

# STATES OF JERSEY

## OFFICIAL REPORT

**TUESDAY, 29th JANUARY 2018**

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[9:31]

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

## **COMMUNICATIONS BY THE PRESIDING OFFICER**

**The Deputy Bailiff:**

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

I will start as is usual on behalf of Members by welcoming His Excellency the Lieutenant Governor to the Chamber this morning. **[Approbation]**

## **QUESTIONS**

### **2. Written Questions**

#### **2.1 DEPUTY J.M. MAÇON OF ST. SAVIOUR OF THE MINISTER FOR HOME AFFAIRS REGARDING APPLICATIONS FOR SETTLED STATUS: [WQ.38/2019]**

##### **Question**

Will the Minister produce figures to show, on a monthly basis, the number of people who have registered for Settled Status since the scheme began as well as the expected numbers of applications, in both adult and child categories, until the scheme is planned to end?

##### **Answer**

It is estimated that there are approximately 20,000 EU citizens living and working in Jersey who will apply to the Jersey EU Settlement Scheme. The Scheme will open on Monday 11<sup>th</sup> February 2019.

#### **2.2 THE DEPUTY OF ST. PETER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE INCOME TAX PAID BY HIGH VALUE RESIDENTS: [WQ.39/2019]**

##### **Question**

Will the Minister advise, in respect of the 2017 tax year –

- (a) how many Jersey residents (excluding High Value Residents), if any, paid more than the minimum tax payment of £125,000 per annum that applied to High Value Residents;
- (b) what the average annual tax payment was for any such residents and how much income was generated from the group in total;
- (c) how many High Value Residents resided in Jersey;
- (d) what the average tax paid by such High Value Residents was; and
- (e) what the total increase in Income Tax paid would have been if High Value Residents had paid 20% Income Tax on all their earnings?

##### **Answer**

Officers are working to produce the data needed to answer parts (a) to (d) of this question. It has not been possible to do so by the sitting of 29th January. The answer will be provided to the questioner and the Assembly as soon as it is available.

The Minister is not able to answer part (e) of the question, for reasons outlined in the answer to written question 65.

**2.3 DEPUTY J.H. PERCHARD OF ST. SAVIOUR OF THE CHAIRMAN OF THE STATES EMPLOYMENT BOARD REGARDING THE TRAINING PROVIDED TO STATES OF JERSEY EMPLOYEES ON EQUALITY AND DIVERSITY: [WQ.40/2019]**

**Question**

Given the States of Jersey's Equality and Diversity policy states that “*training on equality and diversity should be available to all existing employees and should be included within every induction plan for all employees joining the organisation*” and that the policy applies to employees on both permanent contracts and zero-hours agreements, contract workers and workers on honorary contracts, will the Chairman advise how many new employees have entered States employment in the last 12 months and how many of these new employees received equality and diversity training as part of their induction plan; and will he explain how such training is delivered?

**Answer**

In the last 12 months (to 23/01/2019) there were 192 fixed term employees, 519 permanent staff and 215 zero hours contracts recruited into the States of Jersey.

The Corporate Induction programme ran in an earlier form until mid-year 2018. The Programme is currently suspended whilst it is being reviewed to incorporate digital learning elements and revised on boarding arrangements .The programme contains a session on equality, diversity and inclusion. This will be relaunched in July 2019

In the meantime all States line managers are required to discuss key organisational policies with new recruits as part of their induction and on-boarding into departments. There is no centrally recorded number of this taking place.

It is acknowledged that our Diversity and inclusion training can be improved and it has developed as the Discrimination legislation has been implemented. Diversity and inclusion is an active theme in our delivery. For example over the next four weeks the States of Jersey are running face to face workshops for all people managers to update them on the Bullying and Harassment and Whistleblowing policies recently launched .

We continue to promote learning and development on equality and diversity in a wide variety of ways

- HR Business Partner briefings to senior manager teams

- 'Ethics' that includes Equality and Diversity is covered in professional qualifications and briefings for Finance Managers.
- Revised and developed Equality and Diversity training for staff in Customer and Local Services.
- Nursing students joining the islands nursing programme have a session on equality and diversity.
- The States of Jersey Police will roll out Equality and Diversity training and awareness in 2019.
- Training programmes cover elements of Equality and Diversity such as Managers to Leaders, Inspiring Managers, mediation course and investigators course

Participation in JACs training courses.

## **2.4 DEPUTY J.M. MAÇON OF ST. SAVIOUR OF THE MINISTER FOR ECONOMIC DEVELOPMENT, TOURISM, SPORT AND CULTURE REGARDING THE IMPORTATION OF FROZEN FOOD: [WQ.41/2019]**

### **Question**

What is the Minister's assessment of the implications for consumers of there being only one importer of frozen food to Jersey; and will he advise what action, if any, his department is taking in order to promote competition and to prevent the continuation of a monopoly in this area?

### **Answer**

There are multiple importers of frozen food into Jersey.

In June 2017 Frontier Economics & SYSTRA produced a report for CICRA entitled 'Review of Customer Choice in the Freight Logistics Sector between the UK and the Channel Islands'. The report found that *'customers are generally satisfied with the freight market...Large customers acknowledge that they have little choice of provider...However, all of the customers are broadly satisfied with the level of service and price. Also, there are potentially other options (such as self-supply) available if customers were no longer content with the current providers'*.

Having a restricted choice of supplier (as with refrigerated and frozen food) does not mean the market is not working well for consumers as the freight market is open to competition, with comparatively low barriers to entry. In addition, suppliers are likely to be faced with a number of powerful customers who are able to use their buying power to obtain competitive prices and terms.

CICRA could be directed to undertake further analysis of the sector if the position changed.

## **2.5 DEPUTY J.M. MAÇON OF ST. SAVIOUR OF THE MINISTER FOR HOME AFFAIRS REGARDING THE SENTENCING OF CHILD SEX OFFENDERS: [WQ.42/2019]**

### **Question**

In light of the e-petition regarding the sentencing of child sex offenders, will the Minister be looking to change the relevant legislation to allow for different categories of offences and the application of different sentences to such offences, as is the case in other jurisdictions such as the U.K. (where possession, creation and distribution of material are treated differently); and if not, will the Minister explain why not?

### **Answer**

In respect of the sentencing of ‘image’ offences, the Protection of Children (Jersey) Law 1994 is drafted in line with equivalent provisions in England and Wales and provides that the potential crimes in Jersey consist of –

1. Taking or making images, or permitting them to be taken or made
2. Distributing or showing images
3. Possessing images with intent to distribute or show them
4. Advertising that suggests these images may be distributed or shown

All of these offences have a penalty of up to ten years in prison.

5. Possessing such images

This has a penalty of up to five years in prison.

In England and Wales, offences equivalent to Numbers 1 to 4 above are found in the Protection of Children Act 1978, with the same ten-year maximum penalty. Offence number 5 lies in the Criminal Justice Act 1998, with the same five-year penalty.

While the maximum penalty is the same in both jurisdictions, the Attorney General has said in his response to the relevant petition that penalties applied by Jersey Courts are *‘significantly more severe than those which would be imposed in England and Wales for similar offences’*.

The UK Sentencing Council's *‘Sexual Offences Definitive Guideline’* provides that images can be graded from A (most serious) to C (least serious). This guidance emerged in 2014 to replace an earlier 1-5 numbering system. Both of these systems are based on the underlying ‘COPINE’ scale (an acronym for ‘COmbating Paedophile Information Networks in Europe’).

Rather than rely on sentencing guidelines, for which there is no mechanism in Jersey, our Courts simply apply the COPINE scale directly to determine the severity of sentence.

In summary, Jersey distinguishes between the images offences in the same way as England and Wales, with the same maximum penalties in law, the analysis of ‘seriousness’ is based on the same

underlying value system (although expressed differently) and in general a more severe sentencing regime is applied by the Jersey Courts to all such offences.

## **2.6 DEPUTY R.J. WARD OF ST. HELIER OF THE MINISTER FOR EDUCATION REGARDING THE FUNDING OF THE ISLAND'S SCHOOLS: [WQ.43/2019]**

### **Question**

Further to the Minister's comments during the debate on the Proposed Common Strategic Policy that she and the Council of Ministers "*are absolutely committed to funding the overall school budgets to a level that ensures high-quality education and outcomes for all students*" and that she would work with colleagues "*to ensure the Government Plan, in which we determine the financial constraints in which we have and ensure proper funding for our services, is based on detailed analysis of all aspects of school funding, including headroom*", will the Minister advise –

- (a) how the 'proper funding' of schools will be defined;
- (b) what stakeholders will be consulted to define such proper funding;
- (c) what analysis will be undertaken and by whom;
- (d) what specific improvements to funding will be seen by schools this year, if any; and
- (e) what the timescale for any such improvement to school funding is?

### **Answer**

- (a) In May 2018 school leaders, specialist school staff, senior departmental officers and advisers embarked upon a comprehensive review of the funding of the Island's five fully States funded Secondary Schools, Primary Schools having been subject to a similar review earlier.

A separate review of Special Educational Needs funding was undertaken for both Primary and Secondary Schools. Both work-streams have developed models and they are in the process of refining their findings as part of the preparation of business cases for the 2020/23 Government Plan. This work is ongoing and will invariably result in a revisit to the Primary Schools review.

Proper funding will be defined by the outcome of these and future work streams that will consider all aspects of school funding to ensure it is optimised to provide everything needed to deliver the best Educational outcomes for all children and young people.

- (b) School leaders, teachers, specialist school staff, unions, senior departmental officers and advisers
- (c) This will be confirmed following a School Funding meeting on 30<sup>th</sup> January which I am attending with The Chief Executive, The Director General for Children Young People and Skills and Group Director for Education
- (d) £100,000 to cover additional school admissions during the school year  
£400,000 to deal with specific and urgent issues identified during the Secondary Schools funding exercise.  
£338,000 Jersey Premium

(e) The Government Plan 2020 - 2023

The Education and Home Affairs Scrutiny Panel will be updated appropriately when the analysis and reviews have been completed.

## **2.7 DEPUTY R.J. WARD OF ST. HELIER OF THE MINISTER FOR EDUCATION REGARDING PUPIL PREMIUM FUNDING: [WQ.44/2019]**

### **Question**

Will the Minister, in respect of the pupil premium funding in schools –

- (a) provide the level of pupil premium funding per student for primary and secondary schools for 2019;
- (b) advise whether this will be fully funded as additional money to schools' formally allocated budgets;
- (c) advise whether post-16 institutions will continue to have access to pupil premium funding for their students; and
- (d) advise whether her department monitors whether the impact of pupil premium funding is felt beyond that which would arise from increasing general school budgets by similar amounts and, if so, how?

### **Answer**

(a) Jersey Premium per pupil rates 2019:

Primary	£980
Secondary	£625
Looked After Children	£2,000

- (b) Yes, this funding is in addition to the school budget allocation.
- (c) Jersey Premium funding is not available for students in years 12 and 13.
- (d) Jersey Premium is targeted funding which has been introduced to help all children get the very best from their education, regardless of their socio-economic background or barriers to learning. The Department works with schools to support them in rigorously evaluating the impact of their use of Jersey Premium funding to benefit pupils, whilst also ensuring value for money.

The end of the 2018/19 academic year in July 2019 is only the second full year of Jersey Premium funding and its impact and effectiveness will be further assessed and reviewed, alongside all other elements of school budgets, to inform The Government Plan 2020 – 2023, in accordance with our Common Strategic Policy commitments.

Details of the current monitoring requirements are in the Jersey Premium Policy.

<https://www.gov.je/SiteCollectionDocuments/Education/P%20Jersey%20Premium%20Policy%2020180711%20JP.pdf>

**2.8 DEPUTY R.J. WARD OF ST. HELIER OF THE CHAIRMAN OF THE STATES EMPLOYMENT BOARD REGARDING A REVIEW OF H.R. POLICIES: [WR.45/2019]**

**Question**

Will the Chairman advise whether a full review of HR policies is being undertaken and, if so –

- (a) what consultation is being undertaken with workers' representatives, if any; and
- (b) if such consultation is being undertaken, whether individual policies are being presented as whole documents to be either accepted or rejected, or whether consultation is taking place on individual sections of policy in order that the specific impact of such sections can be understood?

**Answer**

Our HR policies are consulted upon and where appropriate negotiated, with workforce representatives as a matter of course.

Consultation is a feature of our policy development process and includes a number of key stakeholders, including union representatives.

The implementation of the Target Operating Model and the work with Team Jersey necessitates a full refresh of all our policies. Details of the order in which they will be reviewed is currently being finalised.

Reviews of bullying and harassment and whistle-blowing policies have taken precedence to address the recommendations of the HR Lounge Report.

Our recent consultation on bullying and harassment and whistle-blowing was conducted on the whole policy. Feedback from workplace representatives and managers was incorporated where appropriate in the policy approved by the SEB.

**2.9 DEPUTY R.J. WARD OF ST. HELIER OF THE MINISTER FOR INFRASTRUCTURE REGARDING AN INVESTIGATION INTO THE PROVISION OF A FREE BUS SERVICE: [WQ.46/2019]**

**Question**

Given the measure would potentially help to counter traffic congestion and improve Islanders' mobility and health, will the Minister commit to undertake a thorough investigation of the provision of a free bus service for the Island and to include this undertaking in the 2020 Government Plan?

**Answer**

As recently outlined by the Assistant Minister for Infrastructure while answering Oral Question 155 of 2018, the concept of a zero-fare bus service has already been considered with the outcome being that additional revenue expenditure of several million pounds per annum would be required to fund such an initiative, while removing from the bus operating contract the commercial revenue risk which has been a key factor in the success of the LibertyBus service since 2013, and acting as a disincentive to the active travel modes of walking and cycling.

Additionally, there is no conclusive proof that removal of bus fares would have a significant effect on the volume of private motorised transport.

For these reasons I cannot justify resources for any further study into this topic. However I would be very happy to meet the Deputy along with my officers and LibertyBus representatives, in order to discuss how the bus service might potentially develop in the future.

**2.10 DEPUTY R.J. WARD OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE INVESTMENT POLICY OF THE GOVERNMENT OF JERSEY: [WQ.47/2019]**

**Question**

In relation to investments made by, or on behalf of, the Government of Jersey, will the Minister –

- (a) ensure that no further investments are made that encourage the use of 'Heavy Carbon';
- (b) ensure that investments are not made which would benefit regimes with poor human rights records; and
- (c) advise what steps the Government of Jersey takes to ensure that the Island's reputation is not damaged by its investment policy?

**Answer**

The Minister for Treasury and Resources is required to publish annually the Investment Strategies for all of the States investment. The most recent version was published on 23<sup>rd</sup> November 2018 as R.146/2018.

Included within the Report is the Responsible Investment Policy which is as follows:

*The Minister is recognises the importance of acting in a responsible manner when managing investments on behalf of the States of Jersey.*

*Although the States does not directly intervene in the activities of the investment managers, its responsible investment framework is implemented through the appointment of investment managers and the mandate under which these managers act. Both during the appointment process and on an ongoing basis due consideration is given to the manager's approach to Environmental, Social and Governance ('ESG') risk.*

*When making investment decisions investment managers, are required, where relevant, to give consideration to risks in their assessment of value. Through this process investment managers are expected to incorporate the potential risk and value impact of ESG factors in their investment decisions, having regard to the information that is readily available at the time of the decision. The Minister intends for this to encourage investment in companies with good governance and responsible management."*

Furthermore, all potential investment managers are assessed by the Treasury Advisory Panel which has been established to provide the Minister with advice on matters relating to investment. Each investment manager's approach to ESG factors is assessed during the initial selection process and they must continue to meet our stringent requirements on an ongoing basis. Upon appointment, each investment manager is subject to a rolling due diligence process by the States investment advisor (currently Aon).

Aon have formally integrated into their ongoing manager reviews an ESG rating, based upon the United Nations Principles for Responsible Investment reporting framework which seeks "an approach to investment that explicitly acknowledges the relevance to the investor of ESG factors, and to the long-term health and stability of the market as a whole."

In addition, the Minister can confirm that the current States investment portfolio does not directly hold government issuance (generally known as gilts) from any government other than the United Kingdom. The Treasury Advisory Panel also monitor specific manager and portfolio limits to ensure portfolios are well-diversified and not over exposed to a single area of risk.

## **2.11 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE PROVISION OF SUPPORT FOR THE ESTABLISHMENT OF AN ELECTRONIC REGISTER: [WR.48/2019]**

### **Question**

Notwithstanding the response of the Chairman of the Privileges and Procedures Committee to Written Question 265/2018, and in light of the results of the ComRes survey and the recommendations of the C.P.A. Election Observers Mission on the conduct of the last elections, will the Chief Minister advise what additional support (including financial support) he will put in place, if any, to ensure the establishment and testing of an electronic register (that would allow for voters both to register their votes at any polling station and to vote electronically) in time for the 2022 public elections?

### **Answer**

The priority remains a focus on the establishment of requisite legislation and technology to enable automatic voter registration, and in turn, the potential to register votes at any polling station. There is no current intention to implement electronic voting in time for 2022, given the importance of ensuring that the registration system works properly and is secure. However, the Privileges and Procedures Committee is ultimately responsible for the implementation of such a system.

Delivery of this priority rests, in part, on the delivery of the People Directory and associated eGov infrastructure. I am pleased to report that these successfully “went live” last week (22 January). This enables a continuation of the work required to deliver an electronic register. I expect officers to be provided with a clear funding proposal and plan in the coming months which will deliver these actions within the timescales set out.

**2.12 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE DEVELOPMENT OF TARGET OPERATING MODELS FOR PUBLIC SECTOR DEPARTMENTS: [WQ.49/2019]**

**Question**

Further to the response to Written Question 276/2018, in which he stated (in relation to potential savings of £30 million) that “*some of those savings will be achieved through responsible headcount management, but other efficiencies will be important as we modernise our public services – better commercial contract management, consolidating assets, improving automation and online services, rationalising back office processing, and reducing layers of management*”, will the Chief Minister confirm whether he has received any submissions from Ministers on the content of their Target Operating Models (TOMs) and, if so, will he inform members what savings targets he consequently has under consideration for each of the six factors he listed?

**Answer**

Target Operating Models (TOMs) are still currently being developed by Departments with most having started or about to start formal consultation. Alongside the development of the TOMs, Officers have been tasked with identifying the potential savings and this is being coordinated by the Chief Operating Officer. This work by officers is expected to conclude by the end of March, with implementation through to May. This will include identification of the potential savings available for each of the six factors listed, as well as some others. The results of this work will be considered with individual Ministers, the Chief Minister, and the Council of Ministers in advance of being finalised.

**2.13 DEPUTY M. TADIER OF ST. BRELADE OF THE CHIEF MINISTER REGARDING THE COMMEMORATION OF THE 250th ANNIVERSARY OF THE CORN RIOTS: [WQ.50/2019]**

**Question**

Further to the adoption of paragraph (a) of ‘Reform Day: 28th September 1769’ (P.107/2012) on 20th November 2012, that “*28th September should be recognised annually by the States of Jersey as ‘Reform Day’ to mark the anniversary of the events in Jersey of 28th September 1769*”, will the Chief Minister advise –

- (a) what has been done to mark Reform Day since the adoption of the proposition and, if nothing, why the Assembly's decision has not been implemented;
- (b) who has official responsibility to make sure that Reform Day is commemorated every year; and
- (c) whether it his intention for this year's 250th anniversary of the Corn Riots to receive special commemoration?

### **Answer**

The decision to commemorate Reform Day was agreed by the States Assembly through P.107/2012. The Chief Minister supports the efforts of the Deputy to raise awareness and improve the education of such pivotal moments in the Island's history.

- a) The Chief Minister understands that the States Greffe is currently considering how best to commemorate Reform Day, as part of its efforts to explain and share the wider aspects of the States Assembly and its history with the public. He supports the efforts of the States Greffe in their wider strategy.

As only paragraph a) of P.107/2012 was adopted, "*to agree that 28th September should be recognised annually by the States of Jersey as 'Reform Day' to mark the anniversary of the events in Jersey of 28th September 1769*" no specific requirements were made as to how the day should be acknowledged annually.

- b) The Privileges and Procedures Committee (PPC) is best placed to coordinate the commemoration of such annual events.
- c) The Chief Minister encourages the Deputy to liaise with the PPC to identify their plans for the 250<sup>th</sup> anniversary of the Corn Riots, and to work with them to achieve the special commemoration that the Deputy desires.

