it will not happen. It will not be the person who would become Speaker, that would be a politician; there is no chance of the public accepting that person as civic head. It will continue to be the Bailiff, because that is who it is, that is what the entire consensus is. So, I think it is absolutely a spurious argument to suggest that the Bailiff would not be civic head if he were removed from this Assembly. But the biggest problem I have with this Proposition - and frankly I do not even know how it is in order - but this Proposition is misleading the Assembly and the public, because it asks to call someone a Speaker when they will not be the Speaker. The Speaker of this Parliament is the Bailiff, it will continue to be, it will be a word which is meaningless and will be ascribed to someone who will not be the Speaker, so I do not even know how this Proposition is in order. But there, I think, are 2 points I want to highlight that the Chief Minister made in his speech. He talked about Montesquieu and I thought this point was particularly funny, to be honest, about how some philosopher from the 18th century pre-revolutionary France admired the British constitution of the day, as if the British constitution of the day is any model to consider when looking at democracy around the world today; a Parliament which, at the time, was packed full of rotten boroughs, the fact that it had a House of Lords made up of unelected hereditary peers, which also acted as a court.

[14:45]

Let us not forget that, in 2003, the U.K. separated the judicial functions from the House of Lords, because even they recognised that their constitution was simply not good enough and having that connection between the judiciary and the legislature was inappropriate, so they made that change. So, to invoke the views of 18th century philosophers is frankly a ridiculous thing to do when there is so much more up-to-date and relevant precedent that can be looked at instead. But the point he made about the overlap between the executive and the legislature, again, I think is an interesting point to raise in these debates, because it is not a bad point. There is a lack of separation of powers when it comes to the executive and the legislature. He referred to the other jurisdictions in the British Isles that do not have that separation and he is correct. I can think of one jurisdiction that Jersey is quite closely connected to that does have that separation, it is called Madeira, where they have an elected Parliament and where their executive has to be removed from the Parliament. I say if that is considered a problem in Jersey, let us have that debate. Why shut down this debate on the separation between the legislature and the judiciary by saying: "We cannot even have that debate, because we have problems with the separation between the executive and the legislature." No, let us have that debate as well. I have got nothing to fear from that debate being had, looking at if there is a better government system that can be adopted for the Island and there are plenty of examples around the world that could inspire us there. That is a completely spurious argument to say: "Well, it is OK to not have a separation of powers in this area, because we do not have it in this area, as well." The particular part of this Proposition that I have to address about the person who would go on to be elected Speaker to have to resign their membership of a political party is frankly, in this context, completely undemocratic. If a person were being elected to be Speaker and be President of this Assembly then, yes, absolutely right, they should resign their membership of a party, of course they should, that is what happens elsewhere and they would have to be impartial. But, to be a part-time Speaker, it is completely unnecessary to take away that part of their political mandate and this does not happen elsewhere. In the House of Commons the Deputy Speakers, the Chairman of the Ways and Means, all remain members of their parties. There is a balance from the different parties up there as well. So, to suggest it in the Jersey context, with this ridiculous version of a Speaker that is not a Speaker, is frankly completely undemocratic and if any other aspect of this proposition is accepted, I certainly hope that part of it is rejected and seen for what it is. This debate will come back to this Assembly at some point in the near future. As the Constable of St. Helier said, this is ideological at the end of the day. There is no meeting in the middle on here; you either believe in the separation of powers, or you do not. I happen to think that the separation of powers is fundamental to democracy and there will be nothing that will change my mind on that, because I believe in democracy; I believe that everybody in the Island ought to have an equal vote; I believe that everybody in the Island deserves, by right, to have institutions that will protect their rights and branches of government which will defend a citizen from the other branches of government and that is simply not possible when there is this unhealthy overlap. An overlap which has been criticised by all of the constitutional experts who have looked at this and this alludes to the point Deputy Higgins was saying. We can look at this as many times as we like. We are not going to get a different point of view to the one we were given by Sir Cecil Clothier, we are not going to get a different point of view from the one we were given by Lord Carswell, we are not going to get a different point of view to the one we were given by Rabinder Singh Q.C. The points of view that are expressed are frankly not as informed as the experts when those offer a point of view that suggests this is not acceptable. I remain frustrated how, when this debate rises, the one key case that is not referred to by anyone is the Sark case where this element of their constitution was identical to Jersey's. They had an unelected Speaker, who was also Chief Justice of their court. It was challenged in the U.K. Court of Appeal, which ruled it was not E.C.H.R. (European Convention on Human Rights) compliant and they had to split it because of that. That is the relevant case, it is never brought up here and I worry that, one day in the future, it could be challenged, or will have a transnational body, or whether it is the U.K. or anything else, look at this and will issue a verdict on us that will not be welcome for us as an Island in the post-Brexit world, or in the wider world, as we seek to continue to play our part as we rightly ought to. It beggars

belief that in the year 2019 some people still have not realised that we need to be a 2019 democracy. We need equal votes, we need a separation of powers, we need an elected Speaker and those who insist on keeping Jersey in the dark ages are doing their Island a disservice. This Proposition is doing our Island a disservice and I urge Members to reject it.

7.3.7 Senator K.L. Moore:

I have absolutely no wish or desire, as I believe most Members do not either, to prolong this debate. However, I would like to seek some clarification from the proposer of the speech to provide further information. It was suggested somewhat in the very helpful comments from P.P.C. that there was a process behind the bringing of this Proposition, but a speaker - I think it was the Constable of St. Helier - raised a point about the provenance of the report and the speech and any assistance that the proposer may have received in terms of bringing this to us today and I would like the proposer to clarify exactly the origins of both the report and the speech.

The Greffier of the States (in the Chair):

Senator Ferguson. Is your microphone on, Senator?

7.3.8 Senator S.C. Ferguson:

It does help, yes. I was a bit concerned that Deputy Tadier seemed to be assuming that the majority of the Assembly were wanting to replace the Bailiff with an elected Speaker. But I think - and here I take exception to the comments made by the previous speaker - the Bailiff is not the Speaker. There is a difference between a Speaker and the President of the Assembly. I would suggest that the terminology in the Proposition is perhaps inaccurate and that the so-called 'elected Speaker' is an elected substitute President. Names matter. Perhaps Deputy Tadier is psychic; how does he know there will not be a female Bailiff. I would not like to bet on it, or at least I would like to bet that there will be. I will get it right.

Deputy M. Tadier:

I will take that bet.

Senator S.C. Ferguson:

OK. [Laughter] Sorry. Yes, Sir.

The Greffier of the States (in the Chair):

I am not sure betting is proper for the Assembly. [Laughter]

Senator S.C. Ferguson:

The opinion given, again, is an opinion, but it was an opinion given on the position of the Bailiff by Rabinder Singh. But the position of the Bailiff does not conflict with human rights; absolutely right. To think that there might be a conflict, we do have a very organised Judicial Department, we have an extremely organised Greffier's Department, the programme is well in advance and I would suggest that any conflict would be exceptional and exceptional things happen. Then we talk about the guardian of the constitution. Well, in America it is the President, the political representative, who is the guardian of the constitution. So, what is the comparable position here? Montesquieu also admired the position, not just in the U.K., but also that in the U.S. (United States). For instance, the Vice President of the U.S. is *ex officio* the President of the Senate. Montesquieu did not hold the fundamentalist view of the separation of powers, which considers that the 3 branches should be insulated from each other and this position was corroborated by James Madison. Really, as I say, the President of the States, as I have said, does not have the power of a Speaker, he is merely, I suppose, the guardian of good behaviour, which I do not think counts. He just keeps everybody in order and the fact that he is able to do it with a sense of humour, I think, is absolutely fantastic. I think I would have thrown something by now. But this is an attempt to put the arguments to bed and to have a

compromise between the extremist positions. The various extremists are never going to agree; therefore, let us try a compromise, which is the civilised democratic way of going on. I will support the Proposition.

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

I think I will probably start by thanking the working group that got together on such a polarised subject and tried to come up with something. This came to us at P.P.C. and I certainly did not think it was a thing that I could support anyway. I will go back. Where Deputy Perchard was talking about the challenges of having an elected representative that is doing the work of an elected representative and then jumping into a presiding officer position, I do not think that is possible at all. Within this Proposition whoever, if it gets passed, becomes the presiding officer for the Assembly would not be able to do any of their constituency, or any of their political work. You would not be able to lodge Propositions, ask questions. It would be untenable to have somebody in a role in both sides, so you would have to be one, or the other. I just do not think it is possible to go that way. In that way, when you look at it, the first thing I saw when I looked at this when it came to P.P.C. I thought: "This is just somebody that is going to keep the seat warm for the Bailiff." That is all the position is. You could get a hot water bottle that will do that, keep the seat warm. But this is not a position of a presiding officer, this is just somebody that when is chosen can go and sit in the seat. It is a seat warmer position and in that case it is pointless. It has absolutely no depth or anything to the position. You are emasculating a Member of the Assembly, that is elected by the people, so that they can sit in the seat in very rare occasions - and it probably will be very rare occasions - and that is just unacceptable. It is an unacceptable place to be in to try and say that that is a compromise. The Chief Minister said in his opening speech that this is an evolution of the position of the Bailiff. Well, it does not change anything to do with the Bailiff. The Bailiff is not sitting in the seat right now, because somebody else is presiding over the Assembly. This would be no different. There is no evolution. It would be an evolution of this Assembly, it would not be an evolution of the position of the Bailiff, because nothing changes. Nothing changes, except we get to choose somebody that would replace where the Greffier is sitting right now. Again, I do thank the working group for the work. It is polarised, there are 2 sides, it is very Marmite, this, in the way that it goes, but they have come up with the wrong answer and that is why I would not support it coming from P.P.C. when it finished in the working group and that is why I will not be supporting it today.

The Greffier of the States (in the Chair):

Does any other Member wish to speak in the debate? If not, I call on Senator Le Fondré.

7.3.10 Senator J.A.N. Le Fondré:

Well, I thought the baiting and the bruising would go on for a bit longer, but I thank all the Members who have spoken and it has been a tolerably civilised debate. So, let us just remind Members why this got to where it came from. Do not forget, somewhere around in April, or May, we had a debate brought by Senator Mézec on the position of Bailiff and for the second time that type of Proposition was rejected and that was after the Assembly had, for the second time, agreed that a referendum should take place. As far as I can see, to address some of the comments that have come through, that for Deputy Higgins it is a constitutional change because it requires a minimum of 25 votes.

[15:00]

That is what Standing Orders say, because you are changing the States of Jersey Law. That defines the make-up of the Assembly and that is me speaking as a layman, let alone, as I have previously stipulated, but I think it was the question for the Attorney General, that I outlined the reasons ... sorry, a question put to the Attorney General by Senator Ferguson last year which outlined the reason why it is a constitutional change. I take the point that Deputy Higgins will disagree with that, but that is the position, as laid down by our legal advisers. So, let us be clear, this was lodged at the time around

the previous debate and it was not done as a wrecking amendment, it was done to give an alternative; it is a compromise. That is the clue in the word. I felt it would have been disrespectful, once Senator Mézec's debate had been withdrawn/defeated depending on your viewpoint, to then withdraw this proposition. I felt it should come to the Assembly. Deputy Wickenden did allude to the fact that the working group did find ... we had some very different views on the group. Deputy Russell Labey can vouch for that, as can Deputy Ash and Deputy Truscott. When the letter came from the Bailiff and it was a public source, he was very keen it went out to the public domain and he is very appreciative of the fact that we asked him for his opinion. One has the impression that that has not been happening enough in terms of when we are dealing with this role. So, that either made our life much more difficult, or it made our life much easier, you can take your pick, because obviously it then came down to what we are hearing today about polarised views. But the point I would say - and I hope that answers some of Senator Moore's questions, I am not going to rise to any of the other points - but the clue is in the fact that in the appendix is the letter from the Bailiff. So, I did not think there was much more in doing long laborious reports. The report is my own words; the appendix, fairly obviously, is not. The author is at the end of it, I believe. Now, what it does, it formalises the present process. Members may not have noticed - and it is happening probably more often these days - that often the Bailiff, or the Deputy Bailiff, do not sit in the Assembly when we are dealing with legislation and that is why I have said it resolves the perception issue. That may be why some people do not like it, because by resolving the perception issue it takes away one of the fundamental arguments that some people have around the separation of powers, because it is defensible. One can say: "We think it was just a perception issue, but we have addressed it." So, for those who are against the role of the Bailiff, I would say, or submit, it is because they do not like the role, because they are dead set on copying a British system. We have heard it is ideological. I might suggest that there are quite a large number of M.P.s (Members of Parliament) in Westminster at the moment, in the House of Commons, who might have slightly different views on how apolitical the present Speaker is. That will be their opinion, obviously. I would submit it from this end in that I would say eyebrows were raised when individuals there, or that individual there, allowed a debate to take place on beneficial ownership, which would have had a direct impact, would have been one Parliament legislating for another jurisdiction. I will not go any further on that, but the point about perceptions and who is apolitical and impartial does not mean that the system that is being suggested by those who want to remove the Bailiff, that the system they are suggesting is the panacea for all the problems that they seek. Now, we have agreed many times to retain the Bailiff and I do like the Connétable of St. Helier and I like Senator Mézec on many grounds, but on these we know we fundamentally disagree. I am afraid I do think that the Connétable did rather show his true colours: "It is going to come back until we get our own way." Without the thumping. **[Members: Oh!]** That it was ideological; there is no compromise. So, that is all we are trying to do, we are trying to say this achieves the perception issue and is a compromise. It formalises - I think that is the right word - the present situation that we currently have that Members may not have spotted that is taking place. But, as I said, I would submit that because by removing the perception of a conflict of interest I think it undercuts one of the key arguments for the detractors of the role of the Bailiff. I will try to address a couple of remarks. I think one of the key ones and it was raised certainly by Deputy Perchard. I think it was raised by Deputy Wickenden. I am not going to worry too much. So, there were only 2 or 3 remarks about how is it going to be possible for somebody in the morning to be taking part in the debate in the Assembly and in the afternoon to sit and preside. The person, I would submit - and not necessarily now because he is now a Minister - but I can certainly point to the Connétable of St. Clement as somebody who has directly experienced that. In the previous Assembly I can recall absolutely him sitting in the Chair. So, we have had an elected Member, nominated by the Bailiff, to sit in this Chair and he did it very ably. So, yes, it can be done and funnily enough we have done it. I think one point ... Senator Mézec I felt got very passionate, which he always does. I am afraid I rather felt his arguments were flawed, as well. But I think that is around the point around the separation of powers argument is Montesquieu is, as far as I am aware, the source of the principles of the separation of