### **2.14 DEPUTY M. TADIER OF ST. BRELADE OF THE MINISTER FOR EDUCATION REGARDING THE COMMEMORATION OF REFORM DAY IN SCHOOLS: [WQ.51/2019]**

#### **Question**

Further to the adoption of paragraph (a) of 'Reform Day: 28th September 1769' (P.107/2012) on 20th November 2012, that "*28th September should be recognised annually by the States of Jersey as 'Reform Day' to mark the anniversary of the events in Jersey of 28th September 1769*", will the Minister advise what steps, if any, will be taken to commemorate Reform Day annually in schools and whether she will ensure that this year's 250th anniversary of the Corn Riots will receive special commemoration?

#### **Answer**

There are currently no cross island plans to commemorate Reform Day in schools, nor the Corn or Bread Riots of September 1769 which precipitated the reforms.

Following the adoption of paragraph (a) of (P.107/2012) the Curriculum Council considered it, as agreed by the Minister for Education and Deputy Pitman during the debate. However, no changes were made to the curriculum in the interests of avoiding a ‘piecemeal approach to curriculum’ and the ‘difficulty of teaching individual dates in isolation’.

The Curriculum Council did make an offer, at the time, welcoming the submission of age appropriate resources to support learning of local history but nothing has been received. This offer remains open and is broad ranging and not specific to Reform Day. A coordinated submission of resources for a range of local historic dates would be considered by the Council, and on approval, circulated to schools, supporting them in raising the importance of these anniversaries with pupils in assemblies or lessons.

**2.15 DEPUTY K.G. PAMPLIN OF ST. SAVIOUR OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING A BREAKDOWN OF EMERGENCY CALLS FOR AN AMBULANCE: [WQ.52/2019]**

**Question**

Will the Minister provide a breakdown of the number of ‘999’ emergency calls for an ambulance in each month of 2018, including the times taken to reach the respective callers?

**Answer**

The breakdown of emergency (999) calls attended by the ambulance service by month in 2018 is shown in the table. Emergency calls are triaged according to clinical need so that they can be prioritised and the most severe/life-threatening cases (triaged as red calls) are intended to be reached in 8 minutes. Island-wide, 73 of the 97 RED1 calls (the most serious) in 2018 were reached within this target time. The table shows the percentage of calls attended per month that are reached within the target times.

The figures are only 999 emergency calls and do not include ambulance transfers of patients between hospitals or doctors’ urgent admissions.

Month	Number of calls attended	% of RED1 calls reached within 8 minutes	% of RED2 calls reached within 8 minutes	% of GREEN1 calls reached within 19 minutes	% of GREEN2 calls reached within 19 minutes	% of GREEN3 calls reached within 30 minutes
January	716	87.5%	64.4%	95.8%	96.2%	95.5%
February	626	66.7%	63.5%	93.1%	85.0%	93.2%

March	813	100.0%	60.6%	96.8%	93.5%	97.1%
April	745	88.9%	65.3%	98.1%	92.9%	93.5%
May	846	66.7%	66.7%	94.3%	91.6%	97.0%
June	812	87.5%	59.4%	97.5%	90.2%	95.0%
July	926	50.0%	60.0%	94.8%	84.3%	91.3%
August	817	55.6%	61.3%	97.4%	90.8%	91.5%
September	800	100.0%	61.5%	94.0%	90.0%	82.5%
October	805	71.4%	59.6%	95.5%	93.4%	93.7%
November	763	75.0%	65.5%	96.0%	95.3%	94.0%
December	822	66.7%	62.2%	91.9%	92.3%	87.5%
2018 Total	9491	75.3%	62.4%	95.4%	91.5%	92.6%

**2.16 DEPUTY K.G. PAMPLIN OF ST. SAVIOUR OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE GRANTS PAID IN 2018 IN RESPECT OF ARTS-RELATED APPLICATIONS: [WQ.53/2019]**

**Question**

Will the Minister provide a breakdown of the grants paid out in 2018 in respect of arts-related applications?

**Answer**

Grant amounts paid out in 2018 in respect of arts-related applications are listed in the below table.

<b>Grant Recipient</b>	<b>Amount paid in 2018 (£)</b>
ArtHouse Jersey	198,400
ArtHouse Jersey (to repay Opera House loan)	572,000
Jersey Opera House	463,600
Jersey Arts Centre Association	449,800
Arts in Health Care	5,000
<b>Total</b>	<b>1,688,800</b>

**2.17 DEPUTY K.G. PAMPLIN OF ST. SAVIOUR OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING WAITING TIMES AT THE GENERAL HOSPITAL: [WQ.54/2019]**

**Question**

Will the Minister provide a breakdown of waiting times at the General Hospital for day surgery repeat appointments?

**Answer**

The table shows the average wait by specialty for a patient to be admitted for a procedure in the day surgery unit in 2018 and the current number of patients waiting (as at 24<sup>th</sup> January) for a day surgery procedure. Waiting times are calculated from the date that the consultant/surgeon adds the patient to the waiting list for the procedure. The data are for public patients only and all clinical priorities. Specialties with < 5 patients admitted in the year have been excluded to prevent disclosure.

<b>Specialty</b>	<b>2018 Average Wait to Procedure (weeks)</b>	<b>Total Currently (24/01/2019)</b>	<b>Patients Waiting</b>
Cardiology	4	24	
Community Health Services Dental	17	60	
Endoscopy	14	2091	
ENT	11	169	
General Surgery	14	321	
Gynaecology	6	96	
Ophthalmology	17	266	
Oral Surgery	8	164	
Pain Management	6	32	
Trauma and Orthopaedics	12	242	
Urology	8	71	

**2.18 DEPUTY K.G. PAMPLIN OF ST. SAVIOUR OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE ASSISTANCE PROVIDED BY ANDIUM HOMES WITH RESIDENTS' EMERGENCY PROBLEMS: [WQ.55/2019]**

**Question**

Will the Minister, as shareholder representative, request from Andium Homes a statement of how many times in 2018 the company was called to assist with residents' emergency problems in their dwellings?

**Answer**

In response to the question, the following information has been provided by Andium Homes:-

During normal working hours all maintenance calls received by Andium Homes are routed to contractors and prioritised according to urgency. Andium Homes has extended contractor normal operating hours to include 9am to 1pm on Saturdays. Outside of these extended operating hours Andium Homes maintains a 24/7 Emergency Maintenance Service to assist clients with emergencies in their homes.

Emergencies include fires, floods and leaks, blocked drains, electrical failures, a lack of water or any other issue which has potential to cause harm or affect health. Where requests made are not deemed to be an emergency, they will be referred to a contractor on the next working day.

The emergency service is manned by an experienced Andium Homes employee supported by retained contractors from the Company's approved contractor list.

During 2018 the Andium Homes Emergency Service received 780 requests for assistance from clients or from agencies such as the Police, Ambulance and Fire Services, acting on behalf of clients. In addition, a small number of requests were received direct by the Lift Engineers Alarm Centre direct from clients. These statistics equate to just over 2 emergency calls per day across the 4,500 homes owned by Andium Homes.

## **2.19 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE CHIEF MINISTER REGARDING POLITICAL OVERSIGHT GROUPS: [WQ.56/2019]**

### **Question**

Will the Chief Minister list for members details of all the political oversight groups (including policy development boards) which have been set up (together with the details of any others he is contemplating setting up), stating their membership; terms of reference; the dates on which they have met; and where copies of the minutes of their meetings can be found?

### **Answer**

The Ministerial Code of Conduct requires Ministers to work "*collaboratively, inclusively, and transparently, and where appropriate through Policy Development Boards or other groups established by the Council or Chief Minister*". Other States Members may be invited to join these groups also, in line with the published terms of reference:

<https://www.gov.je/SiteCollectionDocuments/Government%20and%20administration/180720%20Policy%20Development%20Boards%20Terms%20of%20Reference.pdf>

With this in mind, the below listed groups are expected to be launched in Quarter 1 2019, to support the delivery of the Common Strategic Policy approved in December, 2018.

### **Policy Development Boards** (to support the development of projects and policies)

Migration Policy

Early Years

Island Identity and International Profile

Housing

Digital Economy

States Revenues and Tax Policy

**Oversight Groups** (to oversee the implementation of projects and policies)

Brexit Ministerial Group

One Government

Future Hospital

Digital Government

In addition, a Policy Development Board was established (and has now concluded) to review the evidence relating to the decision on the future hospital site and scheme. The terms of reference, and related documentation, including minutes, are published on:

<https://www.gov.je/Government/PolicyDevelopmentBoards/Pages/HospitalPolicyBoard.aspx>

Finally, as we develop the new Government Plan, and implement the Common Strategic Policy, additional groupings will be established as required, whether to support strategic themes, such as improving physical and mental health or protecting our environment; or to delivery specific pieces of policy or project work, such as preparing for our ageing society, delivering a new Island Plan, improving our urban spaces, a new economic framework, an anti-inflation strategy, and importantly, in relation to issues of equality and diversity.

The terms of reference for all these groups will be published as they are established.

**2.20 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE CARE OF DEMENTIA PATIENTS IN THE ISLAND: [WQ.57/2019]**

**Question**

Will the Minister provide members with –

- (a) the number of dementia patients who are resident in the Island’s care homes, indicating the names of the homes and the number of patients in each of them; and
- (b) details of the bed and treatment capacity of such care homes (as actual figures and as a percentage) and the homes’ staffing ratios; and

will he explain what other information, if any, is available to his department regarding the number of Islanders who have been diagnosed with dementia (including early onset); whether he is aware of any plans for new care homes to be built; and, if so, where they will be located?

**Answer**

The department does not hold information on the number of dementia patients resident in the island’s care homes.

There are four care homes registered with the Jersey Care Commission as providing specialist dementia care for older people. These are:

- La Haule (58 beds)
- Ronceray (25)
- Beaumont Villa (24)
- Lakeside Manor (65)

The Care Commission has confirmed that these four homes meet or exceed minimum staffing levels. For example, where homes provide personal care for people living with dementia in a specialist setting, there must be a minimum of 1:5 care/support workers by day and 1:10 at night.

It is likely that most of the care homes for older people will also have some residents with a degree of cognitive impairment.

The Health and Community Services Department provides care for patients living with dementia at Oak (24 beds) and Maple (18) wards at Rosewood House, and at Sandybrook Nursing Home (28), although not all residents at these facilities may have dementia.

At the end of 2017, there were 650 patients recorded on GP systems with a diagnosis of dementia. (Source: *Prevalence of health conditions in Jersey and their multi-morbidity*. Statistics Jersey, December 2018)

The Care Commission is aware of early-stage plans for a number of new facilities for older people, but currently is not clear as to their exact specification.

**2.21 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE CARE AND TREATMENT OF CHILDREN PLACED IN THE U.K: [WQ.58/2019]**

**Question**

Further to the response to Written Question 283/2018 on 3rd December 2018, will the Minister indicate the nature of any care or treatment received by the children placed in the U.K.; and will he state the total cost of each placement to which the response referred?

**Answer**

Individual information is not provided for each child as this could lead to identification.

Each child who is placed in the UK has an individual care plan and support in place to meet assessed need. Each looked after child has their placement and care plan reviewed on at least a six-monthly basis.

The nature of care or treatment includes the matching of a child’s needs to the type of placement e.g. therapeutic placement, residential school, specialist foster placement or long-term/permanent foster placement. Many children receive education within the same placement, while others may attend specialist education units or mainstream local schools. Some children will have additional support in their education placement.

The residential units are usually small with a high staff/child ratio and specialist foster placements often adopt a ‘team around the child’ approach with therapists and high levels of support to the carer to try and ensure the placement is sustained.

While in placement, children can receive support or ‘treatment’ as appropriate to their care plan including psychological support, play/art therapy, counselling and restorative work.

The total cost of each placement is detailed below:

Year	Number of Children	Total Cost of each placement
2014	3	£478, 525.16 £759, 525 £420, 300
2015	0	
2016	3	£763, 308 (to date) £763, 308 (to date) £604, 320 (to date)
2017	3	£325, 000 £252, 200 £225, 384
2018	2	£86, 450 £95, 948
Total	11	

**2.22 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE UNDERTAKING OF A ‘PARETO ANALYSIS’ OF HIS DEPARTMENT: [WQ.59/2109]**

**Question**

Will the Minister undertake a ‘Pareto analysis’ of the work of both the Health and Community Services parts of his department in order that members may understand –

(a) whether 20% of items (other than staffing) cost his department 80% of its non-staff budget and if so, what those items are; and

(b) whether his department spends 80% of its time addressing 20% of the matters which it works on and if so, what those matters are?

## Answer

(a) Departmental expenditure can be aggregated at a number of levels. The table below shows a fairly high-level aggregation of non-pay expenditure and provides an interpretation of the “expenditure category”. We have excluded “professional fees” as although these are technically “non-pay”, they are spend on people rather than “things”.

Expenditure Category	%	% cumulative	Comments
Purchase of Care	27%	27%	On- and off-island mental health and social care packages; contracts for service with NGOs
Drugs	16%	43%	Drugs prescribed by hospital and MH doctors and other registered professionals
Health Care SLA	12%	55%	Specialist off-island medical care purchased under contract eg Southampton, Oxford Radcliffe
Insurance	3%	58%	Insurance premia
Health Care Non SLA	2%	60%	Specialist off-island medical care purchased as required
Computer S/W Maint	2%	61%	Software maintenance contracts
HC Equip Mnt Con Comp	2%	63%	Healthcare equipment maintenance contracts eg operating theatres, X-ray machines
Rents	2%	65%	Rents
Laboratory Supplies	2%	66%	Laboratory supplies and consumables eg chemical reagents
Electricity	1%	68%	Electricity
Dietary/Dietary Wastage	1%	69%	Dietary supplies and other products
Other Medical Consumables	1%	70%	Medical consumables eg sterile gloves, dressings, venous lines etc
Provisions	1%	72%	Provisions - mainly for patients but also for sale to staff in the restaurant
Charter Flights Patients	1%	73%	Charter flights to transfer very sick patients to UK specialist hospitals - includes medical team
Equipment Purchase	1%	74%	Purchase of items of medical equipment costing less than £10,000 per item
Conference & Course Fees	1%	75%	Professional development, mainly to maintain the registration of health and social care staff
Heating Oil	1%	76%	Heating oil
Surgical Supplies	1%	77%	Surgical consumables eg single use instruments, mesh for hernia repairs etc
Laboratory Services	1%	78%	Specialist laboratory services purchased from UK eg cervical cytology
Equipment Maintenance	1%	78%	Equipment maintenance costs not covered by contracts eg parts and spares
Vehicle Hire & Lease	1%	79%	Payments to GHE (Fleet Management) for vehicles including ambulances

Air Fare Patients	1%	79%	Cost of air fares for patients referred to the UK
Hip Prostheses	1%	80%	Purchase of hip prostheses

(b) The department does not analyse time spent in the way requested. The only functional analysis that relates work/time to cost is through PLICS (Person Level Information and Costing System). An analysis for 2016 has been completed and details for 2017 are expected shortly.

**2.23 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE ACCOMMODATION OF CHILDREN IN CARE: [WQ.60/2019]**

**Question**

Will the Minister state how many children in the care of his department (or who have left its care in the last 10 years) are being housed in accommodation other than their family home; will he further state the cost of that accommodation; and will he explain to members what issues, particularly mental health issues, are experienced by such children and what support they consequently receive from his department?

**Answer**

Mosaic (the electronic care record system in Children’s Services) was implemented in November 2017, and since that time 155 individuals have been looked after or recorded as a Care Leaver. Of this cohort, 20 are known to be accessing support from CAMHS, 7 are supported by Adult Social Care, 12 receive Speech and Language Therapy, 5 are open to Occupational Therapy, and 6 are supported by a CAMHS Alcohol and Drug Worker. We are unable to give further information on the nature of the support required as this would risk disclosing identifiable information.

A number of individuals in the cohort receive support from the following community services, but numbers are too low to disclose: Alcohol & Drug (adult service), Learning Disability Service, Positive Behaviour Support, and Adult Mental Health.

Multi-agency transition support into adult services is available for those who wish to access such support, for example, if they have continuing mental health challenges or are experiencing social isolation, anxiety or depression.

Analysis of the full list of individuals who left care over the last 10 years is not possible as sophisticated recording systems were not in place prior to implementing Mosaic, and this would therefore require an extensive examination of manual records.

In 2018, the number of children in care housed in accommodation other than their family home, and the costs are:

	Children in care housed in accommodation other than their family home	Cost of accommodation	Notes
Children's Service Residential Homes	29	£110,956	Rental paid for Hautlieu House, Brig-Y-Don, Casa Mia and Trinity Road
Foster Placements	57	n/a	Foster allowances are paid for these placements; rental is not detailed in the payments.
UK Placements	25	n/a	A full cost is paid for these placements; rental is not detailed in the contracts.

**2.24 DEPUTY M.R. LE HEGARAT OF ST. HELIER OF THE CHAIRMAN OF THE STATES EMPLOYMENT BOARD REGARDING THE INTERIM APPOINTMENT OF EMPLOYEES TO WORK ON PUBLIC SECTOR TRANSFORMATION: [WQ.61/2019]**

**Question**

Given that, in October 2017, a Chief Operating Officer, Organisational Transformation Consultant, Strategic Finance Review Consultant and Director of Communications were brought into the States of Jersey to work on the transformation of the public sector and that subsequently, in March 2018, three of these individuals were retained on new limited contracts with the fourth due to continue for a couple of months pending a permanent appointment to their position, will the Chairman advise how many of these post-holders are still employed by the States of Jersey, if any; and if they are still employed, will the Chairman state whether they are on permanent or fixed term contracts, when the end dates of those contracts are, and what salary ranges applies to their positions?

**Answer**

The status of the three individuals remaining employed is as follows:

Director Communications – Fixed term contract to March 31<sup>st</sup> 2019 whilst permanent recruitment to the position takes place and the salary range is £100k - £140K

Organisational transformation consultant – Fixed term contract as Group Director People Services until March 31<sup>st</sup> 2019 whilst permanent recruitment takes place and the salary range is £100k - £140K

Strategic Finance Review Consultant – contract for service as Director Finance Transformation. The company the individual works for bills the States of Jersey monthly, for services provided in accordance with standard procurement practice.

These appointments were made to fix specific issues identified as part of the due diligence work conducted during the restructuring process. The process was implemented in order to bring us up to the standards expected of an organisation such as ours in the present day. It is very clear that parts of the organisation had not been performing to the standards that the public had the right to expect.

**2.25 DEPUTY C.S. ALVES OF ST. HELIER OF THE MINISTER FOR INFRASTRUCTURE REGARDING THE PRESENCE OF ASBESTOS IN STATES-OWNED BUILDINGS: [WQ.62/2019]**

**Question**

Further to the Minister’s answer to Written Question WQ.165/2018 on 25th September 2018, will the Minister specify –

- (a) how, if at all, members of staff working in States-owned buildings where asbestos is present are informed of the exact location of the asbestos within the building they are working in, for example teachers in schools who are not Jersey Property Holdings staff; and
- (b) on how many occasions, if any, members of staff within these buildings have highlighted concerns relating to tampering with asbestos-containing materials?

**Answer**

- (a) In the portfolio of States-owned buildings where Jersey Property Holdings manages identified asbestos, it supplies to the principal person(s) in the respective premises a copy of the Asbestos Management Plan detailing where the Asbestos is located.
- (b) There have been no incident reports recorded by Jersey Property Holdings of tampering with Asbestos containing materials. However, the various occupying departments record their own Health and Safety incidents and the Deputy may wish to contact other States departments regarding this.

**2.26 DEPUTY C.S. ALVES OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE WORK BEING UNDERTAKEN ON ORCHARD HOUSE: [WQ.63/2019]**

**Question**

Will the Minister specify what work is being carried out on Orchard House in response to the statutory notice that was served on the department, as mentioned by the Minister during a Health and Social Security Scrutiny Panel hearing on the Assessment of Mental Health Services held on 10th January 2019?

**Answer**

Further to the Health and Safety Improvement notice issued in March 2018, a time-bound action plan and programme of work was formulated to address the recommendations made by the Health and Safety Inspector.

The programme of work was organised into 3 parts:

- (a) Provision of safety alarms
- (b) Provision of physical interventions training
- (c) Improving the environment at Orchard House.

The plan attracted indicative costings of £2.5m and was approved by the Management Executive of Health and Community Services in August 2018.

### **Progress to date:**

#### **Provision of Safety Alarms**

A new personal alarm system has been installed totally replacing the previously outdated system. Staff were significantly involved in specifying requirements for the system and have evaluated its implementation positively. Staff receive regular training and supervision on its use and all new staff are inducted to use the system. The system is also routinely audited for maintenance and effectiveness purposes. For those staff who are not regular members of staff on the unit but who visit or attend the unit, arrangements are in place to ensure a 'safe system of work'. The actions required by the Health and Safety Inspector have been satisfied and notification received from the Inspector to that effect.

#### **Provision of Physical Interventions Training**

The Maybo physical interventions training programme was established as standard following recommendations made by the health and safety team. The programme is consistent with the evidence base for using least restrictive practice in situations that require staff to respond to those who present with behavioural and safety challenges. The aim of the programme is to keep both individuals and staff safe. The programme teaches skills in de-escalation, positive behavioural and cognitive support, and disengagement.

To date, over 100 staff have been trained. All staff working at Orchard House are required to go through the training including those who are bank and agency staff. There is a rolling programme of training in place delivered through a 'train the trainer' arrangement. The programme has been evaluated and competency continues to increase. Initial performance suggests the impact of the training is having a positive reduction on the level of incidence on the ward – this will be tracked and monitored as part of the service quality and performance reviews.

Both of the above improvements have secured compliance from the Health and Safety Inspector

#### **Improvements to the estate at Orchard House**

A project team has been established to complete the work programme with monitoring and oversight by the HCS Management Executive.

A risk profiling exercise was completed to inform the work programme. The focus has been to reduce potential for incidents relating to ligature risk and safety hazards.

Progress to date has focused on improvement works that do not require significant structural change, but are designed to enhance the environment and improve maintenance.

The future options for Orchard House are currently being considered with regard to addressing its longer term future.

**2.27 DEPUTY C.S ALVES OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE STATUS OF SCHOOL BREAKFAST CLUBS AND AFTER-SCHOOL CLUBS IN THE INCOME TAX REGIME: [WQ.64/2019]**

**Question**

Will the Minister outline why school breakfast clubs and after school clubs that are paid for by parents and guardians are not covered by the personal income tax childcare allowance?

**Answer**

It is assumed the question is referring to the availability of Child Care Tax Relief.

As long as the provider has registered under the Day Care of Children (Jersey) Law 2002, working parents and guardians will be able to make appropriate claims for Child Care Tax Relief in respect of school breakfast clubs and after-school clubs. Decisions about registration are for the individual providers to make and schools will be able to tell parents and guardians whether they are registered. Registered providers will give the taxpayer an annual certificate of the charges paid - to enable the taxpayer to make the relevant claim on their personal tax return form.

This relief is available to working parents and guardians in respect of childcare costs for children up to, and including, age 12.

**2.28 THE DEPUTY OF ST. PETER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING HIGH VALUE RESIDENTS WHO HAVE GAINED ENTITLED STATUS DUE TO THE LENGTH OF THEIR ORDINARY RESIDENCE IN THE ISLAND: [WQ.65.2019]**

**Question**

Will the Minister advise –

- (a) how many residents, if any, who took up residence in Jersey as High Value Residents (HVR) have gained Entitled status by living in the Island for more than 10 years but have continued to be taxed at the same rate as HVRs; and
- (b) what the increase in annual tax income would be if HVRs were taxed on the same basis as other Jersey residents after gaining Entitled status?

### **Answer**

All 'High Value Residents' ("HVRs") gain "entitled status" immediately their status is approved under Regulation 2(1)(e) of the Control of Housing and Work (Residential and Employment Status) (Jersey) Regulations 2013.

- (a) Looking at the latest completed tax year of assessment for which audited figures are available (2016) there were 93 HVR taxpayers that had relocated to Jersey by 2007 and were still resident in 2016.
- (b) It is assumed this question is referring to the theoretical increase in annual income tax that would arise if an HVR was not able to access any preferential tax rates available since 2005.

Fewer than 12 HVR taxpayers relocated to Jersey during the period 2005 to 2007 - and were still resident in 2016. It is the policy of the Comptroller of Taxes not to disaggregate or analyse data on groups consisting of fewer than 12 persons in order to maintain taxpayer confidentiality in accordance with his Oath of Office. For HVR taxpayers that relocated prior to 2005 it would not be possible to provide an answer without carrying out a complete review of the income of those taxpayers.

## **2.29 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE CHAIRMAN OF THE STATES EMPLOYMENT BOARD REGARDING THE MAINTENANCE OF PUBLIC-FACING SERVICES: [WQ.66/2019]**

### **Question**

Further to the statement of the Vice-Chairman of the States Employment Board when responding to Oral Question 215/2018, that "*it is our intention to maintain public-facing services wherever possible*", will the Chairman clarify what 'wherever possible' means in the context of 'responsible headcount management' (to which reference was made in response to Written Question 276/2018) and the consequent prospect of front-line staff not being replaced?

### **Answer**

Whilst the choice of phrase was that of the Vice Chairman, the Chairman can clarify that "wherever possible", in the context of "responsible headcount management" means that, wherever practical, we are determined to protect frontline services from any reduction in manpower. Whilst naturally, this cannot be guaranteed, for example because of digitisation, the Chairman would reemphasise the importance of the phrase used by the Vice Chairman in WQ.276/2018, in that "our priority will always be providing services to the public".

## **2.30 DEPUTY M. TADIER OF ST. BRELADE OF THE CHAIRMAN OF THE PRIVILEGES AND PROCEDURES COMMITTEE REGARDING THE 250th ANNIVERSARY OF THE CORN RIOTS: [WQ.67/2019]**

### **Question**

Further to the adoption of paragraph (a) of 'Reform Day: 28th September 1769' (P.107/2012) on 20th November 2012, that "*28th September should be recognised annually by the States of Jersey as 'Reform Day' to mark the anniversary of the events in Jersey of 28th September 1769*", will the Chairman advise what plans, if any, his Committee has to mark or commemorate this year's 250th anniversary of the Corn Riots?

### **Answer**

Commemorating the 250th anniversary of 'Reform Day' from a parliamentary perspective was included in 'Engaging the Public with Jersey's Democracy: A 3-year Strategy' (R.5/2017) as an action to be undertaken by the States Greffe this year. The plan for this commemoration forms part of wider efforts by the Greffe to use the rich history of the States Assembly to engage Islanders in the Assembly's work and to inform them about what it does. On that front, the Deputy may recall from 2017 the exhibition on the 130th anniversary of the opening of the States Chamber; and plans are already well advanced to mark this year's centenary of women's suffrage through a number of different events.

The States Greffe has begun to consider how best to mark the 250th anniversary of the Corn Riots. As of yet, no firm plans have been identified or agreed; but I will ask for this matter to be placed on the agenda for the Committee's next meeting and for the States Greffe to advise the Deputy once the exact nature of a contribution to the commemoration has been decided. However, the work of P.P.C. on this matter will be focussed on 'Reform Day' in the context of the Assembly's work as a parliamentary body; and any commemoration will be planned and scaled accordingly. It will be for others to determine what should happen more widely to mark the occasion – those with responsibility for Education or Culture, for instance (which include the Deputy himself in his capacity as Assistant Minister). Tourism and Economic Development could also play a role given that the day in question falls in the 'shoulder months' of the tourism calendar.

When the Assembly agreed in November 2012 that 28th September should be recognised as 'Reform Day' to mark the events of 1769, it did so without agreeing the other parts of the proposition that indicated how that recognition should manifest itself. It is also not clear how much public support there is to have the day celebrated on a large scale; for instance, no club, society or organisation has been founded to pursue the cause to mark the occasion. Compared with Liberation Day, which is ingrained in the Island's collective consciousness, there is not the same personal and immediate connection with the Corn Riots of 1769. Celebrating the Riots is essentially therefore a case of starting from scratch in terms of the public consciousness and this has to be borne in mind.

## **3. Oral Questions**

### **3.1 Deputy M.R. Higgins of St. Helier of the Chief Minister regarding the accessibility of information relating to the responsibilities of Ministers and civil servants: [OQ.27/2019]**

What steps will the Chief Minister take, and by when, to ensure that States Members and the public know which Ministers and civil servants are responsible for what, from where they operate and how

to contact them when either seeking information or registering complaints in relation to their areas of responsibility?

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

Hopefully, the Deputy is aware that we are in the middle of an office move, with Ministers and staff moving over the next few weeks. Once that move has taken place, I will be ensuring that there will be a clear directory published, including locations of departments of Ministers. Members' contact details are already published, as we know, on the Assembly website, and obviously if you do not have the internet connectivity, for example, I am sure the Parish Halls will be delighted to give you the right contact details if you need them. The other thing that is happening is the walk-in facility, as it were, at La Motte Street. It seems to be proving fairly successful and what they call the welcome hosts there do have all contact details if somebody wants to make a complaint in person or seek out information in person. So, in general at the moment, despite the move, telephone and email contact details remain the same. The States website is in the process of being updated. I had a look last night and there is still quite a long way to go in terms of the organisational structures. That is in hand and is presently being changed. It is taking longer to do than anticipated, I think. In relation to complaints, we have tried to make it easier for a person to make a complaint. Part of that is online - that is about having a single process - but obviously again that can be done through La Motte Street in person or by phone. The issue around the new complaints system, just to put it in - it is not just all change for change's sake - as I understand it that will allow us to give proper monitoring now.

[9:45]

So if we see a pattern of complaints coming in on a department we can identify that and start reacting to that. So there are some good changes coming through, but the Deputy is right, at the moment it is not as clear as it should be.

**3.1.1 Deputy M.R. Higgins:**

I am pleased that the Chief Minister has gone through this. For the benefit of Members, I had a discussion with the Chief Minister about this question so he is more informed as to where I was coming from. Basically, it took me 2 days to find a director general, a telephone number or an email address, and I think that is totally unacceptable. No matter the fact there is a reorganisation going on, the Communications Department could have put out the information and given us something and the public something.

**The Deputy Bailiff:**

Deputy, this is a supplementary question.

**Deputy M.R. Higgins:**

So does the Chief Minister accept his department could have done better in trying to keep everyone informed about what is going on and can do things in a staged way, even during the reorganisation?

**Senator J.A.N. Le Fondré:**

We can always do things better and again it does depend ... the issue being around how much online presence we look at. I did have a look and what I did track down relatively easily is the structure, and individuals are under States departments as a single page, but that has not been transferred yet to the individual department on the website, if that makes sense. So we are in an interim position. I will make sure - I thought it had taken place - that the structure is circulated to all Members as well because it is just a single page P.D.F. (portable document format) but, as I said, the details are in the process of being put through. It should have been done quicker.

**3.1.2 Senator S.C. Ferguson:**

Would the Chief Minister like to confirm that the Ministers know where all the parts of their departments are? Is putting the Ministers in one office suite not, in effect, setting up a new silo?

**Senator J.A.N. Le Fondré:**

I would hope the Ministers know exactly who they all have underneath them in terms of responsibility, so yes. The point about bringing the Ministers together is to try ... there is a balance. It is trying to break down the silos and making sure Ministers themselves talk to each other. By putting us all into the same building as many of the civil servants - do not forget this is an interim move - we are hoping the connectivity and the talking to each other at both officer level and at each other's level will improve. It will be very much down to us to ensure that we do not suddenly start operating in a political bubble, but I rather suspect 2 things. One is that this Assembly will prevent us from doing so, and (2) that the individual Ministers, who have deliberately chosen for the diversity of views, would also make sure that we do not live in that ivory tower that the Senator alluded to.

**3.1.3 Deputy R.J. Ward of St. Helier:**

May I suggest in the spirit of transparency over responsibility of Ministers and their civil servants that when we receive written answers from Ministers perhaps the names of the civil servants and the officers who were involved in those answers are also included. Because I am growing increasingly concerned about the quality of the answers in addressing the questions that we are setting as Back-Benchers. This is a genuine concern that I think is shared among other Members of this Assembly as well.

**Senator J.A.N. Le Fondré:**

I could hear some murmuring from the back, which I am entirely in agreement with. The point about written questions and oral questions and questions without notice is they are the answers of the Ministers. So, although departments do assist in putting them together, the Minister has to be happy with the response. It is the Minister's response.

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

Following on from a question from a constituent, can the Minister clarify when the new nomenclature for the amalgamated departments will be updated to the Government website? We still have, for example, Economic Development, Tourism, Sport and Culture alongside the Education Department rather than the new ones. Is this in train?

**Senator J.A.N. Le Fondré:**

As I alluded to in my original answer, yes, it is in train. There is a P.D.F. which does give the new structures but that has not translated on to the main departmental details on the websites. My understanding, because I was quite surprised that it had not progressed as far as I would like to have seen, is there are 2 issues. One is obviously the actual appointments process, which was only relatively recently completed. Secondly, for some reason the old title names are quite deeply embedded in the website so there are some technical reasons which are taking a while to sort out. I was surprised but I am told it is being worked on and will be sorted out fairly shortly.

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

Getting down to the here and now, the Connétables very often have to deal with live cases. I had a situation last week whereby I had an approach regarding a vulnerable adult. It has taken me until this morning to get the answer as to whom I should be talking to. For the Chief Minister's information, there is a single point of referral or S.P.O.R., which in real language and translated is the point of contact if you have concern or need to make a referral about a vulnerable adult. It has taken far too long to get to that stage and we must do better about this.

**The Deputy Bailiff:**

Could we have a question now?

**The Connétable of St. Brelade:**

I would ask the Chief Minister to bring the communication system certainly to the Parishes as soon as possible.

**Senator J.A.N. Le Fondré:**

Absolutely.

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

Is the Chief Minister really suggesting that if we want to follow up a question we will have to chase down the Assistant Minister or the Minister, both of whom are very busy people with a whole group of officers around them who might better be used to follow up and clarify any answers given? Surely that would be a more logical way forward for Back-Benchers to follow up questions.

**Senator J.A.N. Le Fondré:**

I do not think that is what I said in my answer at all. The question that was made was could the identities or positions of the officers who do assist Ministers in getting questions put together be added into the question, and the point is that from the view of this Assembly political accountability rests with the Minister when they give the answers.

**3.1.7 Deputy G.P. Southern:**

So what advice has he got for Back-Benchers who wish to follow up and clarify the answers to questions in terms of who to contact? Is it to be only the Minister or is it to be the officers?

**Senator J.A.N. Le Fondré:**

As an Assistant Minister, if the Deputy sends it to either the Minister or the Assistant Minister who has given the response, that individual will make sure it then percolates down to the right level. That is the point. The political accountability rests with the people who have been delegated that responsibility and in this Assembly it is the politicians.

**3.1.8 Deputy M.R. Higgins:**

I think the point has been made, but I will just ask the Chief Minister to go away and get his Communications Department to start getting their act together and get this information out so we can all operate more efficiently.

**Senator J.A.N. Le Fondré:**

I take the point. They are doing it. It has taken longer than they would have hoped because of some of the technical difficulties. Part of that has been we are in a time of change, so as that change starts bedding down, then that communication will start beefing up. But yes, I take the point about doing it in phases. To an extent that has started because there is a structure on the website, but it is not as easy to find as the Deputy might like.

**3.2 Deputy J.H. Perchard of St. Saviour of the Chairman of the States Employment Board regarding the success of the States of Jersey in demonstrating and promoting equality and diversity in its policies, practices and structures: [OQ.18/2019]**

Will the chairman explain how the employment of one woman at the director general level out of 8 such roles meets the indicator of success listed in the States of Jersey's equality and diversity policy to "demonstrate that we actively promote equality and diversity through all our policies, practices and structures"?

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

If you look at that one measure, it clearly does not and there is further work to do at that level. Obviously, if I can remind the Deputy, as, in fact, we discussed in the Scrutiny hearing 2 weeks ago I think it was, obviously we have an approximately 50/50 split between men and women at the tier 2 level. I would hope over the course of time that would lead to a more equal balance at tier 1 through succession but that will not happen tomorrow.

**3.2.1 Deputy J.H. Perchard:**

Given this lack of diversity at this level, would the Chief Minister agree that the States has been guilty of inaction when it comes to the promotion and recruitment of women at the senior level?

**Senator J.A.N. Le Fondré:**

I would certainly agree that there is a lot more room for improvement. As we have also touched upon in the Scrutiny hearing, the difficulty in this is some of the issues raised take longer to resolve than one might expect. Part of that, if we use the example of the tier 1 positions, is obviously a number of the existing chief officers were matched in the last recruitment process to the advertised positions, so that will lead to a less diverse recruitment. In other words, some of the director generals are former chief officers, so that will have some implications. In terms of the 4 roles that were recruited through an open competition, that was definitely done through the Appointments Commission and I believe in that position 20 per cent of the applications were from women. As I said, the Appointments Commission oversaw that process and the final position was made on merit based on the applicant's experience and ability for that particular role. So, the world is definitely changing, even in the States recruitment process, but the external side is done by the Appointments Commission according to the various measures they follow.

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

Does the Chief Minister agree with me that equality and diversity should be a part of the chief executive's key performance indicators?

**Senator J.A.N. Le Fondré:**

That is an interesting question. I think I would have to and I would be delighted to have a look at the measures and make sure they are going forward. Given that Deputy Doublet has just thrown a question in, I will also just point out we had a very useful conversation very recently, again building on the work that she would like to do, perhaps looking at the best ways we can ensure within the Assembly how we promote things, and also looking forward perhaps to how we sort out some of the legislative problems. That has also been raised, particularly by the Deputy of Grouville in previous conversations, that it will probably make worse our discrimination problems.

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

Specifically, would the Chief Minister encourage the chief executive to seek leadership development opportunities for some of the women members of staff slightly lower down the ranks as this is one of the defects that has been identified by interviewees in some of our public hearings?

**Senator J.A.N. Le Fondré:**

Just to clarify, is that by interviewees familiar with the States system or just generically within the Island workforce?

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

Both.

**Senator J.A.N. Le Fondré:**

Right, so then I see no reason why it should not be the case and, yes, I would support the Deputy's position.

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

On the theme of diversity, given Jersey's official bilingual status with French as another language and the fact that Jersey wants to work more closely with other European countries, what recruitment drives have there been or what effort has there been to recruit outside of the U.K. (United Kingdom) for some of these positions?

#### **Senator J.A.N. Le Fondré:**

That is a very interesting question and I do not know specifically the answer to that. I would imagine that it would be normal for most of the posts that we advertise externally, they will go through a standard portal, but whether that is done on a European basis I shall endeavour to find out. I will point out that certainly I can think of one individual, who I think has recently retired, who was definitely not from the United Kingdom. But as the Deputy points out, the norm does seem to be that is where we point our sights at the moment. Obviously, if there is anything we can do to change it ...

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

Is there any criterion for applicants, especially to top positions, to either be able to speak French or at least is there any acknowledgement given to whether they might be able to converse in French given our increasing correspondence and workload that is done with our closest neighbours in France?

#### **Senator J.A.N. Le Fondré:**

I think it will depend on the role because I can certainly think of one officer that I used to work with who was fluent in French and used to do it as part of their particular role. He now reports to the Minister for Infrastructure. Specifically, I think it will depend on the role. Again, I can find out.

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

Does the Chief Minister accept that simply saying that it will not happen tomorrow is an inadequate answer because it will not happen tomorrow or the day after or the day after unless the Chief Minister comes to this House with some concrete proposals to deal with this issue, which is obviously a serious one in the Civil Service?

#### **Senator J.A.N. Le Fondré:**

The point I was trying to make is that if we use the tier 1 roles particularly, if we have existing chief officers who themselves are male and who have been recruited to a D.G. (director general) role, you cannot remove them tomorrow because that would be a dismissal or redundancy or constructive dismissal, whichever terminology we want to go down. That is why it is a longer burn because of the structures that have been going through for the last 20 to 30 years. As we discussed at the Scrutiny Panel a couple of weeks ago, I think this is about societal change and it is about getting the right structures in place to make sure that those attitudes change. So, dealing with those particular issues of the tier 1, that is why it cannot be done tomorrow.

[10:00]

Is there other stuff we can put in place to improve matters? To an extent some of that is happening but it is very clear we have further to go.

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

As a follow-up to the previous question, would the Chief Minister remind the Assembly whether or not those tier 1 applications went through a thorough recruitment process?

**Senator J.A.N. Le Fondré:**

As far as I understand, certainly for the roles that were not fulfilled by the existing people, that was undergone by the Jersey Appointments Commission and I had assumed - and I will confirm - that all roles were overseen by the Appointments Commission. But either way, it will have been a rigorous appointments process.