powers and illustrating it, but the concept is not properly understood. But then I brought it forward to here and to today and what I am saying is if the issue of the Bailiff is the separation of powers and if the issue is separation of powers, we have far bigger issues in terms of separation of powers by the fact that Ministers and the executive are in this Assembly; the Senator is absolutely right. I have sought to understand the system in Madeira, because they go for that complete distinction, but it is under a party system, which does not fit our model. It may be something that Senator Mézec and his party want to get to, but at present we deal with the here and now. Sorry, I am just trying to find ... I think that has hopefully addressed a number of the remarks. But what I wanted to just sum up with, I think, is every time I come into this building I am reminded of nearly 800 years of history and that is the board that we walk past every day. I think it is Philippe L'Evesque - and I might have the pronunciation wrong - who is noted on the board as the first Bailiff of the Island back in 1277. In the 1660s we also had various members of the de Carteret family, which ties into the English Civil War, the granting of New Jersey, the granting of the Royal Mace when it is here. You know, not in this debate, but people have touched on it in the past and do not forget about what is written on it: "Not all doth he deem worthy of such a reward, Charles II, King of Great Britain, *et cetera*, as a proof of his Royal affection towards the Isle of Jersey has willed that this Royal Mace should be consecrated to posterity and has ordered that hereafter it shall be carried before the Bailiffs, in perpetual remembrance of their fidelity [it keeps going on] during the fury of the civil wars, when the Island was maintained by the illustrious Philip and George de Carteret, Knights, Bailiffs and Governors of the said Island." It is a symbol of Jersey's ancient links with the Crown. Yes, it goes back a long way, but that is about history and culture, it is not about us living in the dark ages and that point I wanted to make very clear. As far as I am concerned, we should be proud of our differences where they work. I believe this is a function that works very ably and I believe we are very well served by the impartiality and the training of the people who preside over this Assembly. From what I have seen in action, they very ably stand up for the rights of backbenchers, even though, sometimes, the backbenchers do not recognise that and, therefore, sometimes it is a little bit a case of be careful what one wishes for. Now, as I go back to this, I felt it was important, especially having lodged the Proposition, for Members to have the right and the ability to consider it and to comment on it. It is something that I felt, given its provenance, it made sense that this Assembly should consider it. It is an in principle. As I said, it is about relationships, it is something that will evolve; whether that is the Bailiff, or this Assembly, I think that is semantics and hair splitting. It is a move forward. I do not think I need to say anything else, I think Members will have made up their minds now. But let us make the point: if one rejects this matter we have heard from Senator Mézec I believe, it is coming back again shortly. Therefore, one of the aims here, as I have said in my opening speech, is that the role of the Bailiff, particularly from certain quarters - and I say we just disagree in that area - is often attacked by a Proposition in this Assembly. It would be nice - and that is the wrong word - to give some stability to say we have achieved a change which addresses the fundamental issues of the perception and to let that evolve. Otherwise, where we are, which could be good, we will have rejected a compromise; we will have rejected removal and we have said we want a referendum. That means, I hope, anybody who does bring back a further Proposition, will recognise that this Assembly has previously said the people should decide, because it is a significant and constitutional change. What I am proposing is an evolutionary change, because it does not significantly change the role. It deals with putting on a formal basis what already happens. It does not mean it is a constitutional change. It protects the role of civic head by maintaining the role of President of this Assembly. I think I shall stop there. I shall call for the *appel* and I should do it *en bloc* and I hope Members will at least give it some consideration.

The Greffier of the States (in the Chair):

The *appel* has been called for. I ask Members to return to their seats. The vote is on the proposition *en bloc*. Can I ask the Greffier to open the voting?

POUR: 16	CONTRE: 31	ABSTAIN: 0
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Senator L.J. Farnham		Senator T.A. Vallois		
Senator S.C. Ferguson		Senator K.L. Moore		
Senator J.A.N. Le Fondré		Senator S.W. Pallett		
Connétable of St. Saviour		Senator S.Y. Mézec		
Connétable of St. Brelade		Connétable of St. Helier		
Connétable of St. John		Connétable of St. Clement		
Connétable of St. Peter		Connétable of St. Lawrence		
Connétable of St. Mary		Connétable of Grouville		
Connétable of St. Ouen		Connétable of Trinity		
Connétable of St. Martin		Deputy G.P. Southern (H)		
Deputy of Grouville		Deputy M. Tadier (B)		
Deputy K.C. Lewis (S)		Deputy M.R. Higgins (H)		
Deputy J.M. Maçon (S)		Deputy S.J. Pinel (C)		
Deputy of St. Martin		Deputy of St. Ouen		
Deputy G.C.U. Guida (L)		Deputy L.M.C. Doublet (S)		
Deputy of Trinity		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 of St. Peter		
		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)		

8. Housing developments for first-time buyers: allocation criteria (P.53/2019) - as amended (P.53/019 Amd.)

The Greffier of the States (in the Chair):

So we now move on to the final Proposition, entitled Housing developments for first-time buyers: allocation criteria, lodged by Deputy Gardiner, it is P.53/2019. Before the Greffier reads the proposition, Deputy, is the intention for this Proposition to be proposed as amended?

Deputy I. Gardiner of St. Helier:

Yes, as amended.

The Greffier of the States (in the Chair):

Does any Member wish to object to that, or can it be taken as amended? I do not see any objections, in which case I will ask the Greffier to read the Proposition as amended.

The Deputy Greffier of the States:

The States are asked to decide whether they are of opinion (a) to agree that the allocations and affordability criteria set by the Minister for Children and Housing, which determines when a family is eligible to access the Affordable Housing Gateway register and to purchase a house, should not give priority to anyone based on their ability to demonstrate close links with the Parish in which any

affordable housing development is located; (b) to agree that all families qualify to buy local property as first-home buyers should be treated equally; notwithstanding that anyone presently registered for Parish housing schemes currently under development in partnership between Parishes and the Affordable Housing Gateway should not be affected adversely as a result of this proposition; and (c) to request the Minister for Children and Housing to comprehensively detail and confirm the allocations and affordability criteria used to determine persons as being eligible to access the Affordable Housing Gateway register and purchase a family home, and to publish it by the end of 2019.

[15:15]

8.1 Deputy I. Gardiner:

This Proposition has 2 objectives. The first is to agree to remove an anomaly that gives priority to anyone seeking eligibility to access the Affordable Housing Gateway who can demonstrate that they have close links with the Parish in which any affordable housing development is located. The second objective is to request the Minister for Children and Housing to prepare and publish the allocation and affordability criteria used to determine persons who will be eligible to be included in the Affordable Housing Gateway register by the end of 2019. At the outset of this debate, I would like to thank the Minister for Children and Housing, Senator Sam Mézec, for supporting my Proposition. His declaration that eligibility for acceptance on Affordable Housing Gateway must be based on need, rather than on demonstration of the connection to a Parish in which the development is situated, basically fulfils the first part of my Proposition. His commitment to publish clear and transparent information regarding the criteria that will be used to judge applicants' suitability for inclusion on the Gateway is also welcome by me and fulfils the second part of my Proposition. Again, I thank him for his public declaration of support. Members will note that I amended my original Proposition and this is paragraph (b). I worked on this amendment with the Deputy of St. Peter, who pointed out to me that some Parishes had planned schemes that were already under development, money had been spent and promises have been made. Rightly, or wrongly, it does not matter, but it is on the table now. So, I also have had a discussion with Senator Moore and I do agree that it would be unfair to all concerned if my Proposition would affect these plans, so this amendment excludes plans that already have been made. The main aim of my Proposition is to remove the privilege, which clearly contains a bias and discrimination against anyone from accessing affordable development allocation for the first-time buyers. I stress this Proposition does not include sheltered accommodation in the Parish, because it is understandable that the provision of the shelter, this type of home accommodation, is important. The people lived in the Parish all their lives, they are connected to the Parish, they are connected to the community and they would continue to live in this community. It can be open for anybody else, but definitely this type of accommodation needs to have a Parish connection. Also, this Proposition does not affect any private Parish developments. If the Parish would like to go forward and develop privately the affordable housing scheme they can do it. Basically today we debate and vote about should there be one common Gateway criteria for affordable housing eligibility, based on need and no privilege granted to anyone simply because they may have close links to the Parish in which the housing development is situated and I am talking about the Housing Gateway register States developments. It basically will decide do we want one Gateway, or we would like to have 12 Gateways. Not having one common Gateway creates a barrier to people who do not have links with the Parish involved and it is unfair for anybody else who does not have these links. St. Helier residents - and I am a St. Helier Deputy - might be better off that you would vote either way, because if you have one Gateway they will be able to access the houses in the country Parishes and they will not be second-class citizens on the country Parishes developments. If you vote for 12 Parishes Gateway, let us make it clear, let us have from tomorrow all development in St. Helier allocated to St. Helier residents; as simple as that. Basically, I know what will happen. I received different emails through this time and one was saying: "Probably 50 per cent, at least 50 per cent, maybe more but 50 per cent for sure, will claim links to St. Helier, because they were born

in General Hospital.” How far can we go? Anyone with a housing qualification, regardless of where they lived before, gone to school, brought up their families, had grandparents born in that Parish, or relatives who are members of the Parish honorary system, or worked in the supermarket for 15 years, or the child worked for the Parish Battle of Flowers float should be given any priorities over any other qualified applicant because they can demonstrate close links to the Parish. By any standards this is grossly unfair to all others seeking to get their first house. What is close links? The list of examples of close links is endless and impossible to define making it fair. It is so unclear and so unfair and should not have a place in criteria for something as important as buying your first home in Jersey. How does it work today? Preparing for this Proposition I met with officers and asked, for example it was a development some years ago, we have almost 1,000 families on the Affordable Housing Gateway register. We need, according to the last reports ... I am not sure about the families, but according to the last report we will need 1,000 homes for the first-time buyers. So, how does it work? If a development is happening in a particular Parish, couple of clicks on the computer and all people who have a connection to the Parish jump on the top of the list and what we end up with is a single person buying a 3-bedroom house for first-time buying allocation because of the Parish link, renting 2 bedrooms out and paying his mortgage when there is a family with children in another Parish are still waiting. It does not matter where on the list they were, he has Parish connections, so he can get a priority. Please, tell me, Members how fair it is? What the Proposition aims to ensure is that the current unfair system of allocation of affordable housing through the register, a decision will be made regardless of the Parish links, it will be based on the need. I will not go through all points which I have stated in the appendix and in my report; just one sentence: the objective assessment of Housing Need report, which identifies the Island’s housing requirements for period 2021 and 2030 estimated that we will need 1,100 dwellings during 2021 and 2030. The latest figures from Affordable Housing Gateway show that the amount of affordable first-time buyers homes continues to increase, with 24 applicants registered last month. We know that last week it was published that we have 15 flats available in St. Helier. We have more than 270 applicants. Two weeks ago the review of access to social housing was published and the Minister welcomes it. The report clearly suggested that meeting family need is the core aim and it ought to prioritise over any other considerations. So, basically, the overall recommendation is meeting housing need should be the primary aim in the allocation of this system in social housing. I would like now to address the question of the fairness and equality. It is great to push equality and gender in the words and then behave in a way that is completely opposite to the basic of rules of equality. I can only express my disappointment at the shallowness of the arguments presented in the comments by the Chief Minister, who is supporting the continuance of a system that is bluntly unfair to the community at large. Nowhere in his response has he addressed the question of fairness, or how the current system complies in any way with the inspiration of the Common Strategic Policy of 2018/19, which this House so enthusiastically endorsed. Everybody knows this one: in our Common Strategic Plan we declared that one of 5 strategic priorities is we will reduce income inequality and improve the standard of living, by improving the quality and affordability of the housing and social inclusion. We are working on a one Island one community approach. How are the Parish links priority meeting this declaration? Voting today to keep Parish links as a priority is completely contradicting this declaration. One of the 8 common themes of the Common Strategic Plan: we will nurture a diverse and inclusive society of a diverse community made up of different nationalities, ages and genders. Sometimes, these differences act as a barrier to participating in the society. As a Government we will work to remove barriers and promote inclusion and equal opportunities for all. This includes supporting inclusive communities, encouraging greater diversity in boardrooms and in the Assembly. Based on our Common Strategic Plan, we need to ensure that every qualified resident will be given equal opportunity to access affordable schemes to all qualified Jersey. This is basically the time to openly declare are we just talking. We are just using the sentence: “One Island one community, we are stronger together” or we really believe in it and we are acting. I saw the argument by the Chief Minister that the criteria of the Parish connection is important to greater incentive for Parish

community. I think it is a bit misconceived. The statement is provided there is no evidence to show that the inclusion of a small portion of people with no previous connection to the Parish into the Parish population would lead to a dilution of the Parish system. I find it difficult to understand that the Chief Minister has been unable to grasp this fundamental principle of fairness and I hope the Chief Minister will reflect on the inspiration within his strategic plan and reconsider his comments and support for my Proposition today. No one can change a place where they were born and it is just not right to give people preferential treatment based on something that they cannot change. I will give you another example. During canvassing in 2018, I met the Trinity team on a small country road and basically it took us time to understand, me personally, that the houses on the left side of the road they are Trinity and houses on this tiny country road, there were maybe 4 houses on the right-hand side of the road are houses for St. Helier. What does it mean? One, we have a criteria for Parish links. If my grandfather bought on the left-hand side of the road I will be, as a grandchild, extremely happy and will get priority in Trinity. But, unfortunately, my grandfather bought a house from the right-hand side of the road and it is in St. Helier. Oh, we do not have Parish developments. I think that even suggestions that somebody needs to check their family trees to see if they have a connection to a Parish, which makes them eligible for an affordable house scheme, is a prejudice. Are we going to have 12 separate Affordable Housing Gateways, really? Is this really what the majority of Jersey people want? There should be one common Gateway to apply for affordable housing, there should not be a second category, or any criteria, which puts a barrier condition based on place of birth, place of work, or any links to specific Parishes when we are working to create an inclusive community where every family is valued equally. I look forward to the debate with an opening discussion of what is our vision, as States Members of Jersey, united as one Island community with equal opportunities for all, or not. **[Approbation]**

The Greffier of the States (in the Chair):

Is the Proposition seconded? **[Seconded]**

Deputy J.H. Young:

Could I ask for clarification of the point the proposer made in her speech, without losing my right to speak?