**3.2.8 Senator K.L. Moore:**

What policies and procedures are the States Employment Board putting in place to ensure that proper succession planning is present and that work is done to ensure unconscious bias does not figure in a recruitment process?

**Senator J.A.N. Le Fondré:**

The States Employment Board are certainly mindful of the issues that we face around diversity and that has already fed into the Appointments Commission processes. In terms of the specifics, I will request the relevant officers to send a full and detailed response to the Senator.

**3.2.9 Deputy J.H. Perchard:**

In a recent public hearing, the chair of the Jersey Appointments Commission stated that we now know that merit is not a gender-neutral concept in recruitment. Would the Chief Minister agree that in order to achieve best practice we should have leadership structures that truly represent the community in which we live?

**Senator J.A.N. Le Fondré:**

The reason I am pausing is that that is a very wide question in terms of representing the community we represent. Does that mean that we have to mirror in proportionate terms the community make-up? I think that is slightly different. If it is around the initial issues of ... well, I say initial issues, the predominant issues around diversity that the Deputy certainly has alluded to in the past, I think the system is changing. It probably is not changing as fast as the Deputy might like but it is changing relative to where it has been. In terms of the next step, I think let us get the first step sorted out, which is improving matters as to where we were, from where we are coming from to where we are now to where we need to be. Also as has been identified and I think is the subject of another question later, getting things like the C.E.D.A.W. (Convention on the Elimination of all Forms of Discrimination Against Women) provisions and the conflicts in legislation that we already have sorted out, that was something that the Deputy of Grouville was raising with me even last week. What we have agreed to do on that front, which may then feed into the work, is we will set up a small board which will be chaired by the Deputy and with other people putting in to start addressing those issues at a technical level.

**The Deputy Bailiff:**

Very well, question 3 falls away because Deputy Morel is marked malade.

**3.3 Deputy J.M. Maçon of St. Saviour of the Minister for Infrastructure regarding the policies underpinning the charges for disposal-of-waste services: [OQ.19/2019]**

Given the recent reports of increasing levels of fly-tipping within the Island, will the Minister be reviewing the charging policies for disposal-of-waste services and will he produce figures to show the number of reported incidents of fly-tipping since the current charging regime was introduced and, if not, will he explain why not?

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

There are a few elements here which I need to clarify. Firstly, it is now easier to report fly-tipping using the Love Jersey app, which may mean more incidents are now being recorded which may previously have gone unrecorded. Secondly, with most waste we do not charge. The waste disposal is free. We only charge for certain types of disposal, namely asbestos and any sort of hazardous waste, *et cetera*, and commercial green waste. We give due consideration to potential fly-tipping along with the communication and enforcement measures needed to deter this damaging behaviour. This is led by our colleagues in Environment. The Environment Department is responsible for logging and co-ordinating action against fly-tipping. Just before Christmas they issued their figures for 2018, which were 159 fly-tipping incidents compared to 105 during 2017. As a result, a revised fly-tipping strategy, which sees many groups and organisations working together, will begin later this year led by the Environment Protection Department, and we will also have a key role in this venture.

### **3.3.1 Deputy J.M. Maçon:**

So was that from the Minister: “No, I will not be renewing the charging policies”?

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

Not at present because we do not charge for most of it. Most of it is free so there is absolutely no excuse whatsoever to fly tip. One is never more than 10 or 15 minutes away from our waste centre at La Collette where everything is separated and disposed of or recycled properly.

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

On the wider issue of the inappropriate disposal of refuse, can the Minister state what disincentives there are, apart from one of conscience, to stop householders disposing of recyclables such as metals and bottles in the ordinary waste stream in the absence, especially, of an Island-wide kerbside recycling scheme?

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

I am not sure if the Deputy is regarding inappropriate disposal of glass in the waste bin, *et cetera*.

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

I was particularly thinking of other recyclables which some Parishes have the luxury of having kerbside recycling schemes, others do not, and what happens if you put your recyclables in the main waste.

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

Yes, the Deputy makes an excellent point. My officers are in talks with all Parishes at the moment regarding this. Some Parishes do glass collection, some do plastics collection. We do deter as much as we can any glass coming into the domestic waste stream. The energy recovery unit does not like a lot of glass in the system. It does create a lot of damage. That is something we need to deter. Also, we are heavily promoting recycling and my department is looking into plastics, and previously unrecyclable plastics may be able to be recycled in the future. That is something that is ongoing with the department and, as I say, my recycling managers are in discussions with most Parishes.

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

Given the Parishes' inability, even after years, to come up with a wholesale scheme which covers all of the Parishes in the Island, is it time that the Minister took responsibility for things like kerbside recycling and centralised it to make sure that all householders, no matter where they live in the Island, can benefit from this very basic system of kerbside collection which has existed for decades in other civilised European countries?

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

I am afraid I do not agree. Parishes do an excellent job of collecting waste. [**Approbation**] Most Parishes either collect their own waste or they have a contractor that does it for them and delivers it to the energy recovery unit. As I say, we are in talks. There is always room for improvement and my department is in talks with the Parishes as to how that can be further improved. The more we can recycle the less goes into the energy recovery unit.

### **3.3.4 Deputy K.G. Pamplin of St. Saviour:**

Just having a look on the website, the opening hours at La Collette are 7.30 a.m. to 4.15 p.m. Would the Minister relook at these timings to help families and people who are working, sometimes into the evenings, to open at least one evening a week, maybe after working hours, up to 7.30 p.m. or a reasonable time? Would the Minister agree and look into this?

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

That has already been looked into and that is under review as we speak. At the moment it is open 7 days a week, and the hours vary on the Sunday, of course, but that is something we are definitely reviewing. Everything is monitored and there is normally a headcount so we know when people are coming and when they are not. That is targeted with manpower, *et cetera*.

### **The Deputy Bailiff:**

Final supplementary, Deputy Maçon?

### **Deputy J.M. Maçon:**

I just thank the Minister for his response.

## **3.4 Deputy L.M.C. Doublet of the Minister for External Relations regarding the extension of the Convention on the Elimination of Discrimination Against Women to Jersey: [OQ.31/2019]**

Further to written question 227/2018, will the Minister update Members on work to have the Convention on the Elimination of Discrimination Against Women extended to Jersey?

### **Senator I.J. Gorst (The Minister for External Relations):**

The work undertaken to have the convention extended to Jersey is a cross-government effort, which the Ministry of External Relations is helping to co-ordinate. The Government remains committed to having this important convention extended to Jersey and we anticipate that the formal process for extension will be completed soon. The Law Officers' Department expect to have completed the provisional review of Jersey's compliance early in February. Evidence of Jersey's compliance with the requirements of the convention will then be sent to the U.K. Government Equalities Office for their consideration. Once the U.K. has confirmed that its ratification can be extended to Jersey, the Attorney General's Office will complete their final review. The formal request for extension can then be made through the official channel.

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

Could the Minister outline briefly any areas where Jersey is not compliant at present?

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

No, I cannot. I understand that good progress is being made and we would expect to have, once the request is formally made, the convention extended. I think we can all think of areas where we may need to make change in early course. That is how some of our legal provisions consider partners, in particular wives. I believe that it is these perhaps slightly more difficult questions that is behind the reason of the Chief Minister setting up the political group that he just mentioned in an earlier question.

**Deputy J.H. Perchard:**

A point of clarification, sir? Is that allowed?

**The Deputy Bailiff:**

Well, no, you can put your name down to ask a question of this Minister and I will call you in due course.

**3.4.2 Senator S.C. Ferguson:**

Given that much discrimination is covert, how does the Minister consider that this can be policed?

**Senator I.J. Gorst:**

Maybe I was too diplomatic in my opening answer. The reality is that the Ministry for External Relations simply in this role co-ordinates the request from the departments to have a convention to be sought to be extended from the United Kingdom. It is the Minister responsible for these areas that needs to consider those areas, and I would expect that to be undertaken before they were to ask my department to make the request of the U.K. Government again. It might be, in light of the Chief Minister's earlier answer, that these questions should be passed to either the Chief Minister or the Minister for International Development if she is, as was suggested, to be chairing this group.

**3.4.3 Senator S.C. Ferguson:**

Would the Minister like to initiate the discussions about policing before we start going down the road of bringing in legislation or a convention which we cannot police?

**Senator I.J. Gorst:**

I stand by my earlier answer. I no longer feel the need to answer every question in this Assembly, having the role that I now do, but perhaps I might be indulged. I do not accept the premise of the Senator's question. I think it is outdated. Of course, every piece of legislation that this Assembly brings forward we should consider the enforcement mechanisms; that is appropriate. This is an international convention and it sits in a wholly different area. Any underlying legislative change that may be required, of course we should consider the mechanisms to ensure it is complied with, but not with regard to this convention.

**3.4.4 Deputy J.H. Perchard:**

I would just like to ask the Minister how he is able to state that good progress, as he said, has been made but is unable to give an outline of what is yet to be done.

**Senator I.J. Gorst:**

Because I have been advised by officials in other government departments. It is not my department. The Deputy might not have understood that. I have been advised by officials that good progress is being made and they expect to be in a position to ask for, as I say, the completion of that compliance in late February. They have not informed me of any areas that may need to be changed subsequently.

[10:15]

**3.4.5 Deputy M. Tadier:**

I seem to recall reading a story recently about a female candidate for a States position who was put off a job because she could not submit her own tax form in her own name. Is that one example of a contravention of C.E.D.A.W., the fact that a man still needs to tick a box on a tax form in 2019 in order for his wife to be able to declare her own income?

**Senator I.J. Gorst:**

That, like all of the preceding questions, is not a question which falls under my official responsibility. They fall under the responsibility of the Chief Minister or, in relation to tax law, the Minister for Treasury and Resources; in relation to enforcement, the Minister for Home Affairs. I am sure they have all been listening eagerly and will endeavour to provide answers to those questions. However, in the first instance, as the Chief Minister has already mentioned in this morning's sitting, I would suspect and suggest that if Members have such concerns and are worried about the timeline, they take these issues up with the Minister for International Development who will be chairing the political group to ensure that this convention is extended in a timely manner to Jersey.

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

I asked that question firstly in the spirit of One Gov and I also presume that on occasion, as the Minister for External Relations, he may get asked by individuals, diplomats and politicians outside the Island, about the rumour that they heard that in Jersey women cannot return their own tax forms if they are married. It may be a source of embarrassment.

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

Could you ask a question please?

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

Also, because he said he could not think of any examples of ways in which Jersey might currently contravene C.E.D.A.W., so could he confirm that that is one tangible example? It is not the only one. It is perhaps quite low down but it is ...

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

Do you recognise that that is a tangible example?

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

First, I have never been asked that question on any international outbound visit or any inbound visit by any foreign national. So perhaps that is answering that question. We all know there are areas that do not sit well or are difficult in relation to having the convention extended. That is why the Chief Minister has agreed with the Minister for International Development to set up the political group to make sure they can be overcome, and they can be overcome in a timely manner, and then we can seek to have the convention extended. Rather than arguing across the Assembly, it would be far better if Members are rightly concerned, to speak to the Minister, to request to sit on her group and to get this convention extended as quickly as we possibly can.

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

The Minister has stated that we should all know that there are areas that are not compliant with C.E.D.A.W. and that if Back-Benchers would like to know this information they should go and sit on a ministerial group. The purpose of question time is so the public can also receive information on these issues. So I will ask my opening supplementary again. Could the Minister please outline any areas where Jersey is not compliant with C.E.D.A.W. currently?

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

That is a question which the Law Officers' Department, as I indicated in my opening answer, are continuing to do their review on. That information will be provided now to the new political oversight group or political grouping and they will seek to ensure that those areas that the Law Officers indicate would cause a problem for compliance, and therefore having the convention extended will be addressed. Let us remember though, conventions and their extension do not simply work on a tick-box compliance matrix. One can submit that they will be addressed over a course of a period of time with a programme to address any areas of non-compliance and one can then still seek to have such conventions extended on the understanding of those who oversee the convention

at an international level that those areas of non-compliance will be addressed. The Ministry for External Relations acts as a government body to co-ordinate the request to the United Kingdom Government, not to ensure that we are compliant. If Members are asking me and my department to undertake that work, of course we will, but I, as I stand, support the suggestion that the Chief Minister made earlier that the Minister for International Development will lead on these matters and give comfort to Members in this regard.

### **3.5 Deputy T. Pointon of St. John of the Minister for Health and Social Services regarding the Positive Behavioural Support Team: [OQ.20/2019]**

Will the Minister advise whether the Positive Behavioural Support Team is currently unable to provide support for children with learning difficulties due to staffing shortages; and if so, what action, if any, will he be taking to address this as soon as possible?

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

The Positive Behaviour Support Service is a small but very valued and effective service and, as a result, it is in considerable demand. In April last year, one of the 3 staff members moved on leaving significant capacity issues on a temporary basis. Despite 2 waves of advertising, the recruitment process to the vacancy took longer than anticipated due to the difficulties in recruiting to this very specialist position. During that time, however, services for children already on the case list were fully maintained. Children referred after April 2018 continued to receive advice and support but capacity for detailed assessment and intervention support for those children referred after April was temporarily not possible. Adult cases were prioritised due to an assessment of the risks presented. However, I am pleased to advise the Assembly that a new staff member has now been recruited and all services are currently provided once again, including full services for children.

#### **3.5.1 The Deputy of St. John:**

It is an established fact that vacancies are being held open across the States. Is the Government that claims to be committed to the idea of putting children first being fair to stressed families with children with learning difficulties by denying them crucial support in order to save money?

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

I can assure the Deputy and the Assembly that this post was not held over and was not a money-saving exercise. The post was advertised in 2 waves; 2 waves of advertising on-Island and in national publications. But those waves did not lead to any applicants who met the criteria for a very specialist role. There was a third advert inserted, which produced 2 international candidates who were both interviewed and, as a result, the new staff member has been recruited from that wave of advertising. So it did take some time but it was always sought to recruit to the role.

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

Can the Minister give us some indication in terms of numbers, the number of children who are and are not being catered for because of the lack of availability of the staff?

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

Thank you to the Deputy for his question. I have a figure of total persons supported, which were 90 referrals last year. The service began in 2001 with just 13 referrals so it has grown over its existence. I do not have a specific number for children. I can revert to the Deputy should he wish that specifically.

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

Just again, following up on the Minister's statement at the end, I would like him to get the information showing the figures and publish it to all Members, not just myself, and explain how many people have been unable to take advantage of the system. You mentioned the 9 people, we need to know those who have been denied access to this service.

**The Deputy of St. Ouen:**

Yes, I will obtain the figures for those referred to the service because the children were still referred and were receiving advisory help. It is the further detailed work that was temporarily unavailable, so I can certainly advise all Members of the number of children referred. We operate as a department so of course there were other areas where we were able to support these children. For example, the child development centre would have given them assistance, occupational therapists, speech and language therapists, paediatricians, family nursing or educational psychology areas, all those services continued to be available to children in need.

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

Does the Minister believe that the provision of this service is adequate for the need for the service? If not, what direct action is he taking to increase the provision to meet the obvious need?

**The Deputy of St. Ouen:**

I am advised that when fully staffed at 3 persons this team is able to support the need within the Island. But I am also advised that the team do train many other staff ... of any other States workers involved with children's work on understanding challenging behaviour. So all that is going on to ensure that there is a greater support throughout the States workforce.

**3.5.5 Deputy S.M. Wickenden of St. Helier:**

Are there any plans to increase the number of staff in this department to cover such areas like holidays or sickness or, if there is any increase in the need, are you looking to recruit a fourth member to this team?

**The Deputy of St. Ouen:**

I think the situation is monitored all the time. But at the present time there is not any recruitment process for a fourth member of the team but that will be kept under review.

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

Given that we are now 7 months into this new Assembly, why has responsibility for the service we are referring to, and also that of the Child and Adolescent Mental Health Services, not yet passed to the Minister for Children, Young People, Education and Skills?

**The Deputy of St. Ouen:**

That is a very pertinent question and work continues to go on in both departments as to how this may best be arranged for the members of the public involved. This perhaps illustrates some of the difficulties in that we have a small service, which is providing a service to both adults and children because that is the training of those specialists. To divide that service simply based on an age-criteria may not work. These issues are being grappled with as to the wider issues around the mental health issues. Again, very difficult because those persons who are practising in that field are medical staff and very often there are serious medical issues involved. All I can say to the Deputy is that there are ongoing determined discussions to try and work out these issues.

**Information subsequently provided by the Minister for Health and Social Services:**

1. 21 children were referred to the PBS service during the time it had limited capacity to provide its services to children.

2. There are currently 7 children and 10 adults on the waiting list for a behavioural assessment. A number of these have been allocated to the newly appointed Behaviour Advisor.
3. Of the 90 referrals in 2017, 45 were children and 45 were adults.

**3.6 Deputy K.G. Pamplin of the Minister for Children and Housing regarding the action he was taking to ensure middle- and lower-income Islanders are helped to access affordable housing: [OQ.21/2019]**

Given the latest retail price index produced by Statistics Jersey last week revealed the cost of living had increased by 3.9 per cent and that a key driver of inflation during this period was the 5.6 per cent increase in housing costs, what action is the Minister taking to ensure middle and lower-income Islanders are helped to access affordable housing?

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

I thank the Deputy for his question and I absolutely share his concern about the effects that inflation is having on Island residents' abilities to make ends meet. This reminds me also of the income distribution survey from 2015, which showed that housing costs are the single biggest contributing factor to poverty.

[10:30]

I dread to think how that has developed in the years since that report. This Council of Ministers has committed in its C.S.P. (Common Strategic Policy) to improve the standard of living and reduce income inequality. It is clear that housing has to be a fundamental part of that. They are going to be a combination of short-term and long-term measures to try to deal with this. Things that have already been done; we have the new minimum standards rules, which will start having an impact as enforcement is more widely available. Social housing rent rises have been capped to protect tenants specifically when inflation is particularly high. But more, in the long term, the Chief Minister and I are in the process of finalising the terms of reference for a housing policy development board, which will look at certain things in the short term and certain things in the long term. Certainly short-term things will be looking at the impact on external buy-to-let on our housing market. We will be looking at a new method for calculating social housing rent, that moves away from the current system. In the long term we will be looking at the housing market as a whole to make sure that it addresses the needs of Islanders, but that of course will not be a simple piece of work. I should say at this point, when we are towards the end of finalising terms of reference for that housing policy development board, we will want input from Members of this Assembly and we would welcome expressions of interest from those who would be interested in taking part in that work.

**3.6.1 Deputy K.G. Pamplin:**

I thank the Minister for his answer. Interesting also, was it not, that we received the briefing last week on the Objective Assessment for Housing Need for 2021-2030, where their total they are estimating, which has been referred to as another Parish needed of over 7,000 households. The issues they highlighted: "Much of the affordable housing needs to be affordable rent or affordable home ownership due to high market prices." Does he agree that this is the top issue or does he have another top issue?

**Senator S.Y. Mézec:**

I should state that that report looked at various scenarios depending on what population policy we choose to adopt. The worse-case scenario is based on continuing with no change whatsoever, and that is why we were provided the figures that we were with that. I think that highlights the fact that

a population policy has to be one of the top issues that this Government looks at. Not just because of the effect that it has on housing - and it has of course a huge impact on the cost and availability of housing for people in the Island - but the effects that it has on all of our public services, health and education, in particular. So that, I think, highlights how important it is to do this. That report will be feeding into the work of the population boards that the Chief Minister is setting up and also the housing policy development board, which we are setting up.

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

While some external factors are at play here, it is my view that the main reason for building and housing cost inflation is demand. Would the Minister agree that trying to do something about that and building more social accommodation is vital?

### **Senator S.Y. Mézec:**

The Deputy has asked me questions along this line in the past and I have always made it clear to him that I do not entirely agree that supply is the only issue because I am somebody who believes that regulation is part of it. But of course supply is an incredibly important part of that and making sure that there are enough decent quality homes and affordable homes for people to live in. I should point out at this point of course that there is a bit of an elephant in the room, given the debate that we will be having later on this afternoon, where I will be urging States Members to allow a project to go ahead, which will help with supply, which will help deliver decent homes for people to live in and help make life easier for those people who end up living there.

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

In light of the Ann Court debacle and given a choice between housing and offices, is it not the case that the Minister for Children and Housing is fully committed behind the provision of social rental housing on this site?