The Greffier of the States (in the Chair):

If you wish to ask a point of clarity, yes, you may.

Deputy J.H. Young:

Yes, please, if I may. The Deputy said that the Proposition does not apply to any Parish which can go forward with a private scheme and I wanted her to clarify that. Does she mean that any Parish can go forward with an affordable housing scheme under our current policies outside of her Proposition; that is what I would like to clarify, please.

[15:30]

Deputy I. Gardiner:

Can I answer now?

The Greffier of the States (in the Chair):

Yes.

Deputy I. Gardiner:

From all checks that have been done, the Parish can make their own private decision to build their private schemes and they are not obliged to go through the Affordable Housing Gateway register.

8.1.1 The Deputy of St. Martin:

I hope I am not confused by the Deputy's last remark there about Parish schemes, because I have the greatest of respect for the Deputy. I admired her during her election campaign and the stance that she has taken on many matters since becoming a States Member and here is another example of her desire to promote fairness and equality. However, I would like, if I may, to offer an alternative view and speak in support of the *status quo*. This Proposition is not a direct threat, or attack, on the Parish system, but it is possibly another indirect challenge to it and the principles of honorary service and how Parishes work. I cannot speak for other Parishes, but I can recount to Members my own experience of the St. Martin's Housing Association. A group of St. Martin's parishioners who have, over decades, provided many homes for people, people from all across the Island. As Members might expect, the Housing Association is made up of parishioners, mostly retired, but still very active: accountants, architects, quantity surveyors, project managers, owners of groundworks businesses. All at the top of their game, massively experienced in all aspects of building projects and all working *pro bono*. All working for the love of their Parish, because they want to put something back and at no cost to everybody, or anybody, especially the eventual home owners. I am sure committees, groups, associations of similar qualities exist in other Parishes as well and they have the ability to keep costs down just as low as they possibly can, which brings me to price. Members will know that St. Martin is currently developing the site of 20 homes. Despite every conceivable effort to keep costs down and excluding the cost of the site, in very broad terms, these units are going to cost around £250,000 to build. When you add on a conservative cost of around £50,000 a plot, these affordable homes are going to be £300,000 plus to build. A normal developer would then add on their own profit margin but, of course, in the St. Martin situation, as with other Parishes, the additional equity will be kept by the Association, so people will be able to buy these lifelong homes literally at cost. But I will come back to those costs in a minute. Before I talk about need, cost and housing demand I would just say that it is my belief that regardless of what you might think of this issue, if we remove Parish connections, as proposed, we will not have any more Parish-led schemes. Some will say: "Good, let the usual developers deliver these houses." But Parish projects develop on top of these other sites, they are additional. We will deliver more homes if we keep Parish development not the same amount. So, one of the, I am sure, unintended consequences of this Proposition will be to deliver less houses in Jersey, which brings me to demand for and the price of housing. I have found, in my work with St. Martin's Housing Association, a huge amount of satisfaction delivering homes for young families at the smallest possible cost, surely something we would all aspire to. However, I have to say to Members, though, I have been truly shocked and saddened to realise just how expensive building houses is, even when every cost is kept as small as it possibly can be. All the economies of scale are utilised and steering committees work for nothing. We really do need, in this day and age, to go away - if we are going to provide homes for our young Jersey families from wherever they come from - and find a cheaper way of building these houses. I look to the Minister for the Environment and know that he will share that view with me. In order to reduce price we need to reduce demand and in order to do that we need to build more, not less, which I believe will happen if we approve this Proposition today. We should not be waiting for the new Island Plan, we should be building more now. We need to build as many houses as possible. Everyone in need deserves a house and the Deputy's intentions and propositions are laudable, but I feel her proposals will not deliver what she is trying to achieve and I am afraid I cannot support her.

Deputy R. Labey:

Can I ask for a point of clarification from the last speaker? The development he refers to of 20 houses being built by the Parish of St. Martin on a virgin greenfield site, after a successful rezoning debate - and this is a point of clarification, because this is going to get complicated and we need clarification in this, or I do at least - that development would not be affected in the slightest, would it, by Deputy Gardiner's proposition in terms of who can occupy those houses?

The Deputy of St. Martin:

That is why I mentioned in my opening remarks that I hoped I had not been confused by the Deputy's words. Certainly, I have to say, the Housing Association have benefited from a loan from the Minister for Children and Housing under the Housing Bond. We had to meet the Minister for Children and Housing, we had a good active discussion, might be the way we might describe it, myself, my Constable and others and as part of the agreement to have access to the Housing Bond we agreed to certain terms with the Minister around the Housing Gateway and who would have access to these properties.

Deputy R. Labey:

Does that mean that this Proposition would not affect that development in terms of St. Martin being able to allocate those houses to St. Martin residents, or whoever they wanted? I think we need to be absolutely clear about this.

The Deputy of St. Martin:

Yes and the amendment to the Proposition states very clearly that anything which is in train will not be affected, so I take that to believe that the scheme currently under development in St. Martin would not be affected by the scheme. My speech is about moving forward, building more homes and certainly in St. Martin we want to be active in continuing to provide homes for young families and retired homes for our parishioners.

Deputy G.C. Guida of St. Lawrence:

A point of clarification. I think we need to ask the Minister for the Environment a point of clarification.

The Greffier of the States (in the Chair):

Well, he cannot clarify something. At this point he has not spoken.

Deputy G.C. Guida:

Well, we are talking about rezoning and social housing and affordable houses and I think there is a link between the ability to rezone green space and whether the new houses there will become affordable housing and then have to go through the Gateway. So it has been discussed.

The Greffier of the States (in the Chair):

Sure, but the Minister has to decide if he wants to speak and if he does he can speak and then if he does not answer some of the questions that Members have in their minds that is the point at which to ask him to clarify. But you cannot have a point of clarification for someone who has not yet spoken, it has to be the Deputy of St. Martin.

Deputy G.C. Guida:

It is linked to both questions.

The Greffier of the States (in the Chair):

I know, but you still cannot do it, I am afraid. So, if Deputy Young wants to speak at some point, I am sure he will.

Deputy J.H. Young:

I think that is an invitation that I speak now.

The Greffier of the States (in the Chair):

No, it was not an invitation, it was an invitation to put your light on. [Laughter] You can join the list, because other Members wish to speak.

The Deputy of St. Peter:

Can I ask a question of the Solicitor General, please, for clarification?

The Greffier of the States (in the Chair):

Yes.

The Deputy of St. Peter:

May I ask if he would define the cut-off between the word 'private development' because we have had cases which have caused slight anomalies within that, i.e. you go to the Minister for a loan. Does that turn it from being a private development into a Gateway development? You have to seek planning permission to rezone. Does that turn it from a private development into a Gateway required development? I think we need absolute demarcation of that in our minds before we can clearly understand Deputy Gardiner's Proposition.

The Greffier of the States (in the Chair):

Would you like a few minutes to reflect on that, Solicitor General?

The Solicitor General:

No, I will answer it now. The words 'private development' are not defined, as far as I am aware, in any statute, so they would be given their ordinary natural meaning. I have to say I am not familiar with any of the practical means by which such housing developments are, in fact, financed. But I would take, as a broad dividing line, is public money funding the development, so is taxpayers' money being used to build the home? Now, if there is a loan, the loan, if it was an interest free loan, then there is a degree of benefit from the taxpayer in that scenario. If it is a loan, which is on reasonable commercial terms, then the argument, I think, becomes fairly clear that it is not really a public development, it is still, potentially, a private development. So, I think I would adopt that test: is public money, is taxpayers' money, being used to build the houses? I think that is probably the best I can do on my feet.

The Deputy of St. Peter:

Sorry and rezoning areas, i.e. any other States' - I could use the word 'interference' but that would seem a bad word - but States' involvement, intervention, involvement, can that turn it over the threshold from private into a scheme which would require Senator Gardiner's Proposition to warrant to go through the Gateway?

The Greffier of the States (in the Chair):

Deputy Young, did you want to speak on this point?

Deputy J.H. Young:

Well, I wanted to clarify the Attorney General's answer there, or at least seek clarification of his answer. The question put, I think, was what is a private scheme effectively in a Parish and is that the answer. But could the Solicitor General tell us how does that relate to the zoning of land under the Planning Law being done for occupation by persons who are unable to access, through financial circumstances, the normal housing market. How does that equate with private?

The Solicitor General:

Well, the rezoning of land obviously has to occur through the processes set out in the Island Planning Law and also in the development of the Island Plan. Now, if land is rezoned for development, that does not, of itself, make it a public development. The land can easily be developed by a private developer, so I would not, in those circumstances, think that the mere fact that the land has been rezoned for development through the Island Planning Scheme is not going to make it into a public development. It is still capable of being a private development. The question, to my mind, is, as I

said earlier, public money being used to fund the building of the houses in question. That is my guidance for the Assembly.

Deputy R. Labey:

If I may have one more question of the Solicitor General. So, comparing and contrasting the scheme in St. Martin, we have been hearing about, with the scheme proposed for St. Peter, where the Parish was effectively going into bed, business-wise, with Andium Homes, would that be a development that would then be subject to the Island-wide Gateway, not just restricted to St. Peter's residents if this was passed?

The Solicitor General:

I am sorry, I am just not sufficiently familiar with the details of the 2 particular schemes. I am afraid I can only give some general guidance. I would need to look at the actual details of the 2 particular schemes and I am afraid I am hearing it for the first time, so I regret I cannot answer that question.

Deputy J.H. Perchard:

Excuse me, Sir, following the comments of the Solicitor General I think it is probably appropriate that I withdraw from this debate, due to being slightly conflicted.

The Bailiff:

As you wish, Deputy, that is a matter for you.

[15:45]

Deputy J.H. Perchard:

Thank you.

The Bailiff:

Now, does any other Member wish to speak? Deputy of St. John.

8.1.2 Deputy T. Pointon of St. John:

I thank the Deputy for putting some meat on the bones of this issue in that she has explained her intention to confine the effects of this Proposition to projects that are developed by the main provider of affordable social housing. She is clear that the Proposition will not affect private developments and she has clarified the position in relation to developments by the Parishes. Unfortunately, the Proposition does not make this position clear and a vote for the Proposition may leave the way open to inclusion of Parish developments in any subsequent legislation. I would urge that the Deputy withdraw this Proposition and bring it back with the assurances included. If she were to do this I would find myself able to vote for it. As it stands, unfortunately, I will not be able to vote for this Proposition.

Deputy L.M.C. Doublet of St. Saviour:

Can I just ask about the order of speeches, because I have put my light on immediately after the proposal and I do not know if it was communicated to you by the Greffier?

The Bailiff:

I have misread the Greffier's note and I see that you and 4 others wish to speak. I thought you had spoken already, but I now see that you have not. I will call on you next.

Deputy M. Tadier:

Who are the other people that you think have spoken?

The Bailiff:

You are one of them, Deputy. I take it you have not spoken.

Deputy M. Tadier:

I think I was before Deputy Doublet.

The Bailiff:

The Deputy is the one I understand wants to speak. So, it will be Deputy Doublet then the Deputy of St. Ouen then Deputy Tadier. Deputy Young, you were speaking when I came in that is why ...

Deputy J.H. Young:

I asked whether I could have clarification, which I was allowed to do, reserving my right to speak. Can I be on the list? **[Laughter]**

The Bailiff:

OK. Then you remain on the list. Connétable, I will come to you in a moment.

8.1.3 Deputy L.M.C. Doublet:

I understand that there is still some confusion about what is covered by this and what is not. I think I will just talk to the principle of the Parish links. This first came to my attention some time ago - and I have discussed this with Deputy Gardiner - and it made me feel uncomfortable. First of all, because despite trying to seek clarification on the definition of what a Parish link is, we could not find that definition. So, I think anything that has the Parish links within the scheme ... it is very hard for people to navigate in the first place. People do not know what it means and some people do not know whether they can apply for it. They might not even hear about that criteria if they do have priority links and they might not know to declare those Parish links. I think any policies that we make, whether it is housing, or anything else, it should be absolutely crystal clear and it should be easily understood by the public. Then, secondly, it also brought to mind the list of protected characteristics within our Anti-Discrimination Law. Now, those protected characteristics are generally things that individuals ... a characteristic they have about them that they cannot change, something perhaps they were born with and there is definitely a link here, because Parish links is often, as I understand it, to do with were you born in that Parish, were your parents born in that Parish. I understand that there are other ways of establishing Parish links such as: did you work in the Parish? But there is a very strong element here of where somebody was born, which they have absolutely no control over and therefore it does not feel fair to me. I do not want Jersey to be a place that puts up walls and barriers. I want Jersey to be a place that includes people wherever possible and that is the principle that I carry with me and I will absolutely be voting in favour of this, because I think it just includes more people in order to buy a house. It is many people's dream, is it not? We should be making that dream achievable for as many Islanders as possible. In terms of the Parish system, I think this will strengthen our Parish systems. For example, if you are a couple who have been living in St. Helier, but enjoys an outdoor lifestyle, perhaps in St. Ouen, you might have a dearly held aspiration to go and live in St. Ouen and buy a house there and have a family there. Why should that couple and that family be prevented from doing so, when they could move to that Parish and be active participants in that Parish and would probably value it even more, because they have specifically chosen to be there and move to that Parish? So, I do think it would strengthen the Parish system and diversify the Parish system a bit more. So, this is about opportunity and I think regardless of where people are born they should have the same opportunities and access to housing in our Island, so I will be supporting Deputy Gardiner today and I applaud her for her first Proposition and she has worked hard on this and thank you to the Deputy for bringing it today.