### **Senator S.Y. Mézec:**

Unequivocally yes. I hope Members have had the time to read the comments that I put together and lodged in response to the proposition raised by Deputy Luce. I think that having taken as long as it has taken to get to this point where we are literally ready to start building and providing decent homes in that part of town, as we have meant to have been looking to do for the past decade, I think it really would be sad to lose that opportunity and potentially delay more and more social housing units coming on to availability for people to live in. I worry about the many constituents who I speak to who are in desperate housing need and whose needs we are not able to serve anywhere near as quickly as we should be able to.

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

Following up on what the Minister said about population policy being absolute key to housing and other issues, he mentioned the policy board. What timescale? Population has been put off and put off and we have the problems we have because it has been continually put off. Will he be giving some specific dates where we are going to get a policy that we can debate in this Chamber?

### **Senator S.Y. Mézec:**

I am presuming that the Deputy is talking about the population policy development board, which is separate to the housing policy development board, so I cannot give him a definite answer on timescale because I am not involved in that. That is a question that would have to go to the Chief Minister. What I can say is when we have debates coming up, like the Island Plan, when we have had the Objective Assessment for Housing Need Report, from a housing perspective I will be pushing for that to be dealt with as quickly as possible. But for details on the specifics of that you would have to address that question to the Chief Minister.

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

Will the Minister take it up with the Chief Minister because we have gone years without a policy and it should be one of the main priorities of the Government, as it is certainly one of the main priorities among the population?

### **Senator S.Y. Mézec:**

That is quite right. As I mentioned in my opening answer, I am in discussions with the Chief Minister right now to finalise the terms of reference of the housing policy development board and in our next discussion I will raise the issue of how the work of that board will intertwine with the work done by the population policy development board and what we will need to bear in mind as we do our work on that.

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

Is it not blatantly obvious that the time has come in Jersey for a rent freeze on both social housing and the private housing sector as spiralling an unsustainable increase in rent is having an adverse effect on so many people's lives? Is it not true that the time has come to make our social housing stock - the decision to make it 90 per cent of housing rates - to bring that to an end and put it back to where it was before to make them more affordable for people on this Island?

### **Senator S.Y. Mézec:**

Of course I voted against the 90 per cent market rate rule being introduced in the first place. I think it was the wrong thing to have done. If we are going to reverse it or at least put it to something better than that, that is a piece of work that cannot be done overnight. That is one of the issues that I want the housing policy development board to be looking at, and those who have been working behind the scenes on this will know that that is the top issue I raise at every single meeting we have to discuss this. When it comes to wider rent measures, he will have seen the answer I provided to a question raised by Deputy Alves about the possibility of establishing or re-establishing a rent control tribunal. That is something I am keen to do. We are looking at this at the moment. I believe March is the time that we will have the next update on that. I think that it is right that when there are unfair and unjustifiable rental practices in the private sector that tenants should have the ability to challenge that so that they are not being ripped off.

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

Does the Minister accept that, albeit a relatively small policy area, something that causes very real hardship for social housing tenants is the fact that houses are now provided without carpets or flooring and tenants often have to choose between the indignity of asking for a loan, which of course they have to pay back and may not be able to afford anyway, or living for months on end without adequate flooring in their own properties for themselves and their children? Will he seek to address this issue urgently and at least direct Andium that from now on they should be providing flooring as standard in all their properties at no extra cost?

### **Senator S.Y. Mézec:**

Since leaving my family home, I have only ever lived in private rental accommodation and I would find the idea of being asked to bring my own flooring with me to be a very strange concept. I have never had to do that in the private sector. I think it is weird that that is asked in the social sector. I am aware that when we have used Andium to help provide key worker accommodation, flooring of course has been provided, carpets have been provided. So I will say to the Deputy that I will raise this at my next meeting with the Andium board and let them know my feelings on that and work to see what we can do to improve that situation.

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

It may be helpful, but one idea may be simply to amend the Residential Tenancy Law to reflect that carpets and flooring come under fixtures and fittings rather than furniture. Therefore it will be in the law for all sectors to be able to provide this.

**Senator S.Y. Mézec:**

That is a good idea. I know that we are looking at the Residential Tenancy Law and that is a very good idea, I think, to raise at that discussion.

**3.6.9 Deputy K.G. Pamplin:**

I just want to go one step further than my colleague, Deputy Ward, and ask the Minister for Children and Housing: with the requirement for Andium to increase rents by R.P.I. (retail price index) at 0.75 per cent, will he simply reduce or remove this policy to help people who are struggling under the cost of living on this Island?

**Senator S.Y. Mézec:**

As I have said, and I will try to be as clear as possible on this, that I have always believed that the calculation system for social rent since I have been in politics has been a broken calculation system and needs to be changed. The issue is that we have a States-owned housing provider, which is doing some really good and important work, not just in renovating their properties that were desperately in need of renovating after years of neglect, but also are bringing new properties on to the market. I want to protect that work and that has to be financially sustainable. That is why we need those relevant stakeholders around the table, be that the Minister for Children and Housing, the Minister for Treasury and Resources will have to be involved in those discussions as well, to make sure that our social housing provider has a sound financial basis to be working from, so it can do that work. But that basis must not be having extortionate rents, which people find too difficult to live on. That is why I consider it such an important issue. It will be one that the housing policy development board looks like. If there is one thing I can achieve in my term of office, it would be to deliver on that because it is something I had in my manifesto and something that I absolutely want to deal with, but it cannot happen overnight. We have to do things properly to not risk the model of our social housing provider.

**3.7 Deputy G.P. Southern of the Minister for Health and Social Services regarding the progress made in implementing an Ethical Care Charter in Jersey: [OQ.29/2019]**

Will the Minister update Members on the progress he has made, if any, on the implementation of an Ethical Care Charter, as agreed with the adoption of P.48/2017, and if there has been no progress, will he explain why?

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

Members will be aware that in July 2017 the last States Assembly adopted a proposition of Deputy Southern that, in principle, Jersey should adopt an Ethical Care Charter governing the provision of care in people's homes. As instructed by the proposition, a consultation was undertaken with the Jersey Care Commission and with users and providers of care services on the terms of any charter. This took place in February and March last year. As a result, there was general support for the proposed content of the charter. As the questioner knows, I am supportive of the move to secure high standards of care in our homecare sector and I believe there is clear support for the charter. To some extent, the charter will complement some of the provisions of the Regulation of Care (Jersey) Law 2014 and its underlying regulations. Therefore it was sensible to wait until those accompanying regulations that give effect to the law were passed by the States just 2 months ago. In the meantime, I have met with the Jersey Care Commission and with Caritas, the charity that promotes the Jersey Living Wage Foundation, to explore issues relating to the implementation of a charter. I believe that

how care workers are supported and rewarded can have a direct impact on the quality of care they provide. If, due to other pressures I have not been able to dedicate time immediately to the next stages in the implementation of a charter, I now hope to be able to return to this important subject very shortly.

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

The key issue here is that this Ethical Care Charter was passed *nem con* by the States and it has been some time now, so the question is: when does he expect to come back to this House with the arrangements in place in order that the Ethical Care Charter is implemented in full?

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

I cannot give a firm date because it involves reaching agreement with others. My next step will be to speak to the Minister for Social Security and her officers, possibly also her Assistant Ministers. Because the charter envisages that the employment terms of homecare workers will be enhanced. That of course affects employment law, which is a matter for the Minister for Social Security.

[10:45]

It does mean that we will effectively be creating an employment law for homecare workers, which is different from the employment law that affects all other workers in the Island. If we proceed in that way there is a degree of compulsion about it because it is intended that all persons registered to provide home care will have to adhere to the charter and these employment terms. That has to be negotiated with the Minister, as I have said, and I will engage in those discussions as soon as possible.

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

One of the points in the Ethical Care Charter was that homecare workers should be paid for their travel time, travel costs and other necessary expenses, such as mobile phones, which I understood received overwhelming support in the survey. Can the Minister advise what steps he is minded to take to make sure that these factors are realised?

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

The way to ensure that this happens is to embed it in the charter and to ask or require, if that is the will of the Assembly, all homecare providers to adhere to the terms of the charter. The consultation response reveal that some companies do pay for travel time or provide phones at the cost of the employer. There are some companies that appear not to. It is a mixed story in that respect. Again, further discussion will be needed with the companies involved.

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

For the Minister's part, does he believe that travel time and travel costs should be paid as standard?

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

It is my view. That also would appear to be the view of this Assembly, in passing the Ethical Care Charter in principle *nem con*.

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

Can the Minister assure Members that where terms and conditions are referred to in the Ethical Care Charter, they do contain a safety or level of care element? You cannot have people working 12-hour shifts. At the end of that shift they are not delivering good quality, high-quality care. Does he accept that the relationship between health and safety and the quality of standards of care in the home are related to their Ethical Care Charter?

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

I accept that and I believe the Ethical Care Charter contains provisions to ensure that those sorts of standards are maintained.

**3.8 Deputy R.J. Ward of the Minister for Social Security regarding the balance between flexibility and fairness for employees in the use of zero-hours and short-term contracts: [OQ.26/2019]**

Further to the answer to Written Question 18/2019, how will the Assistant Minister ensure a balance between flexibility and fairness for employees and workers in the use of zero-hours and short-term contracts; and is it the plan that the current model of using such contracts should not continue indefinitely?

**Deputy J.M. Maçon (Assistant Minister for Social Security - rapporteur):**

I thank the Deputy for allowing me to take this question on the Minister's behalf. Just for context: the previous question the Deputy refers to was specifically in relation to social security benefits and services being delivered by the new Customer and Local Services Department. Therefore, there have not been any changes to the contracts of staff providing social security benefits and services or to their Civil Service terms and conditions since the written question in November. In addition to social security, Customer and Local Services delivers services under the responsibility of the Minister for the Environment, Treasury and Resources, Home Affairs, Housing and the Chief Minister. But to look at the question posed by the Deputy specifically as outlined in that written question. It is under review and what the department is doing is trying to identify where permanent posts would be appropriate or if and when, when there was bulge in the workload and appropriate uses of, for example, short-term contracts, would be appropriate. There is no reason to move away from that operating model, although we are going into some operational matters.

**3.8.1 Deputy R.J. Ward:**

Does the Assistant Minister believe that it is good for service to have staff on contracts without pensions, sick pay, maternity rights or paid leave, and with total uncertainty about their employment? Is that really the best thing we can do for the delivery of what is, after all, social security?

**Deputy J.M. Maçon:**

Again, it is about the appropriateness and depending on the workload. As an employer, as with any employers, the States need to be aware that, for example, when we know there are bulges throughout the year, if for example we know tax was done in May there is a bulge of workload then, it might be more appropriate to have a short-term contract in order to be able to manage that workload. But that particular level of work may not exist for the rest of the year and therefore it may not be appropriate in order to employ staff throughout that period. What I would say to the Deputy, as outlined in the written question, that work is under review and it is something that the entire service is looking at about whether these posts should be deemed permanent or whether a more flexible approach around the short-term contract basis is appropriate. But that work is still ongoing.

**Deputy R.J. Ward:**

Can the Assistant Minister confirm how many employees are employed on ...

**The Deputy Bailiff:**

Deputy, you have already had a supplementary. You will have your final supplementary in just a moment. A light went on but I am afraid I did not catch up.

**3.8.2 Deputy C.S. Alves of St. Helier:**

Is it not the case that some 12 posts for income support assessors, permanent and full-time posts, are currently being filled by agency workers on reduced terms and conditions that Deputy Ward specified earlier, with no sick pay and no pension? Does the Minister consider that this is a poor example to set and in breach of J.A.C.S. (Jersey Advisory Conciliation Services) guidelines on zero-hours contracts?

**Deputy J.M. Maçon:**

As I have stood in for this question, I am not within purview to that particular element of information. I will get instructions obviously to look into it and respond to the Deputy as and when I have the information.

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

Would the Assistant Minister agree that some of the long-term problems found by our most vulnerable members of our society are caused by the use of temporary workers? For example, there were a number of cases that I deal with in my constituency where mistakes and payments made and omitted by Social Security some years ago now require long-term repayment from people who are absolutely unable to do that but there is no go-back to the person who made that mistake because they are no longer working there and temporary workers have no actual reason to be as accurate as others. That is not blaming the workers, it is blaming the structure.

**Deputy J.M. Maçon:**

There can be all types of reasons why people may come and go from the States employment; retirement, maternity leave, whatever, so to have a continuity of service from an individual would not be possible to manage. Of course what the Deputy does allude to is absolutely right, in saying that it is about having proper and adequate systems and training. If there is a deficiency, I am more than welcome to have that conversation with the Deputy in order to address those concerns. I would agree in that part of his question he is absolutely right.

**The Deputy Bailiff:**

We come to question 10 that Deputy Morel will ask of the Minister for Treasury and Resources. [Aside] He is absent, I am sorry.

**3.9 Deputy J.M. Maçon of the Minister for Infrastructure regarding the manner in which the ‘Jèrriais Plan 2017-2019’ informed the work of his department: [OQ.25/2019]**

Will the Minister advise how the Jèrriais Plan 2017-2019 (R.72/2017) informs the work of his department; will he state whether the planned establishment of public sector offices in Broad Street has incorporated the provision of signage in Jèrriais; and if not, will he explain why not?

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

The Jèrriais plan is routinely considered in the work of the department. In the Broad Street offices, the “Government of Jersey” will be added to the external signage and internal directories. However, the branding has yet to be signed-off by the Council of Ministers. There will be a welcome sign in Jèrriais as you walk through the first double doors, and a Jèrriais name is being prepared for the staffroom with further decorative wording in evidence throughout the building. The building was previously occupied by the Royal Bank of Canada, so lots of the rooms at the moment have Canadian Inuit names, so it is a good opportunity for a rebranding.

**3.9.1 Deputy J.M. Maçon:**

I thank the Minister for clarifying that because I was given to understand a week or so ago that no Jèrriais was going to be used on the signage of this new building, which seemed to be at odds with

the plan that the States has already adopted. I thank the Minister for that. I wonder perhaps, when he has time, he can go and ask his officers when exactly those decisions were made to make sure that Jèrriais was put in those signs.

**Deputy K.C. Lewis:**

As I stated, it has yet to be cleared by the Council of Ministers.

**3.9.2 Deputy M. Tadier:**

As a linguist, I feel slightly sad that Inuit is going to be the victim for Jèrriais in terms for the inside of the building; I will not dwell on that too much. One would have hoped that in terms of visibility it should have been obvious, with or without the impending debate that is going to happen, that there should have been some provision - this very new building in 2019 - for some Jèrriais signage on the outside. Is the Minister aware that there is a standing offer from the L'Office du Jèrriais for any States department, but also the private sector, to come and approach them and they will help out for free when it comes to wording appropriate signage for whichever sector? Will the Minister inform his ministerial colleagues in future that that is available?

**Deputy K.C. Lewis:**

I thank the Deputy for his suggestion. I look forward to hearing his renditions of the Inuktitut language. Yes, that has been made available to all Ministers. I think all Ministers are aware of the Jèrriais Department and will be taking full advantage of it.

**Deputy M. Tadier:**

Whether it is Inuit or Jèrriais, I hope that none of these languages end up getting left out in the cold when it comes to the considerations of the Ministers, and signage in future.

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

Could I just say how I think it is wonderful that a Canadian office in this tiny little island can carry their language through when they are miles away from it and yet this Island cannot carry its own language?

**The Deputy Bailiff:**

Is there a question there?

**The Connétable of St. Saviour:**

Could you see that you could put that to right please?

**Deputy K.C. Lewis:**

I will do my best.

**3.9.4 Deputy J.M. Maçon:**

Can I just ask the Minister: despite the fact that we do have the Jèrriais plan, what training is undertaken, if any, by his officers in order for them to better understand Jèrriais in general. I am not saying necessarily that they should be parlance in the language, but just to have an understanding about what is on offer, for example, from L'Office du Jèrriais?

**Deputy K.C. Lewis:**

I am not sure, to be honest. I know that some of them do speak Jèrriais. We have some very old hands still with us. But they are aware that they can avail themselves of the offices of Jèrriais. But I will remind them.

### **3.10 Deputy K.G. Pamplin of the Minister for Infrastructure regarding the rejection of the Future Hospital planning application: [OQ.22/2019]**

Following the decision of the Minister for the Environment to reject the Future Hospital planning application, will the Minister advise whether he plans to appeal that decision?

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

The short answer is no.

**The Deputy Bailiff:**

Minister, if you could ... I am not sure we are quorate. Yes, we are not quorate. Could I ask any Members in the Members' Room to come in? We need one more, I think. Could you call the roll please? We will use the electronic voting system. If the people present would indicate by pressing the electronic vote.

Senator J.A.N. Le Fondré
Senator S.Y. Mézec
Connétable of St. Helier
Connétable of St. Clement
Connétable of St. Saviour
Connétable of St. Brelade
Connétable of St. Ouen
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. Ouen
Deputy R. Labey (H)
Deputy S.M. Wickenden (H)
Deputy of St. Mary
Deputy G.J. Truscott (B)
Deputy L.B.E. Ash (C)
Deputy of St. John
Deputy S.M. Ahier (H)
Deputy R.J. Ward (H)
Deputy C.S. Alves (H)
Deputy K.G. Pamplin (S)

We are well quorate now. Minister, if you would like to give your answer to the question asked by Deputy Pamplin.

**Deputy K.C. Lewis:**

May I remind Members, through the Chair, we are discussing the new hospital question. The short answer is no.

[11:00]

The recently refused planning application PP/2018/0507 for the new hospital was determined in accordance with Article 12 of the Planning and Building (Jersey) Law 2002, which relates to public inquiries. The Article does not provide an opportunity to bring an appeal even if I was minded to do so.

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

I thank the Minister for his answer and others for joining us. Minister, are you aware, may I ask, through the Chair, if there are any other plans to put forward an appeal against the Minister's decision from other areas that he is aware of?

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

To the best of my knowledge, and I will of course be guided by you, Sir, the public inquiry that was held is innocent of the appeal. So there is no appeal. I can read the items of the law, which I have here: "A person aggrieved by a determination by the Minister under this Article may appeal against the determination to the Royal Court only on a point of law and, for the avoidance of doubt, no appeal arises under part 7." Part 7 of the law relates to the appeals against decisions that can be made for planning applications that are not considered by way of a public inquiry, so there is no appeal.

### **3.10.2 Deputy R. Labey of St. Helier:**

Yes, there is an appeal mechanism but it has to be through the Royal Court on a point of law. Would the Minister agree with me that one government department taking an expensive action against another government department in the Royal Court is not a satisfactory use of public money?

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

Yes, absolutely but there can only be an appeal on a point of law and the law has been followed to the letter.

### **The Deputy Bailiff:**

Final supplementary, Deputy Labey? No, very well.

### **3.11 Deputy M.R. Higgins of the Chairman of the States Employment Board regarding salary increases which had wrongly been paid to staff in the Health and Community Services Department: [OQ.28/2019]**

Will the chairman explain the rationale for the payment of hundreds of thousands of pounds under compromise agreements to the civil servants who were responsible for the scheme that wrongly led to 126 members of staff in the Health and Community Services Department being given salary increases, only for them to be withdrawn, especially given that they had submitted evaluations and information which were not representative of the jobs that were being undertaken?

### **Connétable R.A. Buchanan of St. Ouen (Vice-Chairman, States Employment Board - rapporteur):**

I thank the Deputy for his question, although I have to say he is probably not going to be very happy with the way I am going to answer it. First, as he is well aware, I cannot speak about any member of staff in a way that makes that individual identifiable in this House. Unfortunately, also the matter is subject to a collective dispute and it makes it difficult for me to comment in any great depth. Furthermore, the compromise agreements reached with members of staff contain publicity clauses, which makes it difficult for me to comment about individuals. What I can say is that one individual was made redundant under the T.O.M. (target operating model), as the job did not exist anymore; one individual left under a compromise agreement; 2 have left for personal reasons; and 2 remain employed. I think I would agree with the sentiment, I am sure the Deputy is thinking, that this whole incident is most unfortunate and the report makes very poor reading and does nobody any credit.

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

Does the vice-chairman of the S.E.B. (States Employment Board) accept that the public are losing faith with the States of Jersey because of failures like this and the fact that people are compensated

for failure? We have had discussions about this. How soon will the S.E.B. be bringing policies so people who have been guilty of gross misconduct or negligence can be dismissed without getting compensation?