The Deputy of St. Ouen:

Before I begin my speech, may I seek some further advice from the Solicitor General to complement what he has already advised us and that is ... I understand he is using criteria to determine whether a

development might be deemed public or private and that criteria being whether taxpayer, or public, funds are used. But could I ask the Solicitor General, if a Parish would bring forward a proposal for development, following a Parish Assembly decision and expenditure using ratepayers funds, would that be considered a public, or private, development?

Deputy H.C. Raymond of Trinity:

While you are thinking, can I just add something to it, following on? I spent my whole time working for a building society and we did ... what I am just slightly confused about with regards to the Proposition is that if you go back to the Parish and somebody leaves a plot of land for the development of the properties for the people of the Parish does that outweigh the Gateway situation, because that is what they have left to the Parish for the benefit? Now, the reason I say this ... because, having spent millions of pounds and built many houses across the ...

The Bailiff:

Deputy, you can put a question to the Solicitor General ...

The Deputy of Trinity:

Sorry, that is the question. I am sorry, but you see where I am coming from. The problem is if there is ...

The Bailiff:

Your question was right. Solicitor General, this is partly a question for the Chair and it is partly a question for you and I think it is to the extent that you are aware of the allocations and affordability criteria and the scheme which underlies the Affordable Housing Gateway, the extent to which judicial review would lie against a decision taken of the sort just put to you.

The Solicitor General:

I am grateful. I think, in relation to the Deputy of Trinity's question, I think if there had been a gift to the Parish on those sorts of terms I think that that is a form of trust effectively and to contravene that would require some very clear legislation indeed, which is not involved in the Deputy's Proposition as I see it at all. So, that sort of gift would outweigh any criteria, I think, on the public Gateway to the extent they applied at all. So, that is in relation to the Deputy of Trinity's question. As regard to the Deputy of St. Ouen's question, yes, that is a slightly different situation from the more general question that I answered earlier, because, clearly, that is a local ratepayers' decision. Now, there are obviously questions as regards whether that involves the Parish rates, or the Island wide rates. Assuming that it only involves Parish rates, then that is much more clearly arguable as a private development, rather than a public one. As regards the criteria on the Gateway, I think there is a remedy in judicial review which can be used by a person aggrieved by a decision to refuse that particular applicant a house. The remedy is, as you have identified, an application for leave for judicial review which is made to the Royal Court. I think I have advised previously, in a previous debate, about the need for clear criteria both on the Housing Gateway - and I regret that I am not particularly familiar of those criteria on the Housing Gateway - that there need to be clear criteria on the Gateway and clear criteria as regards any particular decision making that is operated by the Parish in relation to the allocation of houses to applicants on a Parish scheme. So, there are remedies available to persons who are disappointed and the primary remedy, as you have identified, is one of an application for judicial review.

8.1.4 The Deputy of St. Ouen:

I think the questions that we have seen asked of the Solicitor General outline the complexity of the schemes we have in Jersey. I will, of course, in my speech recount my understanding of the situation over the last 10 years in St. Ouen where we have tried to bring forward a development of affordable homes, but we were refused by the Assembly on the same day that the Assembly agreed the St. Martin

development, which is proceeding and there was much upset in St. Ouen on that day as to why the Assembly chose to select one, but not the other, but St. Ouen still wishes to proceed with a development. I will give my understanding of the hoops we are asked to jump through, quite properly in so many cases, but I believe that it would be a fair way to proceed. If I can begin by addressing this question of community. The proposer very eloquently has spoken about Jersey being one community and in so many senses, yes, of course we are. We are an Island community and proud of it. But community operates at many different levels and there is absolutely no doubt that much of Jersey community life is based on the Parish system, but there are also other communities. I mean, in Deputy Gardiner's own constituency, I sense that there is the First Tower Residents' Association, who look after their community and there is the West of Town Association, who look after their community within those districts. It is clear on the Island we have online communities and we have communities formed by common interests in boating, or other hobbies; all sorts of communities and they are beneficial to us all. They contribute to our well-being, our sense of belonging. They avoid social isolation. Communities provide for and they support those within each community and no less the Parish communities. But the report to the Proposition says: "The Proposition is brought to remove Parish privileges, bias and discrimination", but can we look at it from the other side of the lens? Is it an abuse of privilege to receive support from your Parish community? Is it unfair discrimination for a Parish community to offer that support, even if it is only to those within that community? Where is the unfairness in that? Where is the abuse of privilege? Where is the bias? Because we all belong to a Parish. There is no one in this Island who does not belong to a Parish. We can all take advantage of what our Parish communities offer us. Indeed, the Parish system is grass roots democracy, because we can all be involved in the decisions over which services the Parish chooses to offer.

[16:00]

So, do these offers have to be the same in every Parish for fear of discriminating? Well, this is what the Proposition seems to say. Parishes cannot put forward an offer if it does not allow in everybody. It would be discriminating it is said, but I do not accept that. That Proposition, that principle, is not appropriate. It is not appropriate to say that States services should not engage with Parish initiatives, unless the same offer is rolled out by all the Parishes on exactly the same terms. That would erode our Parish way of life, the Parish communities. It would damage what I believe is the vibrancy and the diversity of our Parishes. It would have impacts. I do not think we can judge at this stage. I believe we should recognise as a fact and praise the fact that village developments in the Parishes and sheltered homes have been brought forward as Parish projects time and time again. Land has been donated by parishioners. Funds have been raised by parishioners and many Parishes want to continue in that tradition and why not let them. If some do not they choose to, but if many do that will just add to the possibilities coming forward of housing our population. The Island Plan, even though it is some 10 years old now, spoke about the need to keep our Parish centres vibrant communities and I like to think St. Ouen led the way in the 1960s. Well, it would, would it not? In the 1960s I believe we developed the first-time buyer village scheme at Ville Des Marettes and then we had another scheme for first-time buyers in the 1980s and at other times we have built sheltered accommodation in the Parish, but those first-time buyers who moved into those village developments as young families have now largely retired, or are about to retire. They have grown older, as I have grown older and we notice it in the Parish; we are an older community than we once were. The younger families are often absent, because they have been pushed into a flat in town, for example. We notice it in recruitment to our Honorary Police, although I am pleased to say from our Connétable we have got a good complement at the moment, but it has caused difficulties. There is not the same body of younger people around to fill those posts. We notice it in the number of people attending our youth club, or the younger people available to act as youth club workers, or work in any of the other voluntary groups in the Parish. Yes, I know for certain that many young people and families want to live in the Parish they grew up in, a Parish that means the community to them and where their parents and other family members are. St. Ouen has established a list for those interested in

affordable housing; a list for those who think they have links to the Parish. It is a lengthy list. Sure, the Parishes must determine exactly what their criteria are, because those links ... it is right that they be substantial. It is not just that my great aunty was born in Millais, or something like that. But there is certainly a need that is coming through the Parishes, but if we were to build in St. Ouen a scheme for first-time buyers, we would need to rezone from the green zone. There are no brownfield sites that would be affordable for affordable homes. The built-up area in St. Ouen is tightly drawn around green zones, which covers virtually the whole Parish. So, it would be possible if we could apply for that rezoning to go forward with a scheme for affordable housing for those demonstrating substantial links to the Parish, but I believe it would be more difficult to achieve if the development was put forward without any assurance that those with substantial Parish links would not be able to have an opportunity to access those homes. It is much less likely that it would receive Parish backing and I think that is just a fact of life. We must accept that. There is going to be more ambiguity towards a development, unless it is for those who are within the community. I cannot see that that would come forward as a Parish project. Young families would give up and they would move away from the Island, as we see them doing, because we would lose the opportunity to provide for their needs. I agree with the Deputy of St. Martin; a Parish development is in addition to those that might be brought forward by private developers, or by Andium Homes. It is not instead of. The proposer suggests the Parishes might be able to proceed outside of the Housing Gateway, but I do not believe that is a possibility. From my understanding over discussions over the last 10 years with 2 previous Ministers for Housing and my discussions at the time when I was a Procureur du Bien Public and then as a Deputy, my understanding is that a Parish could only seek a rezoning of land if it could say that the houses to be built on that land would be affordable homes. So, not open market, but affordable homes. We can only build affordable homes, so I am told by the previous Ministers for Housing, if we would go through the Housing Gateway, if we withdraw our persons who might acquire those homes through the Housing Gateway with a facility to give some regard to those who have demonstrated substantial links to the Parish. So, in other words, the Parishes and St. Ouen would not be suggesting that families who can well afford to buy privately should be able to buy in Parish schemes. That could not happen, because those schemes put forward by Parishes must always meet the financial and other criteria of the Housing Gateway. That is my understanding. That is what I have been told. We would not receive a consent to redevelop land if it was not for affordable homes with access through the Housing Gateway. So, anyone buying in those sort of homes will always be eligible for affordable housing under the Gateway scheme and because they are on the scheme they will be drawn from the list and we would be meeting the need that we know we have and they would have the added advantage, in the case of Parish developments, of engaging the Parishes, of getting the approval of the Parishes to the growth of their communities and keeping those Parish communities vibrant. I think we must also ... well, it is vital to consider sheltered accommodation for senior citizens. They have very often been delivered through Parish schemes and St. Ouen and other Parishes want to continue that. It is recognised by the Minister for Children Housing and by so many others that we need to support older people in downsizing from family properties, which no longer meet their needs, to more appropriate accommodation and thereby free up their larger homes, which are more suitable for families. That strategy has been recognised and spoken about by the Minister for Children and Housing, but often delivered through the Parishes. It is well-known and the proposer has recognised that many of those older people will want to stay in their Parish communities. Yet it seems to me if we accept today the principle of having no regard to Parish links, then there will be little opportunity for those older people to stay in their Parishes. It will be less likely they will move from the former family home. They will stick if they know they cannot move into their Parish. I want to read just a short paragraph because, yes, the proposer has accepted that in her report. She says: "This housing allocation is not to include sheltered accommodation, because we all know that for these developments a connection to the Parish, where the residents have lived all their lives, is important." In passing, I would say that I find an inconsistency in that statement, because the Deputy has to be well-meaning and makes her case, but she says the connection to the Parish is important

and to be taken into account. If you are over 55 and eligible for sheltered accommodation and you want to live in your Parish but it is not important and it is not something to be taken into account if you want to bring up your family in your Parish, and I find that a strange inconsistency. But my difficulty is that paragraph (a) of the Proposition catches the sheltered accommodation we want to deliver in the Parishes, because these new affordable homes, if my understanding is right, they must be delivered through the Housing Gateway and that is the experience I have had in speaking to previous Ministers for Housing. So, we will need to apply through the Housing Gateway and paragraph (a) of the Proposition talks about: "When a family is eligible." Well, a family is also a couple that are aged 55-plus. That family is eligible to purchase a house. Well, those downsizing will often want to purchase. They might have owned their house, they will be selling their house, they will have their family home, they will have a capital sum, they will not necessarily want to rent for the rest of their lives and it is an option that they purchase a Parish-built affordable home, or at least they would purchase a life interest in that home. Those are options that have been discussed in housing reports and with me in the discussions I have referred to with previous Ministers for Housing, but this Proposition would say that those over-55s should not be given priority based on their ability to demonstrate close links with the Parish. I know it is not what the proposer intended, it would seem from what she said in the report, but paragraph (a) does capture the sheltered housing schemes for over-55s if it is intended to offer those for a purchase by over-55s and that limits our options. That limits the offer that we want to make to these people to downsize and give them opportunities to enter other accommodation. Therefore, I am surprised that it received the support of the Minister for Children and Housing. I do not believe he wishes to limit his options in that way. So, I can understand the reasoning behind the Deputy's Proposition and I commend her on bringing her first Proposition and the ideas put forward in it but, like the Deputy of St. Martin, I believe that going with this will exacerbate housing need, because an important provider of the housing supply has been and can continue to be the Parishes and that is a perfectly valid way of proceeding and entirely acceptable in Jersey and non-discriminatory, because we all belong to Parishes and we will be meeting the need and removing people from the list of people who we want to accommodate in their own homes. It is valid and it is not unfair for Parishes to be engaged and to seek to meet the needs of their communities, so I would ask Members to vote against this Proposition and maintain the *status quo*.

Deputy R. Labey:

On a point of clarification from the last speaker, he seemed to suggest that there was consternation shared by the entire Parish of St. Ouen at the decision by this Assembly not to rezone greenfields in the Parish for building on. That is to deny the existence of a significant number of parishioners in St. Ouen who campaigned against that scheme and believed the whole process to be deeply flawed and that should be recognised.

The Bailiff:

Is that a question? I think you might ...

Deputy R. Labey:

Should it not? [Laughter]

[16:15]

The Deputy of St. Ouen:

Yes, there was opposition I can say, but all I can say is in the last 10 years or so since that has happened so many people have approached me and said: "What a shame. When are you going to be able to bring forward sheltered accommodation for our parishioners?" I will accept what the Deputy said that there were some elements of the procedure that we would not follow now and if we are given the opportunity we will do things differently. We will have much greater public engagement

before a formal proposition has come through and perhaps that was a reason for some of the discontent last time.

8.1.5 Deputy M. Tadier:

First of all, I would like to join those who have congratulated Deputy Gardiner in her first Proposition. I think she has lived up to her manifesto because, clearly within that, she had some key aims, one of which was to look after the residents of St. Helier, but another key point was to stand on a platform of equality and anti-discrimination. It is quite apt that her first Proposition looks at not the discrimination that perhaps non-Jersey people face when they come to the Island, but this new form of micro-internal discrimination which we can see exists within our very small Island already, so thank you for doing that. She will see, of course, in her first Proposition, that she is coming up against what is - we have all done it, many of us have done it at some point - which is the Parish system. So, even though you take a subject, which is not ostensibly linked to the Parishes at all, this is simply about saying what the criteria of the Housing Gateway should be. Clearly, it very quickly becomes a debate about the Parishes, because certain individuals within this Assembly feel threatened for their own power base and how they interpret the Parish system, which I think is quite at odds with what the vast majority of people in the Island see as the purpose and what should be the purpose of the Parishes. So, with that in mind, I have got 3 opening gambits. We can either go with the grandfather gambit, we can go with the local shop gambit, or we can talk about Parish 13. I do not know if there is any way to take an indication of which one ... shall we go with Parish 13? OK, let us get perhaps the most divisive comments out of the way first, which would not have been my choice. I would have liked to have eased it in a little bit better than that. Why do we have to have one of everything? Why would we just have one of everything when we can have 13 of everything, when we can overly complicate it? What do I mean by that? I think it was a former Bailiff, Sir Peter Crill, who did ask, or certainly in his memoirs ... I think I remember him saying: "Why have I got 12 policemen in the Assembly?" and I think he also ... and the Constables are no longer policemen. They decided to have that removed for them as the price of remaining in this Assembly, but also the extension of that is that we have 13 lots of things in the Island. We have 13 police forces. We have 13 refuse collection schemes. Interestingly enough, we do not have 13 kerbside recycling schemes, because they have not yet got their heads around how to do that and Parishes cannot agree on whether, or not, they have 13 Parish schemes, so we have got a few Parish schemes. We have got a centralised recycling scheme where you have to come and drop your rubbish off, which is run by the Minister for the Environment, I think and you can go to these depots and they are situated within the Parishes, but they are not necessarily run by the Parishes, but then, on top of that, you have got another layer of bureaucracy. Questions are often asked of the Solicitor General in this Assembly, but we cannot always ask the Dean questions and, in his absence, I would like to take the liberty of quoting a bit of the Good Book, from the New Testament. This comes from Luke 16:11 and it might be something, for example, that the Dean would contribute to this debate and the quote is: "If you are faithful in the little things, you will be faithful in the larger ones." So, if you can prove yourselves capable of running something as basic as a recycling scheme, then maybe we would trust you running an affordable housing scheme. The reason I have raised that issue is because I think that there is a fundamental *crise d'être* within this very small Island in the roles and functions that the Parishes should be undertaking and clearly they do have a fundamental role to play in the 21st century in this Island and the role that centralised government should play. It is not as if, for example, Andium and Parish schemes are trying to do fundamentally different things; whether it is do with social housing, or to do with housing that you buy as a first-time buyer which is ... well, so-called affordable housing which we, of course, know even a subsidised scheme is not truly affordable, because affordable housing would look like something completely different to what we have envisaged it currently in the Island. So their *raison d'être* should not be that different. What I understand Deputy Gardiner to be asking is to say that the Housing Gateway, which is centrally run and it is run for us through Social Security in conjunction with Andium, should not be a discriminatory body. So, the criteria to access any social housing in

Jersey - and in this case it is not strictly social, it is affordable for purchase - should be that it does not matter where you come from in Jersey, if you need housing you will be put on that list and you will be able to access it. I think we are being led down an incorrect path. It is not the idiom that I would have wanted to use. It is not an idiom. But we are being led down a blind alley, perhaps, in the sense that the element of choice is not being taken away. We are not forcing people to live in a Parish that they do not want to by simply saying: "That Parishes should have to subscribe to this scheme" and it is not even retrospective. It is in the future. Deputy Gardiner has already said that this would not apply to people currently on the waiting list and she can perhaps reiterate that in her summing up. She could have done that, but this is very much the softly, softly approach saying: "In the future, Parish schemes, if they want to access people through the Gateway, they should not be discriminating" but that does not stop the people themselves from discriminating and putting in a choice preference on that. So, it may well be that you want to live in a particular part of the Island for whatever reason and that criterion that you have might be of equal weighting to the fact that you might want to garden, you might want to be near a particular secondary school. That desire, that link with a particular Parish ... and it does not have to be a Parish. In some cases it could be a community like Maufant Village which is, as we know, on the corner of more than one Parish, or it could be something like Queen's Valley, which would have 3 Parishes. So, we are not always talking about Parishes. Communities. Clos Saut Falluet being a case in point, is right in-between St. Peter and St. Brelade. So, when we think about people's attachment to certain communities, it does not always conveniently fit within Parishes. So, I would say certainly allow people who want to come and apply to be in your Parish to do so, but it should not be the Parish schemes who discriminate and say: "We will only take people from St. Ouen." It seems to make more sense to me to take people who want to live in your Parish than people who you decide whether they have a link to your Parish. That is the safest way. At the end of the day, how do you get a link to the Parish and to the community if you are never allowed to live there, if you are never allowed to make those links with it? So, my original opening gambit would have been the fact that I do not know either of my grandparents and I never knew them, but I know of them and I certainly know of my Jersey grandfather, because I knew he lived ... I do not know if he was born there, but he lived most of his life in Grouville. He used to get on a bike and cycle up to Ronez quite early in the morning - because that was his job - went through all of those Parishes and then do a day's work and come back. I was told stories about the fact that if you were from one Parish and you were dating, or courting, a girl from another Parish, or a boy from another Parish, you might have had tomatoes thrown at you when you went into that Parish. I dread to think what it would be like if you were dating somebody from outside the Island, like my mother, who was not from Jersey. That probably was not a problem, because you were not coming into the community and stealing one of their women and those women were designated for the local men of the area. You can imagine another apocryphal ... you might laugh, but this is how this debate will be seen by some people out there. We do not just have discrimination, we have micro discrimination between the different Parishes and sometimes there are topical examples of that. I know tonight that I will be going to the accordion club and that there will be repartee between the St. Ouennais and the people from St. John, or St. Martin, because they will have different Jèrriais words for X, Y and Z and they will discuss it and it will all be in good humour. But, for the vast majority in Jersey, when I was opening my speech, I would not have used either of those 2 gambits, I would simply have shown a picture, which I will not show now, but which many people in the Island would understand. It is a picture of Tubbs and Edward from the *League of Gentlemen* and I would not have needed to say anything. I could just show the picture and they would know in their minds that the slogan is: "This is a local shop for local people, we will have no trouble here" and I think that is how it can be seen. You could say that this is complete nonsense, but I think there is a strong risk that if we have schemes that are set up, which are closed shops, which then want to access public States funding, which is funded by people in the whole Island, by people who have needs in the whole Island and to say: "But we are only going to keep it for a very small pot of people that we decide whether they have links to the Parish" that can be seen as another extension of patronage and

have we learnt nothing from the reminders that we have seen. Wait for the groan from certain quarters in the committee of inquiry report which says that the Jersey Way, that we have learnt nothing from it and that things fundamentally need to change. I say that also, because there will be people in our communities who are not well-connected, who do not feel that they have a voice and who cannot prove, or would not necessarily be believed if they did not say: “Well, my uncle used to own a shop in Maufant; therefore, can I qualify for a scheme in St. Saviour, in St. Martin or in - what is the other Parish around there - Grouville? Could I qualify for any of those 3 schemes?” They would have to make the case. It does not really make sense. I think the way to do it is to say that if you want to access States money and you want to access the Housing Gateway, you must abide by the basic principles of non-discrimination and just let anybody who wants to come in your Parish, subject to them meeting other criteria perhaps of having the chance to live in that community. As I have said, the choice would be theirs. Not everyone will want to live in St. Ouen, but there is a strong risk that everybody could be eligible to live in town and that St. Helier residents will be forced into certain areas in town and not have the social and economic ability that might be enjoyed by others in the Island, so I do not see the risks that others have raised. I think it is entirely possible for Parish schemes, if they want to be kept separate, to have schemes and that is quite right. You know, if a club, or a group, wanted to run a particular scheme and set their own criteria they are exempt already under the Discrimination Law, but there would be no real ethical problem with them doing that, but there is a problem when it comes to it being a Government-led scheme and to it being run through the Housing Gateway. So, I do commend Deputy Gardiner and I wish her all success in this Proposition and to the rest of her time in the Assembly.

The Bailiff:

Minister, can I just ask for a clarification of your comments, because the various speeches which have been made are, I think, showing that Members have been puzzled as to what the position is? In your comments, you make it plain that you support the Proposition. You then refer to the ‘Objective Assessment of Housing Need Report’, which sets out the need for housing in the Island and then you go on to say: “The Minister is of the opinion that affordable homes for purchase should be allocated based on need, rather than the demonstration of a connection to a Parish in which a development is located.” That comment, as it is made in the context of the Affordable Housing Gateway, which is, as I understand it, an Andium Gateway only, with J.D.C. (Jersey Development Company) in relation to the College and, therefore, it would not cover Parish schemes, or private schemes. There seems to have been some confusion among Members about that and I just think it would be helpful if we could clarify that the Planning Committee’s assessment of whether a particular development should be given permission will be taken on planning criteria and it is only where it is an Andium development that the comments, which you have made, are going to apply. Is that your understanding of it?

Senator S.Y. Mézec:

Well, the Proposition itself refers to the Affordable Housing Gateway, which is a particular government way for allocating housing, both social and affordable. It is what it is and her Proposition, as I read it, relates to that process and not other processes. If people want to do things independently, they will have to play by the set of rules for that, but the Gateway has its rules and this is what this Proposition is about.

The Bailiff:

That is for the Deputy, but your comment is based only on the Gateway, which is Andium plus, or minus, J.D.C. in relation to the College, is that correct?

[16:30]

Senator S.Y. Mézec:

Yes. That is only what I am responsible for.

The Bailiff:

Yes. I say that in the context of the comments from the Deputy of St. Ouen which puzzled me, because it did not seem to be quite on point.

The Deputy of St. Ouen:

Can I, therefore, seek clarification from the Minister for Children and Housing that the Affordable Housing Gateway is only operable in the case of accommodation offered by Andium Homes, because that was not my understanding?

The Bailiff:

Unless it is a development in partnership with a Parish.

Senator S.Y. Mézec:

Yes, that is right. The Gateway is not uniquely for Andium. It can be accessed by others as well and there are, of course, examples of it being done in partnership with Andium and Parishes but that the Housing Gateway is not uniquely for Andium, although Andium is the organisation that provides the majority of applications for ...

The Deputy of St. Ouen:

So I understand, therefore, that supports what I have been saying that the Parish of St. Ouen was being urged to make use of the Housing Gateway to allocate homes it wished to build and only on that basis was it indicated we would receive a planning consent.

The Bailiff:

That is more a matter for the planning authorities than anything else.

The Deputy of St. Peter:

Can I ask a clarification? History lesson, going back to the St. Peter affordable homes, which was a scheme that was set up by the Parish, driven by the Parish; however, it partnered with Andium, who were the construction partner and took some risk in it, because they paid for the architectural development and the fees upfront so what ... saying is in that particular case the St. Peter's scheme would be an Andium scheme and be solely accountable to the Gateway and the Constable and the Parish would have no involvement in who would be allowed to live there and set out criteria.

Senator S.Y. Mézec:

That is my understanding of it if that were a scheme that were being proposed subsequent to this Proposition being adopted, but my understanding, I think, of part (b) of the Proposition is that in St. Peter and indeed St. Martin that would not be the case, because those schemes have already begun. It would be for new schemes following the adoption of this Proposition.

The Deputy of St. Peter:

Well, again for clarification, that scheme is now dead. That is finished. That is gone. However, it means that Andium will no longer be chosen as a partner by St. Peter should they wish to maintain some independence in the development to have the motivation within the Parish to develop a scheme that ... he is looking at me and grinning, so I had better shut up.

The Bailiff:

Deputy, this is probably my fault, but I wanted to clarify the Minister's comments, so I hope what he has said has clarified matters for Members, because I was not quite clear where he was going. We will now resume the ordinary scheme of debate.

8.1.6 Deputy J.H. Young:

I am glad I have managed to come in at that point, because I think the last exchange omitted to include the requirements of policy H1 under the current Island Plan which, of course, sets the rules out for this and makes it quite clear about the Housing Gateway and the requirement for such zone sites to be dealt with through our approved housing provider. I think I will try and cover that in a little bit more detail. I would like to start by congratulating the Deputy on an excellent speech. I thought it was extremely well argued, absolutely logical and absolutely consistent with our common strategic priorities. Outstanding, well done. You are absolutely right that on the ethics and the principle of this matter what we should be doing is ensuring we have equality of policies when it comes to social provision of housing and other things. Now, if I was not in my current role, I would probably find myself in a position to support the Deputy. My role now, though, is as Minister responsible for bringing forward an Island Plan at the very time when I know we have only got one zoned housing site left still for development under the current policies, which is in St. Ouen and yet we are looking down the tube of between 4,000 and 7,000 homes to build. A very strong tide in some Parishes, not in all Parishes, to bring forward schemes to both assist the development of those village communities and make them more sustainable for the future, more young people, also provide for their more elderly citizens and generally to make their contribution to Island life generally. There is also the agenda of what I would call pragmatism and I am going to try and talk you through the steps that my past experience has seen is necessary to secure the support of all the parties in the planning system to zoning of new sites, because there are lot of hurdles to overcome. We have heard from St. Peter and, in fact, St. Ouen, overcoming those hurdles is a matter that has to be given full consideration. Of course the timing of this, you could argue that it is a good time because we are into the run-up of the Island Plan policies and, therefore, setting out policies for the Housing Gateway is a good plan. You could even argue that it is premature, because what we want to do is we want to get the show on the road, as it were, of the work with the Parish communities and we are trying to identify where we can achieve housing developments, while conserving the Island and not destroying the nature of its open characteristic. It is not possible, I am afraid, I do not believe, to have this discussion without considering the Parishes. Of course, I will need to refresh myself on what policies we have got. The Plan was brought forward in 2011 and in 2011 we had a great plan that said: "Let us say to every private developer of land, we have an open market position, that wants to bring forward schemes, as long as they provide a proportion of affordable homes, that is going to be our policy." Unfortunately, developers would not do it. We had, therefore, in 2014, to return to a situation of specifically zoned sites, with particular policies on them. Of course, the starting point of that is that first of all the current policies are that any housing development on States-owned land for affordable housing development will have to be affordable through the Gateway. If you were to apply that policy to South Hill that means there is no question, that policy would require affordable homes on a States-owned site. Of course, these policies are going to be reviewed. We are currently reviewing them. Then there is policy H3. Obviously, we have got the question of privately-owned sites and this is obviously where Members have raised a lot of points and I certainly asked the question, because I am less than clear that the proposal does what it says, that it actually exempts these private sites, because, at the moment, if that private site, for example, has a brownfield use on it, a worn-out commercial site, there is no question that can be completely free of the Housing Gateway, as I see it. It is a privately-owned site, it does not rely on any zoning in which to approve it and, therefore, that can be developed. But, of course, those brownfield sites have got a massive land value, a residual land value and, therefore, achieving affordability on those brownfield sites is pretty well near impossible, without States' subsidies, which is one of the reasons why I have advocated to the Housing Review Group that we should be intervening, enquiring and buying brownfield sites in those communities all over the Island to take that land value out and then we can allocate affordable housing criteria. In that situation, if they were States interventions, we could absolutely apply the Deputy's criteria. No question. Because, if we are developing and buying those sites ourselves, we can control