**The Connétable of St. Ouen:**

Yes, I thank the Deputy for his question and I have to say I completely agree with the sentiments he expressed. We are working very hard to introduce a proper performance management framework, which will be rolled-out within the next 3 or 4 months. That will allow us to actively manage people's performance, which has not been the case up until now, which is why we find ourselves in the position that we do find ourselves in. I have to agree, I think the general public opinion will be with the Deputy and also it reflects my opinion on the subject. I think it is disgraceful that we have been allowed to get to this situation for so long and have had to make compromise agreements with so many members of staff.

**3.11.2 Senator S.C. Ferguson:**

Is the Connétable aware that there is a move towards removing the confidentiality clauses in compromise agreements and have the S.E.B. considered clawing-back the money that has been paid under the compromise agreements?

**The Connétable of St. Ouen:**

Yes, in answer to the Senator's question, I am aware that that is a move for the future and, yes, consideration has been given to that, clawing-back money under that agreement, although I have to say the legal costs involved would probably make that not worthwhile.

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

May I ask the assistant chair of the S.E.B. whether either of the 2 members who remain in employment in this situation have been promoted in a new target operating model following this debacle?

**The Connétable of St. Ouen:**

I thank the Deputy for his question and the honest answer is I do not have an answer to that question but I undertake to get back to him shortly with a response.

**3.11.4 Deputy G.P. Southern:**

Will the Assistant Minister assure Members that his use of a phrase "active management" is not code for a tick-box culture?

**The Connétable of St. Ouen:**

Yes, I thank the Deputy for his question. I am with him with this; tick-box management and performance management is a thing of the past. What we are trying to introduce with the culture programme - which, I have to say, has received a lot of criticism because perhaps it was not explained carefully - is to produce a proper framework of culture and performance management that is real and is interactive and alive, so that the regular reviews with staff members are at a norm and they are fully aware of where they are with their performance and they are also aware that the objectives they have been set are achievable.

**3.11.5 Deputy G.P. Southern:**

Again, and in his use of the word introducing a culture, does he think that that culture contains and maintains a policy for not paying your civil servants properly?

**The Connétable of St. Ouen:**

I think the 2 policies are discrete from each other and, as we have said publicly in the press, I am not prepared to comment on the current round of pay issues, as we are in this period of negotiation with the unions.

**3.11.6 Deputy R. Labey:**

Who negotiated these dismissals and compromise agreements? Were S.E.B. or Ministers consulted or am I right in thinking that this is done entirely within the Civil Service and that Ministers or the S.E.B. do not need to be consulted at all?

**The Connétable of St. Ouen:**

Yes, I thank the Deputy for his question. I have difficulty answering that question because I was not part of the S.E.B. when they were negotiated. I think the best I can do is to offer to get back to him with a written response setting out the details of how they were arrived at.

**3.11.7 Deputy M.R. Higgins:**

The question I was going to ask has been asked by someone else. But can I ask the vice-chairman, it is said in the report that the people involved in this have submitted evaluations and information which were not representative of the jobs that were being undertaken, this is to (a). Was that a deliberate act or was it a negligent act? In other words, were these people trying to get through these pay rises based not on objective facts but based on misinformation that was being given to the evaluators?

**The Connétable of St. Ouen:**

I thank the Deputy for his question. I have to take him back to my first comment, this issue is now subject to a collective dispute and I am not inclined to comment further, as it could prejudice our case. I am sorry I cannot give him a fuller answer.

**3.11.8 Deputy M.R. Higgins:**

How is this related to the dispute? Which dispute are you talking about?

**The Deputy Bailiff:**

I will allow that, it is a point of clarification to the answer you have given.

**The Connétable of St. Ouen:**

Yes, thank you for the clarification. Clearly, it is related to the dispute because the nub of the issue is the increases that have been given to members of staff and the question around the legality or the appropriateness of those increases.

**3.12 Deputy G.P. Southern of the Minister for Infrastructure regarding the prospect of introducing a ‘hoppa bus’ service: [OQ.30/2019]**

In drawing up his spending plans for 2020, will the Minister give consideration to the in-principle decision of the States (in adopting P.156/2011) to support the introduction of a ‘hoppa bus’ service in the urban areas of St. Helier and its environs?

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

P.156/2011, as adopted by the States, asked the Minister for Transport and Technical Services to include provision for a town area bus service within the current tendering process of the bus operating contract. I can confirm that as part of that process the cost of several options was assessed, following the selection of the preferred bidder but with no realistic prospect of a town bus service being able to cover the operational costs through the income from fares, it was concluded that none of the options were affordable within the available budget. Since 2013 the change to Jersey’s bus network has

brought with them improved service, frequency, greater capacity and extended hours of operation on routes covering the St. Helier ring road at no cost to the public purse. These enhancements cater for much of the demand that was perceived to exist in 2011 for a town bus service.

**3.12.1 Deputy G.P. Southern:**

Just for clarification of what was said there, was that a yes or a no? Will he consider backing a 'hoppa bus' and providing the wherewithal to fund such a service?

**Deputy K.C. Lewis:**

The yes or no is that it would not be prioritised in the current state of affairs at the moment. But all the problems that were perceived to exist in 2011 have been superseded by a much-improved bus service.

**3.12.2 Deputy M. Tadier:**

I have looked at the accounts for LibertyBus and they are very healthy and I thought they were supposed to invest all their money back into the community but that is perhaps another matter. I have been reminded by constituents that the number 15 bus used to run past the bus station and do a loop past the post office, which it no longer does. Given the fact that many States offices are now being moved to near the post office on Broad Street, will there be consideration given to which services may run past that door? Because the elderly, especially, cannot necessarily make it all the way up Conway Street and round the corner and did value that service previously.

**Deputy K.C. Lewis:**

I agree to an extent that was an important service for some people with mobility problems who find it difficult to walk to the bus station. But the Deputy will be aware that we have now lost the cut-through to Sand Street Car Park, so that all traffic now has to go past the existing hospital down Gloucester Street and loop back again and that would add at least another 10 minutes to the trip from the bus station itself, which would make things very difficult. Sorry, the Deputy had another point.

**Deputy M. Tadier:**

I think that is it for now.

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

I would like to start my question by agreeing with the Minister that the new service by LibertyBus is indeed a vast improvement on what we used to have. I particularly welcome the introduction of double-deckers, the frequency of routes, as a regular bus user myself, and particularly the customer care that is so noticeable now from drivers. Would he, however, be willing to bring to this Assembly the evidence that the current much-improved service has indeed, to use his word, superseded the need for a 'hoppa bus' because I would like to see that evidence? Clearly, work has been done in order for him to have said that, particularly in terms of serving areas like Havre des Pas, the harbours and the central market.

**Deputy K.C. Lewis:**

Yes, I thank the Constable for his kind comments. Bringing double-deckers to the Island was quite a challenge. I was working at the time with the Constable of St. Brelade and that was quite an achievement to get those back on the Island. There was a capacity problem, which we have now solved. Just if I can allude to Deputy Tadier's question, most of the money now is reinvested in new rolling stock.

[11:15]

They have taken on many, many more drivers and invested in many, many new buses and obviously bus shelters to keep the people warm and dry while they are waiting for their bus. But to go back to

the Constable's question, I would be more than happy to provide any information I have regarding that but I say the logistics of travelling through town now are quite difficult but we will do what we can.

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

To develop on from Deputy Tadier's question, would the Minister agree that given that the 'hoppa bus' concept does not stack up financially by itself, that advantage could be gained by extending the existing services to certain parts of town, particularly Highlands College and the schools up that way on a day-to-day basis and thereby obviate the need for a separate 'hoppa bus'?

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

Yes, indeed, talks are ongoing with LibertyBus. We want to extend the system as much as we can. The southern routes are particularly well served but we need to extend it into town - northern town - and, as the Constable suggested, getting more and more people on the school buses would be terrific. There are logistical problems but nothing that cannot be overcome.

#### **3.12.5 The Deputy of St. John:**

Can I ask the Minister if we can move outside the town for a short while to look at the difficulty of people getting into town from the Parishes and the congestion that that causes on many arterial routes? Are the plans to develop park-and-ride facilities well advanced? Would he be able to tell us what the plans are, if they are?

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

Deputy, it is a problem with outlying Parishes. We cannot reinvent the motor car but we can just make the buses as attractive as possible for people to use. The Deputy's predecessor gave me a very hard time when I was Minister for Transport and Technical Services. We have put on a bus to St. John running up to La Fontaine and if you had 2 or 3 passengers that was an extremely good day. People tend not to use it. People had trouble getting to the bus stops, so LibertyBus came up with an idea of hubs, that small mini buses would be placed outside Parish Halls and ferry people to the main bus stops, if not further afield, and that had very little take-up and was in fact abandoned. We are working very hard with LibertyBus. They are a very progressive organisation and if there is a demand there they will fill it. But to have empty buses running around is quite pointless and very, very expensive. But we are always looking to improve the service.

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

It troubles me a little bit this is not a priority. Is it not a fact that the future of this Island has got to be an integrated public transport system that serves every artery but also every capillary of our town centre? Would the 'hoppa bus' not be an essential part of this if we are genuinely going to provide an option for people to get out of their cars, improve our environment and improve the living standards for those who live in the centre of town?

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

As I have just stated, the service itself is expanding and continues to expand and new routes are always being added to take up this. It is a 'hoppa bus' by any other name. It is a conventional bus service that crosses over and what was referred to as a 'hoppa bus.' Many people now have senior citizen's travel cards, we have the disability card, making it easier for disabled people to travel around the Island and that is the way it is going. Everything is now contactless, which speeds up the whole process.

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

Would this not be an opportunity for a small bus around town that circulates to provide a free service and trial whether that free service of free public transport could be successful in town and then can

be expanded outwards in order that we provide genuine options to private-car use so that people can take cars off the road, which is so damaging to our environment?

**Deputy K.C. Lewis:**

That is exactly what we are doing with the bus service, expanding it so much that people do not need their cars. But, unfortunately, people wish to use their cars. We had a 'hoppa bus' service many years ago and it had very little use.

**3.12.8 Deputy S.M. Wickenden:**

I was at friends over Christmas who told me that they drive and park in town because for the 3 of them to get in it is cheaper to pay for parking in town than it is to take the bus. Is there any opportunity to do something like a family travel, so it is cheaper, so we can have less reliance on the car for these certain types of instances?

**Deputy K.C. Lewis:**

I am not sure where the Deputy is going with that: is he saying that parking is too cheap? But this is a perennial problem, there are various passes that one can buy; you can buy day travel passes, monthly, 6-monthly passes, yearly passes, which bring the cost right down. Several passes are available at the bus station.

**3.12.9 Deputy G.P. Southern:**

At last, does the Minister accept that he has, in abandoning the concept of a town 'hoppa' service, which might be free and which might be clean ... has he abandoned the Sustainable Transport Policy, P.104/2010, which contained that target to the 'hoppa bus' service and, if so, will he be producing his own transport policy in the near future, in order that we can amend it to get some spend on a 'hoppa bus'?

**Deputy K.C. Lewis:**

As previously stated several times, nothing has been abandoned and it is a 'hoppa bus' by any other name. We are increasing the service to cover all areas of the Island.

**Deputy G.P. Southern:**

The Minister said no earlier on.

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

**The Deputy Bailiff:**

Very well, that brings questions without notice to an end. We now have questions to Ministers without notice, the first question period is for the Minister for the Environment.

**4.1 Deputy M. Tadier:**

Insofar as it is an environmental matter, will the Minister give us his thoughts on kerbside recycling in Jersey and its future?

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

The Deputy will know there are 2 areas which, in other places, are responsibilities of the Minister for the Environment; they are waste management and transport policy. In my view, unless both those things are properly integrated with our infrastructure we will not achieve the changes. At the moment, waste management has to be very high on our priority. There is no question in my mind that the arrangements, which are different between Parishes for kerbside recycling, inhibits our progress towards this. I hope, as part of our One Government and our dialogue in our new structures

this year and our Strategic Plan, we can start to make progress on that, with the Constables; otherwise I think we are in danger of stalemate going nowhere.

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

Given what should be the relative ease of kerbside collection and the relative norm of it, given the fact that there are many examples around the world, would the Minister be willing to give a deadline to the 12 Parishes to instigate their own recycling schemes in all Parishes before he considers taking it over centrally, either by his department or through his Minister for Infrastructure?

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

I do not think any of those matters fall within the responsibility of the Member who holds a position of the Minister for the Environment at the moment. I would need to take advice on whether the Waste Management Law, which deals with the regulatory functions; at the moment the Minister for the Environment sets the regulation but not the operation, nor the policies. I would need to ferret into the small print of that law to see whether it would enable me to do so, so I certainly could not give the commitment that the Deputy seeks.

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

The department formerly known as Planning and Environment used to have certain regulatory functions, like environmental health, building controls and there was an independence to these regulatory functions because they had to regulate other government departments. Now that we have the Director General of Housing, Growth and Environment, is that big department, effectively, self-regulating now and how satisfactory is that?

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

I think the Deputy will know my view. I have not changed from what I voiced to the Scrutiny Panel on this. In my view - the new structure - there is an inbuilt conflict between the regulatory functions and the operational one, which is not satisfactory. I have voiced that and, as a result, I have seen a written protocol, which, if you like, in layman's terms is the equivalent of Chinese walls that one gets within law firms and finance houses and so on; they are all to try and separate. But, of course, when the crunch comes there is no question that the management structure now, that independence is no longer there. At the moment, as Minister, I do not have a department. I noticed that earlier there was a discussion about my department, my department in other Ministers' questions; there is no department in the case of the environment ministry. One of my questions, I want to see how effective it is; I shall be taking stock during the next 6 months to see how we can progress. But the situation is far from ideal.

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

I have not heard the Minister's comments to Scrutiny. But what does he intend to do about this? From a public point of view the public perception is simply not on, is it?

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

I do not think it is. I certainly get quite a number of complaints now about this and certainly it is a matter that already, I think, the Council of Ministers have become aware, maybe from myself and the things I said at the Scrutiny Panel but I think from other sources. But certainly a matter that I think we have to discuss because we are in this. The G.H.E. (Growth, Housing and Environment) structure has been set up under this thing called the target operating model. I myself am puzzled as to where, if you like, the consultation was on these aspects when that was decided and where in fact the decision was made; I cannot recall if it was made by this Assembly. But, nonetheless, as I said to the Scrutiny Panel, as Minister I will do my best to try and make it work and then if it needs alteration I will certainly push for those changes. But in the end, I think, the decisions will be in this Assembly but we do have to give the new structure a chance.

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

The new Government and the Environment Department has now been in office for over 6 months. The Future St. Helier Group has met but once and I have yet to see any paperwork arising from the meeting. The South-West Planning Framework was recently cancelled at short notice. Meanwhile G.H.E. are pressing ahead with the unification of the Weighbridge and Liberation Square and we are asked to debate the future of Ann Court when we do not have any up-to-date master-planning or sense of what is going on in St. Helier from the Minister's Department. Will he undertake to really get a grip on the overall masterplan of St. Helier and what these various groups are doing, so that all Members, and especially St. Helier's elected Members, can really be involved and fully conversant with what is going on?

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

I think the Connétable raises a key point. Members will know, of course, one of my main planks for my election as Minister was to deal with and address and make real progress in the urban agenda. I have been frustrated by the changes in the government structure. The work I have seen from officers which report under our new structure, under the integrated structure, effectively, to the chief executive, those decisions about postponing the presentation and the work were not made by me but were made by that executive. I certainly am unhappy about that because I think it is essential that we proceed, following the discussions with the Connétable I had, about how we take this forward. As far as I am concerned, it is at the top of the list; I will do my best. But, of course, at the moment the Members will know that we have got a mismatch between the executive structure under the target operating model and the ministerial structure. There are bits that fit, bits that do not and I think this really has got to be on the agenda for sorting out, certainly by the time we are producing the Strategic Plan for 2020 to 2021; that is essential.

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

Given the answer to written question 46/2019 today where the Minister for Infrastructure says that there is not even any money to investigate a free bus service, can I ask the Minister for the Environment's opinion on the need to thoroughly investigate a free bus service and, in particular, the use of electric buses that would so much suit the Island to reduce our carbon emissions, which is such an important thing for the future of the planet?

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

The Deputy is right, these 2 subjects are certainly, I believe, key ones for the work that the Council of Ministers has set in train next year under the strategic priorities.

[11:30]

I certainly would not be taking a view that we should not follow these things up. I am hoping - and I think the jury is out on this - that under our new One Government structure these things will come to the top of the list and we will start to see some movement on them both. Because I am quite convinced if we are to deal with environmental issues in the urban area, we have to look at achieving and building on the success that under previous Ministers - and the current Ministers, the bus service has done - but we need to do more. Certainly I have been astounded attending local schools on environmental matters and in all those groups, universally, the children say: "What about the bus service, free bus service? We want it, we want buses to school." They want more of those things. Maybe our generation does not quite get it but the younger ones do.

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

Will the Minister advise what plans have been made for the Gloucester Street site now that he has rejected the Future Hospital plans?

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

First of all, I think we have the planning frameworks in the Island Plan stays. I think, until I knew a few minutes ago in the Minister for Infrastructure's answer, that he does not intend to launch into an appeal, which in law he is entitled to do. I considered it inappropriate to go into future discussions on this question of the future site. The Assembly very shortly are going to be debating the proposition of Deputy Labey and I think at that point certainly my view is that I need time and work with the officers now to consider how best that debate can be properly informed about those issues. I will give a commitment I shall be doing that now I know that the Minister for Infrastructure is not exercising his right of appeal.

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

Is it true to say that the Minister's intent all along was to put housing on the Gloucester Street site?

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

Absolutely not, I do not know where that came from.

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

Recently I have received a number of calls from Islanders about carbon emissions and specifically in regard to electric vehicles. Could the Minister update the Assembly on our continued commitment to the Kyoto Agreement and also tell us about how he plans to encourage the uptake of full electric and hybrid vehicles?

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

Yes, I think again I wish I had, as Minister, the powers and the policy issues because I think while we have infrastructure, infrastructure is about operations; policy I think sits with Environment as well as other places. This is a policy matter. I have certainly had discussions with the Jersey Electricity Company about that. One of the things I personally have a closed mind on is the idea of providing capital subsidies towards people purchasing electric vehicles. I just do not think we have got the framework or financial structures or anything to substantiate that. But there is an issue about future tariff structures and so on, which I believe in terms of encouraging the update of those vehicles, which I think would be part of the work which will follow on from the response to Deputy Carolyn Labey's proposition **[Interruption]** ... sorry, the Deputy of Grouville's proposition, where there is an in-depth report on the way the current tariff structure works and particularly relating to urban energy. So that work I think will pay fruit. I know that there is a suggestion which has been made, and it does not fit within, I think, my role, is that the electricity company would like to put charging points I think in Pier Road Car Park. I think that question probably needs to go to the Minister for Infrastructure. I am in favour of whatever we can do to encourage the uptake of the vehicles. Personally, I put emphasis on the tax structures. That is why I brought the proposition that the Minister for Treasury and Resources agreed to take on board to look at the taxation and our fiscal policies to try and encourage those less-polluting and non-polluting vehicles. I am hopeful that will come out of the work this year and by next year we hopefully will have some movement.

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

I believe I have heard the Minister speak in support of moving towards renewable sources of energy in the past and I wonder in terms of land-based photovoltaic systems whether his thinking draws a distinction between land-based photovoltaics on brownfield sites and photovoltaics on greenfield sites. I do not think we want to see our farmland covered in photovoltaics, although we might want that on wasteland, for example, such as down at the harbour.

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

Yes, there is a policy in the Island Plan on this. It is not very well developed but it sets out the decisions that we made on its merits, on the characteristics of the site and the effect. But in the meantime the Jersey Electricity Company has launched a scheme inviting bids for such schemes that

the Deputy refers to. The position we have taken is that all of those will be judged on its merits in accordance with the current policy. I think that effectively means, and I have made it plain in my advice, that brownfields will certainly score much, much higher on ratings than greenfields which I do not personally think ... I would sooner have greenfields if they are surplus to agriculture and not required or not suitable for agriculture. I would sooner have them used for open space and people to play sports on and healthy aspects like that. But the other side of photovoltaics is on domestic roofs but I will leave that for another day. We need to encourage that and I am having separate discussions with the electricity company on that; it is a tariff-related matter.

**The Deputy Bailiff:**

Well I am afraid that brings the period of questions for ...

**Deputy K.C. Lewis:**

May I just have a point of clarification?

**The Deputy Bailiff:**

Well not really during question time.

**Deputy K.C. Lewis:**

No, I am just clarifying something that was mentioned previously. I have just consulted the Attorney General regarding the planning application and ...