it. But we also have the issues of privately-owned sites in the Parish communities and this is where the difficulty arises. Those sites ... the hurdles that one needs to overcome, first of all there is a site criteria and that requires the Planning Officer's assessment and so on, but part of that is meeting a requirement for village plans, that is our current policy. There is no question that the village plan has to have the full stakeholder engagement of the village community. I do not see that it is easily possible to produce a village plan without that engagement. If parishioners say no, it is not going to happen. That is what has happened over decades, which is why some Parishes have not brought forward schemes, others have successfully. Well done for those that have, they have been done very well. But that is not the end of it, you have to get a village plan and then you have to get it through quite often a planning inquiry and on an Island Plan we have to get it through this Assembly. It is not usual for this Assembly, in my experience, to vote against ... to zone a site completely against the views of the Parish. I look at the Constable of St. Clement and I am absolutely sure that was done in the case of Samarès. Samarès, if I am correct, that was an exceptional decision but it was almost up against the rock and the hard place that that was done. But, quite frequently, many sites fall by the wayside. Of course, there are some other reasons why we have the policies that require those sites to be where the Housing Gateway is applied, all the allocations for purchasers, or tenants, to be through the Housing Gateway, is because we are dealing with affordable homes and we want to make sure they are maintained in perpetuity, not in the situation where they get acquired and then they get sold on and turned into an unaffordable home, as was the end result of decades of policies before. So, therefore, there is a requirement for that residual value, that subsidy element, to be held in a land bond of some sort and I would be very surprised if people are happy that that bond would be held by a private sector developer necessarily. I think it would be most likely to be an approved housing provider through the Housing Gateway. Somebody like Andium, or so on, or the Parishes and they hold on to that bond, the subsidy, the difference between the open market value and what the house is sold on and then the rules are that that bond is held and then, when the property is sold, then another person, who meets the affordable criteria, has to take it on and the house is transferred. That management process really requires this public sector intervention. That retention of the Parish value. I want to turn now to pragmatics. This is not a new problem. When I was a civil servant, donkeys years ago, the politicians of the day were seeking to have a major housing development, ironically not on a zoned site, but a very big one, a brownfield site, an outworn leisure park in Belle Vue in St. Brelade, where the developer had aspirations of 400 homes. Development of 400 housing units. The community reacted violently against that. There was massive opposition and, as a result, the Committee of the day said: "No, we need to have a development plan, because that is much too high density, we want a sustainable community, one that we can comfortably live with." The debate then happened with the parishioners and the Constable of the day was former Constable Mrs. Quenault. She advocated a proposal: "How about if 50 per cent of the allocations were done to the Island and 50 per cent to the Parish?" It was that what did it. Then the community came behind it, the Parish community approved the village plan, the States acquired the site and then, eventually, we got those 400 homes. In that case, that had to be done in that way, the States acquire the land, because my recollection was the houses were sold at a ceiling price. To avoid profiteering again there was a formula to make sure that residual land interest was retained. It is a complicated business and I am sorry I have had to go into those complexities, but I think it is impossible to deal with this Proposition without looking at the pragmatics. Emotionally, logically, it is absolutely right, but I think we are in a period where we are going through an Island Plan process that is going to take us 18 months and I think we need to be practical. We are not stopped, I do not think, from reviewing the Housing Gateway, what the rules are *en route* during that process, but I would say now we need to make sure we have the engagement of those communities and a whole line of buy-in too which I hope is achieved on how we progress.

[16:45]

I want to make sure that we get the right balance of development and personally I am troubled about if we end in a situation where all of our housing development has to be by high density housing in our urban areas. I am troubled about that. Therefore, I think we need to recognise the Island needs to work as a whole. For that reason alone, because of the pragmatics, I am not going to be able to go along with the Proposition, but I do not want the Deputy to think, in any way, what I have said detracts. The debate today is, I think for me, about moral aspirations, what is right against the pragmatics of what we need to do. Over the years, maybe I have got too old, I personally come to the view one has to put up with many things in life that are not as one would wish and if you can find compromises - and a 50/50 compromise is not a bad way out - then so be it. But compromises are generally arrived at in consultation and working with stakeholders around the table in ... the grass roots democracy, I think a Member spoke about that before, I think that is what the process is that will be most successful. I cannot support it, regrettably.

Connétable L. Norman of St. Clement:

Could I give notice that in 30 minutes I shall, with your permission, ask that the question be put?

8.1.7 The Connétable of St. Ouen:

I do not intend to add greatly to the length of time that I am going to speak. Firstly, I am going to start by saying that Jersey has high housing prices, I do not think any of us would deny that. I think also, as a general principle, the allocation of new housing needs to be fair. However, I think it is unrealistic that we should not pay heed to the source of any scheme, or development, that comes into the market place. I speak from the benefit of my own Parish, I know a great deal of work goes into getting an Island Plan to fruition. I know this, because we are in the process of doing it and I have 2 people who are working free of charge to get this to fruition. Also, we have examples throughout the Island - Trinity, St. Martin, St. Mary - where this has happened in the past and parishioners and Islanders have benefited. One might argue that a Parish scheme does take housing away from the general marketplace, but it also takes the demand away as well, because those people come out of the housing market and go into properties, so they are no longer queuing up and denying other people properties. I have heard it said that St. Helier has a problem in that it only has capacity to build flats where there is an aspiration in St. Helier for 2 to 3-bed houses; however, that does not stop them from having a scheme. They have the land to have a housing scheme, they have the land to do what we are trying to do in St. Ouen. So, if there is a demand in St. Helier from people who want 2 to 3-bedroom houses - and I can understand that - then it is within their gift to do something about it. However, the real problem I have and this has been said by a number of speakers before me, is that if we take away from the Parishes the incentive to develop housing schemes for parishioners, then, unfortunately, those schemes just will not come to the marketplace and they will be lost, because there will be no incentive for Parishes to push and to produce Island Plans, consult with parishioners and bring housing schemes to the marketplace, simply because quite a lot of time when land is offered to the Parish it is on the criteria that at least some of those houses go towards parishioners who are living in the Parish. I like John Young's idea ...

The Bailiff:

Deputy Young, thank you.

The Connétable of St. Ouen:

Deputy Young's idea when the go-kart track was redeveloped and I do remember that happening, that a 50/50 mix is a very fair and equitable way forward. I am not saying that Parishes would not be open to that, but it does seem to me to be a very pragmatic way of solving the problem. In conclusion - I said I would be brief - the Island has a housing crisis, this particular - well-meaning I am sure - motion does not help it, because it would discourage a source of housing that would otherwise come to the marketplace. Those schemes would probably be lost if this came through,

which would be a great shame and it would also reduce the number of houses that are available to Members. Unfortunately, I cannot see a way to support this.

8.1.8 The Connétable of St. John:

St. John built their first village development way back in 1971 and I am told that today - and from my observations it seems correct - that 50 per cent of the original purchasers, almost 50 years ago, are still living in their original homes. That, for a community, is an extremely good thing. St. John, since then, has built a number of other village developments and unfortunately in one of them there was an ugly consequence in that there was profiteering. The homes were built with a lot of help from the Parish, the Parish using its influence to purchase the land cheaply, to get architects and others to do the work at cheap rates, the houses were sold well below market price and a couple of the houses were then sold and there was profiteering. That was something that took place across the Island. This was generally known as the first-time buyer schemes and I think, quite correctly, the Housing Department, in conjunction with that and it is now run by Andium, brought in a system called affordable housing to stop this type of profiteering. What happens is when the property is sold Andium take a bond to a value of the property, I can speak for St. John where it will be 25 per cent. In essence, the market value is £440,000, but the purchasers will only be paying £330,000. This way the bond being held by Andium maintains that value of the house at three-quarters of the market price. This is what the affordable housing scheme is. So, when you go to the Planning Department asking for a field, or an area, to be zoned for affordable housing, it is done with the blessing of Andium, because they take out the bond to keep the price affordable at three-quarters of the market price. We, in St. John, are currently going through a process of contributing to the Island Plan. We have set up a very long label for a committee, La Comité de la Commune Rurale de St. Jean, which is a mouthful. The idea is that we will be examining the needs of the Parish and we will then present these needs to the Island, to the Planning Department, to be included in the next Island Plan. I know, from talking to parishioners, that if we plan areas of land for affordable housing and then take it to the Parish Assembly for final approval and I have to stand up and say: "Sorry, but these affordable houses will be for Islanders as a whole and not St. Jeannais", we will not get the support of the Parish and I will not be able to stand here talking to the Island Plan with that submission, saying it has the support of the Parish, because it will not. The Deputy spoke very passionately about need and I strongly support her on that basis. If we take the Parish of St. John, I have 175 parishioners on a waiting list for affordable housing. We are told that the Affordable Housing Gateway has 1,050. Well, if St. John is 3 per cent of the Island's population, this means that the demand in St. John is 6 times greater than the Island as a whole. Clearly, there is a significantly greater need in St. John for affordable housing. But there is another issue on needs. Currently, through the Housing Gateway for affordable homes, the household income must be below, I believe, £85,000 - I stand to be corrected but I believe that is the figure. If your income is above £85,000, then it is deemed you can apply on the open market. To qualify your income must be below £85,000. The other need is on hardship grounds. I put forward another far more important need, which is not regarded and is not measurable and that is a community need. The need to be part of a community, to be within a community. It amazes me, standing on the steps of the Parish Hall some mornings - I usually do not have time to stand, but I do occasionally, in order to talk to parishioners - we have mums and dads bringing children to school across the main road and I am staggered at how many grandparents are bringing children across the road. The reason why grandparents are bringing children across the road is because we have the community there and the grandparents live near the parents, so they can take their children to school. If we do not have that community, this is something we will not see happening. Finally, I do not want to tread on the toes of the Constable of St. Helier, but I would strongly support the Deputy if she were to go to St. Helier, to her Constable and say: "Look at the country Parishes, they are all providing affordable housing for their parishioners, can you, as Constable of St. Helier, do something? Can we as Deputies support you?" and have your own

affordable housing schemes in St. Helier. I feel passionately about this and I feel that while I sympathise with the Deputy's thoughts, I cannot support her Proposition.

8.1.9 Deputy C.F. Labey of Grouville:

Many of the points I was going to make have been made, but I would applaud the Deputy bringing this forward, because Deputy Young said that we should not be stopped at looking at the Gateway system now, before the Island Plan. Personally, I think it is absolutely essential we look at the Gateway scheme now, because I think there are huge amounts of confusion around it and there is a huge amount of confusion with the Parish lists. I take on board what people are saying with having a buy-in, a connection, to the community, but I would like to see a criteria of what that is. At the moment it is a complete fog. I do not know what it is. Some Parishes operate with boards, some it is just a quick meeting with the Constable and you put your name on the list. There is no particular criteria. I want to know what those close links are. I want to know what the criteria is and how people are eligible to get on those lists. Is it a connection with grandparents, parents, time lived in the Parish, you have helped out with the Parish float as Deputy Gardiner said? I do not feel by asking for an open and transparent criteria, whatever that may be, even if it is those links, demonstrating those links to the Parish, I feel it has to be open and transparent and I do not see that as an erosion of the Parish identity. I think housing our population is far more important an issue than competition between Battle of Flowers and Battle of Blooms as our identity. The point I really want to get to is the concern I have with all these lists and all these schemes and the confusion that there is between them. The confusion there is between the bequests, the Parish schemes, the private, the public, the Gateway. My fear is that people are putting their names down on lists, they might have parents in St. Clement, grandparents in Trinity, they have lived in Grouville, they could end up on 5 different lists, including the Gateway. Now, if I am going to be asked to be rezoning land when the Island Plan comes along, I want to know how many sites we are looking for, exactly. I want to know that there is an absolute real need to rezone any greenfields if it comes to that and I am sure it will. Seven thousand has been bandied about as the number of units that we now have to find. Is it? Is it 7,000, or are their people featuring on 5 different lists, 4 Parishes and one Gateway?

[17:00]

I will flag that up now. We had a very similar debate and I said very similar things on 3rd May, when we were debating the field in St. Peter. I have heard nothing from the Comité des Connétables. I would like to see them come forward with how they are going to make this more open and transparent, how are they publicising the criteria of getting on their list to their parishioners, what is that criteria, what kind of checks and balances do we have that people are not preparing, or are not putting their names down - and I do not blame them - on 5 different lists? Before we enter any debate, very long debates about the Island Plan, I want a criteria of the schemes, I want to know how the schemes work exactly, I want to know what the Parish schemes are, the Gateway and I want to know that we are not double counting or triple counting. I just flag that up now. It is a good Proposition; I am afraid I cannot support it, because of the sheltered housing element, but the sentiment behind it is good. We want open, clear, transparent criteria, that is what I feel we need. We need clarity, we need to have this debate and we need to have all the facts, before we enter any Island Plan debate.