**The Deputy Bailiff:**

I see, you are clarifying a previous answer you have given?

**Deputy K.C. Lewis:**

I am clarifying a previous one and there is no right of appeal. I am obliged to the Attorney General.

**Deputy J.H. Young:**

Could I please seek clarification? I thought there was an appeal on a point of law, if the Attorney could tell us.

**The Deputy Bailiff:**

I am sorry, but Standing Orders do not provide for a general toing and froing outside the parameters of a debate for answering questions from the Attorney General. So during any relevant debate, yes, there can be a question, but any question can be addressed to the Attorney at other times outside the debate. I think that is as far as we can go in the present time. I am sorry, Deputy.

**Deputy M. Tadier:**

Is it valid on a point of order to say that if a Member believes that the House is being inadvertently misled with incorrect information it should be incumbent to have the flexibility to correct that here and now?

**The Deputy Bailiff:**

Well indeed and that is what the Minister for Infrastructure has done. He has corrected the question or he has clarified his previous answer. What I cannot do is allow it to get back into a ... during question time it would not be possible to ask a question of the Attorney General so logically during clarification of the answer to a question it cannot be right to ask a question of the Attorney General. If legal advice is needed outside the parameters of a debate, and of course during a debate the Attorney can be asked any question that relates to the matter before the States, but outside the parameters of a debate then it will have to be done outside of the meeting directly to the Attorney, I am afraid.

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

### **The Deputy Bailiff:**

Very well, we now come to the second period of questions which are for the Chief Minister.

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

Given that the Office Strategy was first drafted in 2010, what is the current state of play and what are the calculations of the overarching benefits that we could expect?

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

I grin because it is a slightly topical subject at the moment and it is one that is very close to my heart as well. Members may or may not know that I was involved in the development of the Office Strategy back in 2010, and in fact the years before, and I have been rather interested in where it is going. The short answer is at a strategic level it has not gone very far in the last 10 years which I have said I want some focus on that, and that is starting to happen. What it breaks down to is financial benefits, people benefits, ultimate release of housing sites and, depending where you put it, urban regeneration. The financial benefits, in my time, they were around £10 million a year. I do not have time to go down the breakdown of that but that was a figure, and I am still reasonably comfortable on that, (a) because we are talking 10 years later, (b) because it is about the cost per square foot that it costs to run buildings, and we now pay things like Parish rates. Obviously our costs of running buildings have gone up, the estate, well, certainly has not gone significantly smaller and we are renting now a number of buildings and that is costing us over £3 million a year. So in terms of the financial savings, they have the potential to be significant. In terms of the people, it is about a better environment, easier to collaborate and work together and it is about breaking down the silos. That is about productivity improvement, so it is part of the savings you see. The long-term release of the housing sites is critical and, for example, finally we might be getting close to releasing South Hill by moving people out. You only get that if you have got somewhere to put the people who are using those sites in the first place. If you put it in the right place, you get significantly improved urban regeneration. That is by (a) the spending power of the people who are in those offices and (b) the footfall that goes to them. I think hopefully that is the summary but it is a very compelling case. I am exceptionally disappointed it seems that not much has happened in the last 10 years and I think the issue is, with the greatest respect to the people who have been doing it, a lot of the focus has been on what they call "taxable level" that is like Les Quennevais School and the hospital, and we have lost sight of the strategic objectives of what we are trying to do. That will change.

#### **5.2 Deputy J.M. Maçon:**

Population policy, I think we understand that the Council of Ministers heard the call from places like the Chamber of Commerce to delay bringing in a population policy until Brexit is sorted. Now I understand that officially it is under 60 days until Brexit happens. There are amendments to delay that until next year, so can the Chief Minister tell us when he has anticipated that the Council of Ministers will be bringing forward a population policy given that Brexit appears to be quite a movable feast?

#### **Senator J.A.N. Le Fondré:**

On population policy, as Members will recall, we delayed the implementation of the one that had basically been lodged for debate essentially because part of it required work to be done. In fact, the Minister was asked - a request from the Assembly - to go away and do a piece of work which seemed a bit of a circular argument, so essentially in August I commissioned a piece of work. We have had some shadow meetings of the policy development board on population just purely to start informally understanding the information that is coming through. I will receive a final version of that, I believe,

either this week or next week and then that means that we will have some fairly good underlying data. It does take the time to get that data in place in terms of months and then we can have some sensible discussions on the basis of that data and then building it up. But obviously the terms of reference for that board are about to be signed-off, the membership is coming together; I do want a couple of external people on it as well, so things are happening. In terms of timeframe, I said within about 12 months but we are still working on that time schedule. The reason it was not at a request of the Chamber of Commerce that the matter was delayed, it was a political decision, but it was welcomed by the entities the Deputy has mentioned precisely because we were in a year of change under Brexit. That is not going to be the main driving force; we wanted to give certainty insofar as one can but that does not mean we are not going to get a population policy this year.

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

While doing a lot of work scrutinising the target operating model, I keep coming across a statement that declares we will have a £30 million structural deficit in our finances for 2020. Could the Chief Minister please explain how we will have a £30 million structural deficit in our finances for 2020 when this Assembly has not yet approved any income or expenditure via the Medium Term Financial Plan for the coming years, especially seeing as the Public Finances Law does not allow the Council of Ministers to propose a Medium Term Financial Plan which shows a deficit.

### **Senator J.A.N. Le Fondré:**

I am always slightly cautious when I am about to correct the Deputy because I know his analytical skills and particularly when I have a certain Senator behind me who lives and breathes the Public Finances Law. But my recollection is that the Council of Ministers cannot put an M.T.F.P. (Medium Term Financial Plan) at the time in place which puts the Consolidated Fund into deficit as opposed to running individual deficits during the years, and that is a subtle difference. In terms of how we have got to a £30 million structural deficit I do make the point, as I have said previously, I do not think any of us were aware, certainly at the time of the elections, the state of the finances that we have now inherited. Part of that is around decisions that were made previously that unravel at the end of 2019. So part of that, for example, is what used to be called a supplementation grant, was frozen for the period of the M.T.F.P. as one of the ways of balancing the books. That unravels if we do nothing at the end of this year and that is worth £15 million a year at least, so that is 50 per cent of the deficit straight away. The other issues within that lot are some of the pay awards that have already been offered have not been funded.

[11:45]

In other words, they are already above the envelope that was provided for. Those types of things are the things that have been taken account of in those figures. The Deputy is absolutely right, we need to address that, that is what comes from the Government Plan, but the argument we have been running into, we do not want to add or worsen that until we know how we do it. How we do it? There are only really 2 ways of doing it: (1) is you cut your costs or (2) is you raise your revenue and raising revenue is about taxation ultimately. So, yes, the Deputy is right, we will have to take measures over the course of this year into the Government Plan to sort out that long-term problem. How we got there is because of the various assumptions that Treasury operate now as to decisions that have already been taken. So, for example, the supplementation grant unravelling at the end of this year is one of those decisions that was taken, if you like, by the previous Assembly's Council of Ministers.

### **The Deputy Bailiff:**

Chief Minister, I am sorry to interrupt you, but I have to ask you to bring that answer to an end. Thank you.

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

A quick one, I think. Could I refer the Chief Minister to the answer he gave to Written Question 48/2019, page 11 on the bundle today? In it he says that there is no current intention to implement electronic voting in time for 2022. Does he mean there is no intention to implement online voting? Because there very definitely is from P.P.C.'s (Privileges and Procedures Committee) point of view an intention to implement electronic voting.

**Senator J.A.N. Le Fondré:**

That is a very good question and I think we were focusing on electronic voting because ... I am just looking at the question, because the question was to vote electronically.

**5.5 Deputy S.M. Ahier:**

Will the Chief Minister advise the Assembly what measures he is taking to reduce the inflation rate which is currently almost double the U.K. rate and will he further advise whether the utility companies are now synchronising their price rises in line with the R.P.I. as Jersey Water Company is now imposing a 3.8 per cent price hike?

**Senator J.A.N. Le Fondré:**

I would just clarify that, on the Jersey Water the present rate of inflation is 3.9 per cent and was higher than that previously, so obviously they are close to but not at inflation. In terms of measures to address it in the longer term, the Minister for Economic Development, Tourism, Sport and Culture, Senator Farnham, either has or is putting in place - has, I think - a group to specifically look at the issues around inflation. I have seen some initial views on the makeup on that and it is trying to understand what is controllable and what is not controllable. Things like interest rates are not controllable but there are certain other factors which are within the control of this Government and on this Island. There is a piece of work that is taking place, it is in its early stages, but we are seeking to address it.

**5.6 Deputy R.J. Ward:**

May I ask the Chief Minister that given we are now 8 months into the new Government, you have your Council of Ministers, and a new chief executive is proceeding at pace with the One Gov project, what is the relative power of the Council of Ministers, the Assembly and the chief officer over the governance of Jersey?

**Senator J.A.N. Le Fondré:**

It is always the interesting one. I would suggest it is unchanged. In other words, ultimately, if this Assembly directs us to do something, we should be doing it. Equally, and I think Ministers are very clear in that view, if Ministers take a view on certain things - I know there have been discussions at certain levels on certain issues already - the Minister's view must prevail irrespective of the views of the officers. Obviously, Ministers do operate under advice and so we are told if what we are doing is financially suicidal or something along those lines; otherwise within those parameters it should be "the Minister says". Bearing in mind, officers always do advise, Ministers do need to challenge as appropriate.

**Deputy R.J. Ward:**

Thank you for your reassurance.

**5.7 Senator K.L. Moore:**

Would the Minister take this opportunity to correct his previous statement that the Office Modernisation Programme has not progressed for the last 10 years and in doing so acknowledge that plans were in place for offices on the premises at La Motte Street? In doing so, would he also like to explain to the Assembly why he prefers to focus his attentions on such a scheme rather than resolving the current public sector pay dispute?

**Senator J.A.N. Le Fondré:**

There are a variety of issues with that one. The proposition that the Senator refers to at La Motte Street was last presented to the Council of Ministers in, I will say, the first half of 2016. It has not gone anywhere, as I understand it, and indeed one of the issues that comes out of that is that we were told at Council of Ministers very, very recently that the decant costs of La Motte Street, because it is a rebuild, will be somewhere in the order of £8 million. Now it all depends how you slice and dice that but that was the figure that we were told; in other words, they are substantial. In terms of focus, the point is there is a team approach, that is why we have the States Employment Board as a team which is dealing with the industrial relations. Obviously, I chair that; I am capable of doing some multitasking, and this is a subject obviously I am very familiar with. I think that probably answers that.

**5.8 Deputy M.R. Higgins:**

Could I ask the Chief Minister to explain the unravelling of the supplementation and how it accounts for 50 per cent or £15 million of the estimated deficit?

**Senator J.A.N. Le Fondré:**

Again, in a former life I used to audit Social Security, so I do know something about supplementation. The overall Supplementation Grant is presently frozen at £65 million a year. When that unfreezes at the end of this year it will go up, or it is projected to go up, to £80 million, hence the difference of £15 million revenue to the bottom line.

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

Just with regard to La Motte Street, I am not sure if the Chief Minister was aware that there were 2 large office buildings adjoining La Motte Street for sale recently and one large building across the road on the corner from the Social Security building. What consideration was given to purchasing those? Thank you.

**Senator J.A.N. Le Fondré:**

That, I believe, is before my time because that discussion ... just by way of background. So that discussion was held as part of the deliberations around Ann Court. So the issue around Ann Court, it was a preferred site out of 15 potential sites back in 2010. Now I have been watching the schemes progress over time and I basically asked the question in a couple of months after we put it in place: "Look, this is what we were doing in 2010, nothing seems to be progressing" and literally I used the word: "Is this barking or not? Is it a mad idea to go back to it or not?" The response I got back was: "It is sensible" and that is where it has come from. Now the sensible bit ties into the fact that we walked around the various sites - myself, it was the Constable of St. John at the time, and the chief executive - and we were looking at the office blocks the Deputy refers to precisely. The comment was made that the consideration of the one right next door to Social Security I think was relatively very low. The question was asked: "I do not understand why they did not purchase it at that time" because strategically that would have given a different answer but they did not and that is what we are dealing with. So that is why we are saying financially, speed, all that type of stuff, and the urban regeneration, as I said, the response I had was that it made sense to go to the present site. There are other options. When I say the "present site", the Ann Court site. If one goes to the Waterfront, for example, which I know some people in this room will be keen on, you do not get the urban regeneration and it is to the detriment of that part of St. Helier because you pull people out and you lose the footfall.

**PUBLIC BUSINESS**

**6. Draft Damages (Jersey) Law 201- (P.131/2018)**

## **The Deputy Bailiff:**

Well that brings the period of time allocated for questions to the Chief Minister to an end. There is nothing under J or K and hence we come on to Public Business. The first item of Public Business is the Draft Damages (Jersey) Law, P.131, lodged by the Council of Ministers and I ask the Greffier to read the citation.

## **The Deputy Greffier of the States:**

Draft Damages (Jersey) Law 201-. A Law to make provision for compensation payments in personal injury cases in relation to the application of a discount rate and periodical payment orders. The States, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law.

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

[Aside] The Draft Damages (Jersey) Law which I am asking Members to adopt today is a law that is long overdue. Now some may argue that this is being done in haste so I want to start with some context. When I first started in this role as Chief Minister, quite possibly on day 1, definitely week 1, myself and Senator Vallois were given a briefing which basically said there was a rather large law case coming down the line which at that point I think was £238 million which, as I said, when that basically wipes out your annual Health budget or your Health budget for a year, tends to focus one's mind; we were told that was imminent. Secondly, we were told that potentially there were other liabilities ahead and there was something that could be done to address that. My instruction was that that had to be a top priority. That would have been in June and the law was lodged in October but I put that in the context that this was first raised by the medical profession, both at officer and political level, back in 2015. This is my perspective, I am very happy to be corrected on this, it seems that no urgency seemed to be attached to this issue at all. As I stated in my correspondence to the Corporate Services Scrutiny Panel, there is a stark choice to be made. We could withdraw the draft law and seek to navigate the competing views expressed by different stakeholders which, based on the experience of other jurisdictions, could take many years, or we can take action now. Delay simply risks making the perfect the enemy of the good. I was deeply concerned, and I was angry at the time, at the delay that seemed to be taking place over the previous 3 years, given the huge exposure we were left facing. I will use that as an example. We are getting crucified at various times on a whole range of issues. A lot of them are legacies, not just necessarily from the previous Council of Ministers - I emphasise that - but they are structural issues that people have been trying to grapple with for a long time and now they are all bubbling-up at roughly the same time. One of the issues is that collectively we are trying to address them. But in essence the problem at present is that when damages are assessed, we effectively have an open liability, as it were, because of not having a discount rate under law in Jersey and that discount rate impacts quite significantly on the amount of money that can be awarded in damages. So this law does 2 things: it sets a statutory discount rate to be used when determining lump-sum damages and it creates a statutory power to award those damages by way of a periodical payment order, providing for an annual payment as distinct from a single lump-sum payment. On the face of it, it would seem a relatively straightforward piece of legislation but it is not. It is complex, it has far-reaching implications and gives rise to a whole range of different and at times contradictory views. So my task today is to create a shared understanding about the purpose of this draft law, to explain what it will do on enactment and what it will allow us, the States Assembly, to do over the coming year. So what are damages? Simply put, they are a payment made to a person who has suffered a long-term injury to cover the cost of their future care and any loss of earnings. The injury could have been sustained in a number of different ways: a road traffic accident, medical negligence, an accident at work, for example. The amount awarded depends on a range of factors: how long will the injured person live? Will their care need to change over time? Will the cost of care go up or go down? Will the type of care available or their needs change as a result of medical and technological advances? The court is responsible for calculating the amount of the award and in doing so it adheres to the common law principle of full compensation,

not over-compensation or under-compensation, and that is sometimes described as a principle as: “Not a penny more, not a penny less.” A person should be able to afford the care they need for the rest of their lives but there should be no surplus after their death. Damages are intended to provide for the injured person, not to benefit those who may inherit, but calculating damages is difficult. In addition to trying to predict a person’s future care needs and the period of care, the court must also consider the effects of inflation and investment return on any lump sum paid to the injured person and that brings us to the discount rate. I am going to be referring to the quite helpful set of definitions that Corporate Services Scrutiny Panel have included in their report. The discount rate is a percentage rate applied to a lump-sum award to balance out the effects of inflation and investment and a percentage applied for significant effect. This is where Members should get very twitchy because as an accountant I could enthuse for hours over the merits of what rate to use and all that sort of palaver, *et cetera*, but I suspect I would lose Members as an audience rather rapidly, so you will be delighted to know I took that bit out of my speech. So bearing in mind the definition, it is basically a percentage rate used which will also partially take account of the value of money in the future as it is eroded by inflation. Now at the moment in Jersey, the court not only has to determine the amount of a person’s loss in terms of care costs and earnings, they must also decide the discount rate to be applied to that lump sum.

[12:00]

They must give consideration to investment risk, portfolio types, inflation projections and future economic forecasting. Because there is currently no statutory discount rate, they must consider on a case-by-case basis evidence presented to them about the rate which should be applied, evidence that is presented by different experts for the different parties involved in each case, experts who hold different views and argue different points. As a result, it takes a considerable amount of time and costs a considerable amount of money to determine the discount rate. In some cases, the court may rely on, or give consideration to, the discount rate set in other leading cases. In Jersey - I hope I have got the pronunciation right - *Simon v Helmot*, which is a 2009 catastrophic injury case which I believe was held in Guernsey, there are concerns about the rate that case produced because it was set on a flawed assumption around rates of inflation in Guernsey and the U.K. and as a consequence, confidence in the outcome of that case is far from universal. The draft law provides for a statutory discount rate, removing the necessity for the court to hear time-consuming evidence in each case or to revert to *Simon v Helmot*. Now there is nothing unusual about the provision of a statutory discount rate. It simply brings Jersey into line with a whole multiple of other U.K., European and worldwide jurisdictions. So the statutory discount rate set out in the draft law is plus 0.5 per cent for lump-sum damages to cover losses not exceeding 20 years and plus 1.8 per cent for lump-sum damages to cover losses exceeding 20 years. Now Members might not agree with the proposed statutory rate. You might think it should be higher or lower, or a single rate as distinct from a split rate, and different stakeholders hold very different views, and we know that from the Corporate Services Scrutiny Panel’s review, from associated media coverage and from feedback provided by Members of the Assembly. To quote Scrutiny’s own report: “There were strong competing arguments on both sides.” G.P.s (General Practitioners), doctors and their legal advisers advocate a higher rate of at least 4.5 per cent, as they have legitimate concerns about the impact of damages payments on insurance premiums. Others argued for a significantly lower rate, minus 2.75 per cent and minus 4.5 per cent, I understand, on the grounds that if the rate is any higher, the people will not receive full compensation. There are those who believe that the Jersey compensation model should be entirely different, that we should move away from full compensation and adopt what is called an economic balance model, a compromise between full compensation and the potential adverse effects on the cost of liability insurance. Others advocate the social care model adopted in New Zealand where no provision is made for the cost of care because all care is free. Concerns have also been expressed about the split discount rate on the basis that claimants who fall either side of the 20-year threshold could be disadvantaged. However, other stakeholders, including representatives of the insurance industry,