8.1.10 Senator S.Y. Mézec:

I am pleased to follow the Deputy of Grouville, who I think made a few really important points there. Just to start with one point that has not really been raised that much in this debate, but it is about part (c) of the proposition, which is requesting that I publish the details that are used for allocations and criteria for the Affordable Housing Gateway, that I have not heard other Members mention so far, but I hope that that part of the proposition is non-contentious. It is something that I intend on doing anyway. That recommendation has been made to me independently and frankly I am surprised previous Ministers did not do it anyway. I hope that part (c), if anything, is non-contentious and hope

Members will support it. If they are against the other 2 parts, at least do not forget about part (c), because that is something important to do. The simple fact about the rest of this Proposition is that, like many things, there are advantages and disadvantages to it. Questions have been raised and some have struggled to get to grips with the complexity about some of this, but the fact is that if this Proposition is adopted, there will be some good things we can do as a result of it and some things that will become more difficult and *vice versa*. I have found myself falling on the side of the fence which believes that if you want the advantages that come with using the Gateway system and everything that comes with that, then you should not also have the advantage of being able to say there must be a Parish connection to that. I have come to the view that if the Parish connection idea is important and pursued, then there ought to be other avenues for doing it and not using a Gateway system which should have, at all times, the primary focus of assisting the most needy of Jersey, irrespective of what Parish they do, or do not, have a connection to. I appreciate that some Members, in particular some Constables, who will be actively involved in some of their schemes, would worry that that would affect the viability of putting forward some of their schemes. I completely understand that point and I think back to the phrase that the Deputy of St. Ouen used in his speech. He said with this Proposition accepted it would be likely that there would be some schemes that would not have the support of the Parish and he described that as a fact of life. I have to say, if that is a fact of life, it is a sad fact of life, because I do not think it says the right things about those communities and them wanting to be overly picky about who is accepted into them, rather than doing their duty for an Island-wide need. Let me tell you, it is a desperate Island-wide need. He made another point that I found quite curious. When talking about the St. Ouen's example he spoke about noticing what is happening in the Parish with fewer younger people and younger families living in there. He talked about sometimes the difficulties getting people to serve in the Honorary Police and he talked about attendance at the local youth club. I just cannot help but think, do you think that people would move into Gateway allocated properties from other Parishes and become an enclave and not get involved in their community. Do you think they would not send their kids to the youth club? Of course they would. Do you think people would not get involved in the Honorary Police? Well, they would be no more, or less, likely than anybody else. If you want to get involved in that sort of thing you will get involved in it, it does not matter what Parish you are in. I know people who live in one Parish and serve in the Honorary Police of another Parish. I know of people who do that because it is just what they want to do. This idea that you will only get a benefit to your community if people are purchasing first-time buyer homes, who have that direct connection to that Parish, whatever that Parish is, is clearly wrong and that people will want to be involved in their communities irrespective of what connection they have to it. I am sorry to say that I think that this idea of a Parish connection is too intangible for it to have the support of our Gateway system. The Deputy of Grouville, I think, rightly pointed out that a particular family unit may be such that it has connections to multiple Parishes, whether that is through parents, or whether that is through where they lived and be able to be on multiple lists whereas other people will only be able to be on one list. How can that possibly be fair? Your chances of getting that important help in life - and it is help, you are not purchasing on the open market, you are purchasing through an assisted scheme of some sort, your chances are better than other people - that is and can only be described as discrimination, even if it is coming from the right place. It is not deliberately trying to be unfair, but that is the natural consequence of it. When Deputy Tadier was talking about his family circumstances, I was just, in my own head, trying to think of my own family circumstances and think where would I apply to if I was interested in one of these Parish schemes? Two of my grandparents were from Brittany, so no direct Parish connections there; my grandad is from St. Helier, OK I already live in St. Helier, so that is no help. My other grandmother, late grandmother, I actually do not know what Parish she was from. I know she lived in St. Brelade when I was born, but before that I do not know what her connections were. They eventually moved out of St. Brelade anyway, so my family circumstances are such that I do not think I have a good claim actually to be involved in any Parish scheme. I suspect there are lots of people out there in the Island like me who, when they got to their early or mid-20s and left the family home,

quite a lot of them go to St. Helier, a Parish that does not have its own schemes and cannot really claim that they ought to back when they want to purchase a home to the Parish that they left. If that were me, that would be me going back to St. Saviour where my mother still lives. It is not of much benefit either to myself, or my mother, for us to be living amazingly close to each other when we both have cars and she does not need me to care for her in any sense. She is not at that point in life, whereas there are other people for whom that would be important, to be near elderly parents, so they can play their role in caring for them. But even then it is not a Parish connection, it is a family connection. You may be somebody whose parents live at the far end of one Parish and the Affordable Housing scheme is at the other side of the Parish, or the example Deputy Gardiner used of the road where one side of it is in one Parish and one is the other, in which case it is the area connection that matters, not the Parish connection. That is where the benefit would come from in terms of community, or helping your family. A Parish way of doing it is actually too arbitrary for getting that particular benefit. The obvious consequence of not accepting this Proposition is, let us honest, it would put people in St. Helier at a disadvantage, where the majority of the most needy people live, people who will have ended up in St. Helier, potentially from other Parishes, because they have had to live in social housing, the majority of which is in St. Helier. You end up creating a class of people, who are not eligible for extra types of support that people who are less needy than them are eligible for. That is a fundamental unfairness and if we are trying to address the housing need of Jersey I think we need to be more objective about it. While I accept that there are some who think that fewer sites will be used, or come forward to become Parish housing schemes, if that is the case then I say that is sad and regrettable and I do not think we should give in, just because it is sad and regrettable. I think it would be better to change people's attitudes and that is why I support the Proposition from Deputy Gardiner and congratulate her on bringing it forward.

8.1.11 The Deputy of St. Peter:

I would like to thank Deputy Gardiner for bringing the Proposition. I also like to thank her very much for the amendment, which we discussed and I believe we shared with Senator Moore. What concerns me most is the initial debate we had about the word 'private'. The word 'private' is not defined within the legislation alongside the word 'affordable'. That gives me great concern, because that is going to always cause confusion, in every single development in the Parish. They are hard enough to get through as it is. Without that clarity, I am somewhat concerned. Being very quick, Parish connections - and there have been a lot of conversations about Parish connections - have to be tightened up. I can say jokingly that getting a speeding ticket going through the village in 1993 as a Parish connection is a little bit too tenuous, but I have seen quite a lot of them are questionable. I think they do need to be tightened up. With that I expect if the Constable brings forward his proposition with the Parish plan in St. Peter to make more clarity over that so we can start to have a blend of those with strong Parish connections and those that can come into the Parish and be welcomed into the Parish, regardless of their circumstances and where they have spent their previous time within the Island. Given this sort of uncertainty, I think this will basically, unfortunately, kill the initiative and the motivation of the Parishes to build those homes. We have already heard the processes going through from Andium on States-owned land is very easy. The hardest ones from what I see and seem to have been debated in my short tenure here have been the Parish ones that are by far the hardest. It tends to involve rezoning, *et cetera*. It also involves partnerships with Andium, in St. Peter's case finances elsewhere, which makes the whole thing far more complicated and difficult to achieve. Unfortunately, I believe that will restrict the efforts involved in delivery this. It is because of that that I am afraid I cannot support Deputy Gardiner's Proposition. It takes away the initiative and the motivation of the Parish to add to the affordable homes we need and not take away from those that have been mentioned by others.

8.1.12 Connétable J. Le Bailly of St. Mary:

I admire the Deputy's moral stance on equality and fairness to all, but having been offered parcels of land within St. Mary for development by the owners of that land, that land would not be offered if it was not for the stipulation that the development should be offered to parishioners first, who require really affordable first-time buyer housing. If that was not part of the agreement, then it would be likely that the land would be lost and sold on to a private developer, or not developed at all. All my experience of Parish village developments - and I have worked in all the village developments during the 1970s - all offered housing to parishioners and resulted in a surplus of housing, which was then offered to others. We do not need more legislation, we need more affordable housing by any means possible. We need sites, not legislation.

[17:15]

We need to badger the Minister for the Environment, because until we have sites available for affordable housing we will always have a housing problem. If we had adequate housing to meet demand we would not have to debate this problem. The ball is in his court. Why do we have the housing problem? Because it has not kept pace with demand. This is not a new thing. There started to be a solution in the 1970s, but it was not continued, which has created the inflated costs that we have today. Perhaps the Minister for the Environment could enlighten us at some date on this. For those reasons, I cannot support the Proposition, because it may jeopardise a desperate parishioner's dream.

The Connétable of St. Clement:

Sir, I think 30 minutes has passed since I gave notice and I would like to ask your permission to propose that the vote be put on the Proposition.

The Greffier of the States (in the Chair):

So, is that the closure being called?

The Connétable of St. Clement:

Yes, under Standing Order 84, Sir.

The Greffier of the States (in the Chair):

I am afraid that is the end of that particular section, so we now come to a decision on whether to close the debate. All Members in favour, kindly show. The *appel* has been called for. The *appel* is on the closure of the debate. I ask all Members to return to their seats ...

Deputy R. Labey:

Can we just know how many Members wished to speak?

The Greffier of the States (in the Chair)

If Members wish to show that at this point - I had 2 Members on the list - but Members are not obliged to. The *appel* has been called for and I ask Members to return to their seats. It is the closure of the debate, so after this Deputy Gardiner gets the chance to reply if it is agreed to. I ask the Greffier to open the voting.

POUR: 34		CONTRE: 8		ABSTAIN: 0
Senator L.J. Farnham		Connétable of St. Helier		
Senator S.C. Ferguson		Deputy G.P. Southern (H)		
Senator J.A.N. Le Fondré		Deputy of St. Ouen		
Senator T.A. Vallois		Deputy J.H. Young (B)		
Senator K.L. Moore		Deputy K.F. Morel (L)		
Senator S.W. Pallett		Deputy R.J. Ward (H)		
Connétable of St. Clement		Deputy C.S. Alves (H)		
Connétable of St. Saviour		Deputy I. Gardiner (H)		

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 of Grouville				
Deputy K.C. Lewis (S)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy of St. Martin				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy L.B.E. Ash (C)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy K.G. Pamplin (S)				

8.1.13 Deputy I. Gardiner:

First of all, thank you all for contributing to this debate. Housing need does affect the whole Island and does not have boundaries. I will try to address shortly as much as I can. First of all, I would like to bring your attention and thank you for Senator Mézec mentioning part (c) of the proposition because somehow it did not come in the debate and I will be asking for votes for sections (a), (b) and (c) separately, so I would like Members to pay attention to part (c): “Request the Minister for Children and Housing to comprehensively detail and confirm the location and affordable criteria used to determine a person as being eligible to access the Housing Gateway register and purchase a family home and to be published by the end of 2019.” Please do not see them as separate from the main debate we had about Parish links. Thank you for the Deputy of Grouville, because she mirrored very concisely the feelings through the debate about huge confusion. This is about confusion on different levels and the main thing is to have open, transparent, clear criteria, who is eligible and who is not eligible and how we would prioritise. If the Parish link will stay maybe it is good to prioritise the grandmother or mother will take a priority when we come to the decision of who will get the flat. Definitely there was lots of this feeling of confusion through the debate. I will try to answer some confusions and probably I will not convince, but I will try. First of all, I have checked and I have been told that and you also heard some of the answers here, if you are not applying for the public funds, if you are not going through the Affordable Housing Gateway, that you are not obliged to go through Affordable Housing Gateway, you can have Parish developments. The 2 Parish developments that have been mentioned here, one at St. Martin and one at St. Peter. I have checked it and it is 2 different developments. St. Martin is the private Parish development. They did not apply to go through the Housing Gateway register. St. Peter did decide it through the Gateway register, so they are different schemes and everybody can pick up which scheme they would like to have. The Deputy of St. John asked about clarifications about the private development address but also the Deputy of St. Ouen, it is about sheltered houses. In part (a) written it is Affordable Housing

Gateway to purchase for the first time ... based on the ability to demonstrate close links for the Affordable Housing Gateway, said by them eligible to access. We are talking about first-time buyers. We are not talking about sheltered houses and it had been mentioned in the report. Vibrant community; I do believe in a vibrant community and I do believe in different communities and as Deputy Doublet mentioned, Deputy Tadier mentioned, our vibrant community can be more vibrant if we welcome people from all over the Island and not just continue to live in this small, tight community. I can see the benefit of having the grandmother next to us and help with the children. At the same time, we are an Island 5 by 9 and basically if this young family would be offered a house at an affordable price, a reduced, subsidised price in a different Parish and they say: "You can have this house in this Parish for a reduced price, or you will need to wait another 3 years for the Parish development" I do not think they would wait for 3 years. I might be wrong. They might wait, but it will be their choice. There are other measures like closed shops within accessing public funds and this sometimes feels like through the debate we would like to use the benefits of Affordable Housing Gateway, but we would use the public funds, or use the land that can be allocated to all the Island community. It is again coming to if we are for all the Island, or we are only for the Parish. Not once and Deputy Young mentioned it is morally right, but pragmatically it is wrong. I would like to give another example of a sort and the Constable of St. John mentioned 179 people on the Affordable Housing Gateway, but what to do if St. John will be able to develop Parish schemes for 50 houses and another 130 people will stay on the list but at the same time we will have development in St. Mary? It is just 2 houses down the road. When they are driving on St. John's Road when do we know when we cross between the Parishes? It is not always we really pay attention. Then we need to look in the parishioners' eyes and say: "I did vote against, so we will have 12 Parishes Gateway and you will not be eligible, or you will be a second-class citizen in the Parish that is 2 houses down the road." How come there is 30 people and 100? I have no idea. This is where there is confusion, where it is all becoming a bit messy and I think it is much easier to have one criterion that will be based on the need to have clear and open, transparent Gateway. Somebody told me about the 1970s. From what I know, people in the 1970s, regardless from the Parish, they can get a plot and build their first house anywhere on the Island. What has happened during the 50 years? I am sure the people that were offered plots for purchase. This Proposition will try to remove Parish links in part (a), and part (b) to exclude other Parishes and I ask Members to support it and basically carry out their duty to the people of Jersey as a whole. I am sure that most of us do not read on a daily basis Standing Orders of the States of Jersey, but we should, as States Members, comply with Schedule 3. Item 2 on page 105, the code of conduct of Members of this Assembly, that instructs us that: "The primary duty of an elected Member in this Assembly is to act in the interests of the people of Jersey and the States and the elected Member has a general duty to act in what they believe is the best interests of Jersey as a whole." Let me repeat that: "The best interests of Jersey as a whole." Not a bit of Jersey, not a Parish of Jersey, Jersey as a whole. I ask Members to do their duty to the whole of Jersey and approve this Proposition. I would like to take section (c) separately and could we have an *appel*, please?

The Greffier of the States (in the Chair):

Before we get to that, Deputy, do (a) and (b) naturally divide up, or do they go together? It is not clear to me.

Deputy I. Gardiner:

It is divided.

The Greffier of the States (in the Chair):

It means something different to (a) other than the restriction on people already on the list.

Deputy I. Gardiner:

It was brought to my attention that some people might support (a), but not support (b) for whatever reasons they have.

The Greffier of the States (in the Chair):

It is your prerogative. I just want to check. The *appel* has been called for. We will take the paragraphs individually, (a), (b) and (c). The first vote will be on paragraph (a). Member will resume their seats and I ask the Greffier to open the voting on paragraph (a).

POUR: 13		CONTRE: 33		ABSTAIN: 1
Senator T.A. Vallois		Senator L.J. Farnham		Deputy J.H. Perchard (S)
Senator K.L. Moore		Senator S.C. Ferguson		
Senator S.Y. Mézec		Senator J.A.N. Le Fondré		
Connétable of St. Helier		Senator S.W. Pallett		
Deputy M. Tadier (B)		Connétable of St. Clement		
Deputy M.R. Higgins (H)		Connétable of St. Lawrence		
Deputy L.M.C. Doublet (S)		Connétable of St. Saviour		
Deputy R. Labey (H)		Connétable of St. Brelade		
Deputy S.M. Wickenden (H)		Connétable of Grouville		
Deputy M.R. Le Hegarat (H)		Connétable of St. John		
Deputy R.J. Ward (H)		Connétable of Trinity		
Deputy C.S. Alves (H)		Connétable of St. Peter		
Deputy I. Gardiner (H)		Connétable of St. Mary		
		Connétable of St. Ouen		
		Connétable of St. Martin		
		Deputy G.P. Southern (H)		
		Deputy of Grouville		
		Deputy K.C. Lewis (S)		
		Deputy J.M. Maçon (S)		
		Deputy S.J. Pinel (C)		
		Deputy of St. Martin		
		Deputy of St. Ouen		
		Deputy 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 S.M. Ahier (H)		
		Deputy K.G. Pamplin (S)		

The Greffier of the States (in the Chair):

We now move on to paragraph (b). I will just give the Deputy Greffier a second. I ask the Greffier to open the voting.

POUR: 16		CONTRE: 29		ABSTAIN: 1
Senator T.A. Vallois		Senator L.J. Farnham		Deputy J.H. Perchard (S)
Senator K.L. Moore		Senator J.A.N. Le Fondré		
Senator S.Y. Mézec		Senator S.W. Pallett		
Connétable of St. Helier		Connétable of St. Lawrence		
Connétable of St. Clement		Connétable of St. Saviour		

Connétable of St. Martin		Connétable of St. Brelade		
Deputy M. Tadier (B)		Connétable of Grouville		
Deputy M.R. Higgins (H)		Connétable of St. John		
Deputy L.M.C. Doublet (S)		Connétable of Trinity		
Deputy R. Labey (H)		Connétable of St. Peter		
Deputy S.M. Wickenden (H)		Connétable of St. Mary		
Deputy M.R. Le Hegarat (H)		Connétable of St. Ouen		
Deputy R.J. Ward (H)		Deputy G.P. Southern (H)		
Deputy C.S. Alves (H)		Deputy of Grouville		
Deputy K.G. Pamplin (S)		Deputy K.C. Lewis (S)		
Deputy I. Gardiner (H)		Deputy J.M. Maçon (S)		
		Deputy S.J. Pinel (C)		
		Deputy of St. Martin		
		Deputy of St. Ouen		
		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 S.M. Ahier (H)		

The Greffier of the States (in the Chair):

That brings us to paragraph (c) and I ask the Greffier to open the voting on paragraph (c).

POUR: 43

Senator L.J. Farnham
 Senator S.C. Ferguson
 Senator J.A.N. Le Fondré
 Senator T.A. Vallois
 Senator K.L. Moore
 Senator S.W. Pallett
 Senator S.Y. Mézec
 Connétable of St. Helier
 Connétable of St. Clement
 Connétable of St. Saviour
 Connétable of St. Brelade
 Connétable of Grouville
 Connétable of Trinity
 Connétable of St. Mary
 Connétable of St. Martin
 Deputy G.P. Southern (H)
 Deputy of Grouville
 Deputy K.C. Lewis (S)
 Deputy M. Tadier (B)
 Deputy M.R. Higgins (H)
 Deputy J.M. Maçon (S)
 Deputy S.J. Pinel (C)
 Deputy of St. Martin
 Deputy of St. Ouen
 Deputy L.M.C. Doublet (S)

CONTRE: 4

Connétable of St. Lawrence
 Connétable of St. John
 Connétable of St. Peter
 Connétable of St. Ouen

ABSTAIN: 0

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 Greffier of the States (in the Chair):

That brings us to the end of Public Business for this sitting. If you can bear with us for a second, chatterers, it is time for Deputy Labey to talk to us about the arrangement of public business at the next sitting.

ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS

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

There are just 2 items to raise with the Assembly at this juncture; one addition to the published arrangement of public business on the Consolidated Order Paper, P.68/2019, 5G Network: restrictions on use, down for the sitting on 10th September. We have another e-petition that has gone over the 5,000 mark, 5,100. The petition is ‘Higher sentences for paedophiles’, so I am required to invite the Assembly whether they wish to consider this matter in committee.

[17:30]

The Minister for Home Affairs moves like greased lightning and he is raring to go on behalf of the Government, given he has a portion of justice responsibilities as part of his portfolio and the Minister is happy to take it at the next sitting on 16th July. That is great for the petitioners, because they get it heard very quickly and I understand his counterpart, the Social Security Chair for the Home Affairs Committee is not happy, but he will go along with that on the 16th. I can give way if he wishes to speak.

Deputy R.J. Ward:

Are you referring to the Home Affairs Scrutiny Panel?

Deputy R. Labey:

Yes. [Laughter] Thank you. I think the debate on the 16th would have gone into 2 days anyway, but even with this it is just possible that it might finish after 2 days with also the possibility we would go over into 3, but hopefully 2. With that I propose the arrangement of public business.

9.1 Deputy M. Tadier:

I do not know if I missed it, or whether the Chairman said it, but is the e-petition going to be taken on the Tuesday afternoon, or at the end of Public Business? If it is the latter could I ask that it be

taken on Tuesday afternoon, because it is a matter of public interest clearly for so many that they know with certainty when it would be taken?

Deputy R. Labey:

I do not think that is right. I think it should be taken at the end of the sitting.

9.2 The Connétable of St. Clement:

Yesterday I emailed all Members regarding the Appointed Day Acts for the Draft Criminal Procedures (Jersey) Law 201- and Draft Criminal Procedures Bail Law. Because of an administrative error within the department they were not lodged in time and I am asking they be taken on 16th July, albeit they will be 3 days short of the normal lodging period. The courts are ready to go with these laws that the States have already approved. It is the Appointed Day Acts and I should be very grateful if the States agree to take them with a slightly shortened lodging period.

The Greffier of the States (in the Chair):

Is that Proposition seconded? [**Seconded**]. Does any Member wish to speak on the reduction of the lodging period for those Propositions?

9.2.1 Deputy J.M. Maçon:

It is a concern and I think, perhaps, it is a conversation we need to have on the Government side about how we can tighten up our processes to make sure things are lodged more promptly. Quite rightly backbenchers will bash Ministers when this seems to be happening a few times now, so we do need to look at that.

The Greffier of the States (in the Chair):

Are there any other contributions? Minister, do you want to come back on that?

9.2.2 The Connétable of St. Clement:

I accept totally what Deputy Maçon says. It was an administrative error within the department, for which I apologise and regret, but I hope the States would agree, in these circumstances, to allow it to be taken at the next sitting.

9.2.3 The Solicitor General:

Could I add for the benefit of Members that these Regulations are important because they will allow the courts, or the police, the power to grant pre-charge bail, which is important in domestic violence cases? We currently do not have that power, so it is important that these Regulations are debated as soon as possible.

The Greffier of the States (in the Chair):

Will those in favour of reducing the lodging period for these *projets* kindly show?

Deputy M. Tadier:

Can we have the *appel*?

The Greffier of the States (in the Chair):

The *appel* is called for. The vote will be on reducing the lodging periods on P.63/2019 and P. 64/2019 and I ask the Greffier to open the voting.

POUR: 47		CONTRE: 0		ABSTAIN: 0
Senator L.J. Farnham				
Senator S.C. Ferguson				
Senator J.A.N. Le Fondré				
Senator T.A. Vallois				

Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy 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)				

9.3 Deputy M. Tadier:

If sighs could kill I do not think I would still be alive. Sighs are not everything, to coin a new grammar. I think it is important to raise this point about e-petitions and it does not relate to this specific e-petition, but I think it is a courtesy to the initiator of any e-petition and the 5,000-plus people who signed any e-petition that they know, with some certainty, when the debate will take place. Under our current system that is not the case, so they are at the vagaries of our Public Business. I am not saying that e-petitions are more important than allocated time for our business that we have lodged, but I think this is not just about us. It is about the public having certainty, because many of

these people will want to attend the Assembly and they need to make childcare arrangements, *et cetera*, and that is why I would ask that consideration be given to taking this as the first item of business on the afternoon of 16th July, or if the Chairman has an alternative view to have it at a fixed point during the next 2 days. That seems the most obvious thing to do. If they want to make alternative arrangements for the future then I think P.P.C. needs to talk about that, but I would like to formally make that proposition that we take the e-petition as the first item of business and allocate only that afternoon session for debate.

The Greffier of the States (in the Chair):

Is that Proposition seconded? [**Seconded**] Does anybody wish to speak on that Proposition?

9.3.1 Deputy R. Labey:

I cannot agree with this, because I have a Proposition on behalf of the P.P.C. scheduled for that sitting. I think it is 5 or 6 down the order and I think it is really important that I propose that Proposition. I am also due to travel out of the Island on Wednesday on the last flight out, because I am attending a C.P.A. (Commonwealth Parliamentary Association) conference in Westminster on Thursday morning. I do not believe it is fair for the in-committee debate to jump the queue. I think, under these circumstances, as the next sitting is the last before 8 weeks of recess it is to the benefit of the petitioners that the Minister for Home Affairs and the Scrutiny Chair have agreed to take this in 2 weeks at the earliest possible opportunity. Otherwise it is an awfully long wait for the petitioners on this occasion. We will have to keep them informed when the debate is likely to happen, but they can, of course, watch it online. The States is recorded now and you can go back and watch it afterwards if they are not able to see it live at the time. I cannot agree with Deputy Tadier and I think it would be wrong for this to jump the queue.

9.3.2 Deputy S.M. Wickenden:

I am not going to repeat what Deputy Russell Labey said, but I was pretty much in the same way; it is online.

9.3.3 The Deputy of St. Martin:

I wanted to point out that starting anything first thing in the afternoon is not a guarantee. We could be in a position where we have a proposal speech before we break for lunch and then it may well be we have a gap of a day, almost, before we come back and hear the debate.

The Greffier of the States (in the Chair):

Deputy Tadier, do you want to reply to any of these points before we resolve this?

9.3.4 Deputy M. Tadier:

I did not understand that last point. Could the Deputy of St. Martin clarify?

The Greffier of the States (in the Chair):

I think he was saying that if there was another Proposition that comes up before lunch, if there was a fixed rule that after lunch you had to have the in-committee debate, you could end up launching the debate on the Proposition before lunch but then suspend it until the next day. I think that was the point he was making.

Deputy M. Tadier:

Let us take those points in order. That last point is that clearly the Assembly should have the wherewithal to choose a small item that is non-controversial before lunch, so if you have a quarter of an hour left before the lunch break you choose something that is going to be uncontroversial and you ask for that to be taken, or you simply do not ask for it to be taken if you think that is too risky. I am slightly disappointed that the Chairman of P.P.C. has conflated his arguments about not wanting to

take this on Tuesday saying that he has, as P.P.C. Chairman, a different Proposition. The whole point of having a Committee and a Vice-Chair is that you can allocate the workload to other individuals and that they can do that. I do not think that is valid. I would have preferred a counter-proposition from him to give certainty. If the logic is to say that now we have online streaming why do we not simply close the gallery? We have some people in the gallery today. They could watch it at home. They could watch this today. We could make this a completely closed shop, so that nobody could come in. There is clearly a difference between the cut and thrust you get in the gallery. People will want to come down and speak to States Members and talk to them about why they signed this, or any petition and they will not have the certainty to go through that. That is why I am asking for it but, clearly, I do not think it is going to get support, but I think it is important to put a vote on the record so people know how we vote when it comes to arranging States business, either for our own convenience, or for the greater convenience of the public.

The Greffier of the States (in the Chair):

I think the *appel* has been called for and the Proposition was to start the in-committee debate immediately after lunch on Tuesday, 16th. I ask the Greffier to open the voting.

POUR: 7	CONTRE: 38	ABSTAIN: 0
Senator K.L. Moore	Senator L.J. Farnham	
Senator S.W. Pallett	Senator S.C. Ferguson	
Connétable of St. Helier	Senator J.A.N. Le Fondré	
Deputy G.P. Southern (H)	Senator T.A. Vallois	
Deputy M. Tadier (B)	Senator S.Y. Mézec	
Deputy R.J. Ward (H)	Connétable of St. Clement	
Deputy K.G. Pamplin (S)	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 K.C. Lewis (S)	
	Deputy M.R. Higgins (H)	
	Deputy J.M. Maçon (S)	
	Deputy S.J. Pinel (C)	
	Deputy of St. Martin	
	Deputy of St. Ouen	
	Deputy R. Labey (H)	
	Deputy S.M. Wickenden (H)	
	Deputy of St. Mary	
	Deputy G.J. Truscott (B)	
	Deputy J.H. Young (B)	
	Deputy L.B.E. Ash (C)	
	Deputy K.F. Morel (L)	
	Deputy G.C.U. Guida (L)	
	Deputy of St. Peter	
	Deputy of Trinity	
	Deputy of St. John	
	Deputy M.R. Le Hegarat (H)	
	Deputy S.M. Ahier (H)	

		Deputy J.H. Perchard (S)		
		Deputy C.S. Alves (H)		
		Deputy I. Gardiner (H)		

The Greffier of the States (in the Chair):

On the Chairman's proposal for the business on 16th July, those Members who are in favour kindly show, and those against? It has been adopted and the States therefore stands adjourned until Tuesday, 16th July at 9:30 a.m.

ADJOURNMENT

[17:40]