think the split rate overall is the right approach with any such disadvantages being balanced against those that would occur if a single rate were to be applied to all lump sums regardless of investment period. I hope everybody is keeping up with this because I am sure we will be asking questions later but in short there are a myriad of different views. We have got to bypass all those views and the associated complexity. We could have lodged a draft law that allowed for the introduction of statutory discount rate which did not set that rate until those arguments have run their course, and that was the approach taken in England and Wales. Their damages law was introduced in 1996 and their discount rate was set in 2001; now in 1996 to 2001, 5 years of considerable continued uncertainty for plaintiffs, defendants and ultimately for every citizen who pays tax, bought insurance or used public services. Our view is that that would be irresponsible not to set a statutory discount rate at the outset. We know there are a number of significant damages cases coming to court over the coming year and, based on recent experience, the plaintiffs' legal advisers will argue for a discount rate that results in potentially over-inflated compensation payments, so inaction at this point will just expose us to continued risk. Where private companies or individuals are the defendant, this could have an adverse effect on our insurance market. Our doctors are warning of spiralling professional insurance costs of a future in which G.P.s and some specialists cannot afford to work because they cannot afford to be insured here. So where the States is the defendant, deficits could potentially fall to the public purse if settlements are not covered by insurance. Now in making that statement, I do clarify that the recent high-profile case was dealt under the States insurance arrangements but, to be clear, the proposed discount rate is not some manifestation of self-interest on behalf of the States as a potential defendant. The effects of the law apply equally to private providers and the affordability of insurance for individuals and businesses is a legitimate concern of this Assembly. Now, the draft law sets the statutory discount rate but it also provides considerable powers to amend. So this Assembly can, by regulation, determine how the rate is set, who needs to be consulted, whether different rates should apply in different cases and the factors that need to be considered in the determination of the rate. The Assembly can create new bodies for the purposes of consultation and can determine whether the discount rate is amended by the Chief Minister, another individual political accountability, or an independent entity. The discount rate set in the draft law we believe is a pragmatic response. It serves to help reduce exposure to risk in the immediate term while we consider how best to proceed. I know previously the analogy has been used: "It is a finger in the dike." The draft law also creates a statutory power to award damages by way of what is known as a P.P.O. (Periodic Payment Order). P.P.O.s allow for damages to be paid periodically as opposed to in a single lump sum but only where the court is satisfied that continuity of payment is secure. P.P.O.s can help overcome the problems associated with calculating the life expectancy, investment return and inflation. The award must still provide full compensation. As the P.P.O. stops when a person dies, it can help avoid over-compensation. As with the statutory discount rate, there is nothing unusual about P.P.O.s; they are common in other jurisdictions and accepted by insurers who regard them as business as usual. Now our draft law provides that a person with an interest in a P.P.O. can apply to the court to vary that P.P.O. where there has been a material change in circumstances. Unlike in England and Wales where only one variation is allowed, our draft law does not limit the number of variations. If the purpose of a P.P.O. is to ensure an individual receives the right amount of compensation, it is essential the terms of a P.P.O. can be revisited; if not, they can rapidly become a blunt tool. So that said, we have listened to stakeholders who have expressed some concern at the lack of definition of what amounts to a material change of circumstance could generate frequent or potentially unfounded applications of variation. For this reason, I lodged the amendment to Article 4 of the draft law providing that this Assembly may, by regulation, determine when there has been a material change of circumstance and when application can be made to vary a P.P.O. The draft law also sets out the transitional arrangements for pre-existing cases. Where there is ongoing litigation, the courts will provide the power not to apply the statutory discount rate if it appears to the court that it may be contrary to a person's rights. The potential effect of a P.P.O. does not, however, have the same potential to affect ongoing litigation as a P.P.O. only changes the way an award is made, not

the amount of the award. Now I note that some stakeholders have suggested that the transitional arrangements may infringe the European Convention on Human Rights. The Ministry of Justice, however, have no such concerns about human rights' compatibility. In lodging the draft law we do not purport to address all the complex and potentially contradictory positions that such legislation generates. What we have done is provide a sound legal basis for setting a discount rate and for the imposition of periodic payment orders. We have acted in the public interest to reduce risk and uncertainty while providing this Assembly extensive powers to deal with the methodology for determining the discount rate in future and for determining the circumstances in which a P.P.O. can be altered so, in short, it is an enabling law. This law has 2 purposes: the first is to continue to safeguard the needs of people who have suffered injury by ensuring they receive full compensation but in doing so we have set a discount rate that is based on the best available evidence now. The second purpose is to mitigate an immediate risk to this Island while providing the powers needed to bring about future change. I do urge Members seriously to vote for this draft law. As Members hopefully have seen in the recent letter from the medical community, they regard this as a start and hope you will support this legislation. To use their words in conclusion, they have said: "Please vote for the good of the many." I propose the principles.

**The Deputy Bailiff:**

Are the principles seconded? **[Seconded]** Does any Member wish to speak on the principles? Those in favour of adopting the principles, kindly show. Those against? The principles are adopted. Does the Corporate Services Scrutiny Panel wish to scrutinise the matter, Senator?

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

We have and we have provided comments.

**The Deputy Bailiff:**

Chief Minister, do you wish to take the matter in Second Reading? There are amendments to Articles 2 and 4. Do you wish to propose the Articles as amended?

**6.2 Senator J.A.N. Le Fondré:**

Yes, Sir. On the reaction of the Assembly, with the permission of Members, can I propose *en bloc*?

**The Deputy Bailiff:**

Very well. Do you wish to speak to any of them or just propose them *en bloc*?

**Senator J.A.N. Le Fondré:**

At the moment, if I assess the mood of the Assembly, I will not speak to them. Obviously, they are in the explanatory notes but if any Members have individual questions, I shall endeavour to answer them.

**The Deputy Bailiff:**

Very well, are the Articles, as amended, seconded? **[Seconded]** Does any Member wish to speak on the Articles as amended? Those in favour of adopting the Articles, kindly show. **[Interruption]** The appel is called for. I invite Members to return to their seats and I ask the Greffier to open the voting. The vote is on whether the Articles, as amended, should be adopted in Second Reading.

<b>POUR: 39</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 0</b>
Senator L.J. Farnham				
Senator S.C. Ferguson				
Senator J.A.N. Le Fondré				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.W. Pallett				

Senator S.Y. Mézec				
Connétable of St. Clement				
Connétable of St. Lawrence				
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 of Grouville				
Deputy K.C. Lewis (S)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
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)				

## [Approbation]

### The Deputy Bailiff:

Do you propose the law in Third Reading?

### 6.3 Senator J.A.N. Le Fondré:

Yes, Sir. In so doing, can I firstly thank the Corporate Services Scrutiny Panel for their report and for all other Members that have worked very hard on this, I know, from all the representations I had and, finally, all the officers and other Members who have looked on this law, worked on it, drafted it and brought it to what seems to be a very successful conclusion. Thank you.

### The Deputy Bailiff:

Is the law seconded in Third Reading? **[Seconded]** Does any Member wish to speak in Third Reading? Senator.

### 6.3.1 Senator K.L. Moore:

I thank the Chief Minister for his comments. It does have to be said, and I hope Members have had a chance to read the report that was provided by the Scrutiny Panel, it has not been an easy process to reach this stage and I am grateful to our Scrutiny Officers for their diligent work and those who

have made submissions to the process. I do urge, in accepting the proposition as it is brought to the Assembly today, the Council of Ministers to take our recommendations very seriously. We will most certainly be following up on our particular recommendation that asks for regulations to be brought through within 3 months.

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

I think the concern of most Members in the Chamber on this law as they have been reviewing it is getting the balance right between the interests of those who have been wronged by the States and making sure that they are fully compensated for any loss they have experienced, both for costs for medical but also loss of earnings, and also balancing it against the liability to the States. I must admit, I do have concerns about the level of liability that is coming from various States departments and I think we need to be looking at whether we are running things properly in that regard. But all I want to say at this stage is that this is one law that we are all going to have to monitor. It is a very complex piece of legislation; a lot of Members may have been very uncomfortable reading through it and working out discount rates and looking at the competing arguments, but it is one that we must not forget as soon as we make our vote on the Third Reading. It is one we must continually monitor and if we feel that members of the public are being disadvantaged by it, we need to take corrective action. Thank you.

### **6.3.3 Deputy J.H. Perchard:**

This law is really important for the Island, and there is a sense and a level of urgency simply in regards to the fact that we do not have one. I would like to just outline a couple of points for the record that are important to me in the consideration of this law. I was hugely concerned by the fact that, as the Chief Minister said in his opening remarks even, that a rather large law case resulted in the hasty bringing forward of this proposition. I have raised my concerns about the ethics of legislating as a defendant in the case; this large case that he referred to was one in which the States was the defendant.

[12:15]

I do take issue with that in a kind of personal moral level; I find that hard to deal with. Of course, we do need to protect the Island from excessive awards that are unreasonable or considered an over-compensation. Deputy Higgins is absolutely right about the balance that we need to strike between those sometimes conflicting things. That is why I have decided to support this but, as the Deputy pointed out, it is absolutely essential that we keep our eagle eyes on the development of the regulations which Scrutiny have asked to be delivered within 3 months. I do have a couple of questions that it would be helpful perhaps for the Attorney General to answer but, if I may, Sir, I will just save them to the end of my speech and list them, if that is all right?

### **The Deputy Bailiff:**

Yes, certainly.

### **Deputy J.H. Perchard:**

Thank you very much. The Chief Minister said in regards to the way in which the discount rate is currently calculated that experts have different views and it takes a considerable amount of time to reach time to reach a conclusion, yet when Scrutiny posed this as a reason for wanting more time and did not feel that the law was ready, we have been told things along the lines of: "It is urgent. We can change the details later, we can tidy it up in the regulations." That is really frustrating. It is very frustrating to hear the Chief Minister acknowledge that experts have a range of views and it takes a lot of time to consolidate those views, yet when Scrutiny say the same thing, we are told that we need it now. I have to say, in this instance, I do feel Scrutiny has succumbed to a great deal of pressure to ensure that this legislation is passed in a very expedient manner. I cannot wholeheartedly say that I am completely comfortable with all of the detail. I am very familiar with it, do not get me wrong. I

have done my reading and homework on this legislation to the very best of my ability, but I am not a damages law expert; I am not in fact a lawyer. I absolutely would have preferred to have a lot more time, even some more time. I think we do need to think really carefully about the role of Scrutiny and the respect that we give to Scrutiny and what we realistically expect of Scrutiny when we are talking about such technical and such complex legislation, particularly such legislation that requires a vast amount of expertise. Just to be clear, we did in fact state in our report that we had arguments on both sides of what the discount rate should be, but what we heard consistently from every single submission was dissatisfaction with the current draft. Every single submission was dissatisfied with the current draft, but everyone unanimously said: "But we do need a damages law." So from my perspective, I think we should reflect on this experience. I certainly will myself. I am questioning whether I have made a mistake in supporting this at this time, but I think we have to reflect on the realities of Scrutiny, what we expect from it and how we hold each other to account during that Scrutiny process, because as I say, the pressure has been real and I resent it. But having said all that, now that we are where we are, I have to say we must support this legislation and we must keep an eye on the regulations. If we are unhappy with those regulations, we absolutely must hold to account those who brought them forward. **[Approbation]**

**The Deputy Bailiff:**

You mentioned you had questions for the Attorney General. Obviously, the purpose of the Third Reading is for Members to decide if they are to adopt the law as passed in the Second Reading in the Third Reading and bring it into legislation, so if the questions touch upon that and people's decision in that regard, by all means ask them.

**Deputy J.H. Perchard:**

Could you just say that one more time for me, Sir? I just want to check my questions are indeed relevant.

**The Deputy Bailiff:**

Yes. I mean, you are entitled to ask the Attorney General to give any opinion on the law in connection with the legislation. If it is a concern about specific provisions, the correct time to have asked that question would have been in the Second Reading when the States was debating. If it is about the law in general, such as Members might want to know the answer to decide if they are going to adopt it, then it is perfectly proper to ask it of the Attorney at this point.

**Deputy J.H. Perchard:**

I will not ask my questions, thank you, Sir.

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

As Deputy Ash referred to me as "the daddy of damages" as he was going through, I ought to make a comment, mainly to respect the people that have been helping me understand this law over the last 6 months. It all started after the first phone call I received from a parishioner in the summer, after being sworn into court. The opening line was: "Are you aware of the ticking time bomb?" That again picked up my interest, and obviously referring to the case that was settled recently, the ticking time bomb being the £238 million. Like Deputy Perchard, I have done a lot of reading and a lot of listening on this subject. I did prepare a speech to try to break it down and simplify it, a very good speech by the Chief Minister explaining a very complex situation. But it basically breaks down to a conflict of 3 different parties, the parties being the plaintiffs, who must be compassionately cared for for the rest of their lives, the doctors who need to deliver that service and the insurance companies that ultimately pay for it all and set the risks and assess the risks and the premiums accordingly. I think this, while people have questioned how flawed it is or how potentially imperfect it is, strikes a very good balance between the conflicting demands. Clearly the representation to Scrutiny on behalf of the plaintiffs, who are going to want the discount rate to be as low as possible because that means

the claims are as high as possible, giving the security that they believe they are representing for their clients, the plaintiffs. On the other side of it we have the doctors, who have to ultimately deliver these services. Do not get me wrong, if the discount rate is too low and insurance premiums are too high, the doctors are in a very difficult situation, the situation being that the insurance companies, the M.D.O.s (Medical Defence Organisations), which are the mutuals that are funded by the doctors, can withdraw cover. That is the threat to them that has to be balanced. When I say “withdraw cover”, this happened in Australia in 2002, where cover was withdrawn by the insurance companies and they subsequently set a discount rate of between 5 per cent and 6 per cent, so this is very conservative and very balanced. I am going to follow on from Deputy Higgins as well. This must not be approved and dropped. This has to be monitored on a regular basis. I would urge the Chief Minister to put a policy board or equivalent in place to monitor this on a very regular basis. In fact, I have volunteered my services. I am taking up unnecessary time here to say I am pleased this has gone very smoothly and I fully support it and will actively give the commitment to the doctors that I have been working with, *et cetera*, that I will continue to work on this in an ongoing situation, as long as I am able to do so.

### **The Deputy Bailiff:**

Does any other Member wish to speak in the Third Reading? I call on the Chief Minister to respond.

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

I will try to take them in the order spoken, except the last person first, having said that. I think Deputy Huelin having volunteered, a willing volunteer is - it is currently the right expression, is it not - worth 10 times the ones who are coerced or something, so I think he has put his volunteering on record, we may well be taking that up. In relation to the Corporate Services Scrutiny Panel recommendations, we obviously only received the report ... we received the report on Friday, I will take out the “only”. We obviously will be assessing the findings and recommendations and consulting on them in pretty short order. Deputy Higgins, if I understood it correctly, he is absolutely right. We do need to understand the impacts, and as has been said on a number of occasions, this is something we need to continue actively to monitor. In relation to Deputy Perchard, I take the point. I have not forgotten where I come from and I think most of the Council of Ministers have not forgotten where they come from in terms of their relationship with Scrutiny previously or having been an integral part of Scrutiny. We are very mindful of timeframes as we can be. I was trying to check when Scrutiny first received the documentation, because obviously the law was lodged in October and was originally scheduled for 5th December. Obviously at the request of Scrutiny, it was put back to today. Certainly in the past, I know I have had battles trying to get... delay with the previous Council of Ministers’ issues. We would try to be as accommodating as we could be, given the timeframes we are operating under, particularly in terms of dates of Privy Council meetings, which then goes back to future risk, ultimately to the Island, around future litigation issues. What I was trying to determine is I had understood - but I do not have confirmation yet - that we had sent an earlier draft or there had been briefings with the panel prior to the lodging, but I will go back and double-check on that. But if we can, we do try to give an early heads-up on something like this. I may be wrong. The other point I would say in relation to Deputy Perchard’s comments is along the lines of our understanding is at a political level and at an officer level, this was first raised in 2015. The fact that it appears either to have just been swimming through treacle or not been given the urgency or whatever it was, particularly in the context of day one being told: “You have got a lawsuit which potentially could cost us £238 million”, stressed would be the understatement of the reaction; angry would not be an understatement, probably greater than that, because it somewhat focuses your mind. It has not been done lightly. In the ideal world one would allow far more time for us to look at things, but when we have that sort of case and are told there are more cases coming down the line, you have to do something. We have the point that this an enabling law and obviously there will be other things to resolve as we go through, but as I said in the letter, one had a very stark choice. You either carry on,

procrastinate ... not procrastinate, you try to get it perfect, whatever it is, but there are very huge risks attached to it, or you make a decision and say: "Let us get it done." We made the decision - I made the decision - to get it done. We will find competing views on any Scrutiny view. I have definitely been through that in the past as well, but I also hope that there were various briefings offered to Scrutiny. Certainly we were very clear with officers that needed to take place and I understand that the Attorney General also gave various times of the various briefings even relatively recently. I absolutely take the point, but within the urgency and the timeframe we have had, we tried to give Scrutiny as much time as we could, but there is no perfect solution. This is an enabling law, but it is a critical one and therefore we have had to move as quickly as we can, because the time was all used up before the elections. On that note, I hope that responds appropriately to everybody's comments. It is an important law, it is an urgent law. In an ideal world it should have been debated in the previous Assembly. It was not, and there have been consequences as a result. This hopefully remedies that situation. It is one of the legacy issues I have inherited, this Council of Ministers inherited. This is a solution to that legacy issue and I maintain the Third Reading and ask for the appel.

**The Deputy Bailiff:**

The appel is called for. I invite Members to return to their seats. I ask the Greffier to open the voting. The vote is on the adoption of the law in the Third Reading.

<b>POUR: 42</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 0</b>
Senator L.J. Farnham				
Senator S.C. Ferguson				
Senator J.A.N. Le Fondré				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Lawrence				
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 G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy 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 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)				

**Senator J.A.N. Le Fondré:**

Can I make a clarification to what I have just said? Nothing desperate. Scrutiny did receive briefings in the summer and the first draft was issued on 12th October.

**7. Draft Cybercrime (Jersey) Law 201- (P.134/2018)**

**The Deputy Bailiff:**

The next item is the Draft Cybercrime (Jersey) Law, P.134, lodged by the Minister for Home Affairs. I ask the Greffier to read the citation.

**The Deputy Greffier of the States:**

Draft Cybercrime (Jersey) Law 201-. A Law to amend various laws to give further effect to the Council of Europe Convention on Cybercrime, Budapest 2001, to amend the Regulation of Investigatory Powers (Jersey) Law 2005 to provide for the investigation of electronic data protected by encryption and for connected purposes. The States, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law.

[12:30]

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

This law is a collection of amendments to other legislation, which will update the treatment of computer crime in Jersey. What it will do is make provision to better manage and authorise access to computers as well as unauthorised modification of data and criminalise supplying hardware or software intended to be used for hacking. It will do so by broadening offences concerning computer access in the Computer Misuse (Jersey) Law 1995 and by increasing the relevant penalties to recognise the increasing levels of damage that hacking and other computer crimes can cause in an increasingly online and connected world. It will also provide the police with the necessary powers to deal with evidence which is stored in electronic form. This will include the ability to request a warrant from the courts to access electronic evidence in the same way that physical evidence can already be obtained by a search warrant. One current weakness in this area of our law is that it predates the modern internet and cloud storage, so does not properly address data which is held electronically, but not directly on a person’s computer. The new law, if adopted, will address this. The law is not simply concerned with computer crime, but it also has advantages for wider police work. Most of the crime in our modern society has some electronic elements, even if that is as simple as an accused sending incriminating text messages, and there is no reason why data held electronically should be less accessible than that which is held physically. The underlying principle of the law is to treat a refusal to provide electronic data or to unlock an encrypted device in the same way as blocking entry to police officers executing a search warrant. Also the law will allow Jersey to meet the requirements of the Council of Europe Convention on Cybercrime, known as the Budapest Convention, which addresses computer-related fraud, child pornography, hate crime,

copyright infringements and violation of network security. The latest MONEYVAL report on the Island anticipated that Jersey would become party to that convention as soon as possible. Finally, I would like to thank the Education and Home Affairs Panel for taking the time to examine the law in considerable detail and show great interest in it and for its very helpful comments. The panel has recommended that the technical advisory board, which is a consultative body, including the postal and telecoms operators, be convened regularly in the early period of the law's operation. I undertake to make sure that this happens. I propose the principles.

**The Deputy Bailiff:**

Are the principles seconded? **[Seconded]** Does any Member wish to speak on the principles?

**7.1.1 Deputy J.M. Maçon:**

I do not know whether this is a question for the Minister or perhaps the Attorney General, but if I have understood this law correctly, with the way that technology is developing, with viruses and with hacking, data that you have not created can end up on your device, therefore within these set of laws, what is the defence for an individual who might unknowingly get material - whether that be inappropriate images or other devices that allow hacking via your device - where is the defence for people who do not necessarily have the computer literacy to be aware of the appropriate anti-virus ware that they should have in order to protect themselves from this type of aspect? Because in the way that technology is developing, as I say, you can have data and information on your devices which you did not necessarily put there.

**The Deputy Bailiff:**

Does any other Member wish to speak on the principles? Deputy, was that a question for the Attorney General or was it a question for ...

**Deputy J.M. Maçon:**

I will try it with the Attorney General first, Sir.

**The Deputy Bailiff:**

Mr. Attorney, are you able to assist?

**Mr. R.J. MacRae, H.M. Attorney General:**

The questioner was concerned with a situation where a person has information on a device owned by them which they are not responsible for placing on that device. I think, to answer the question properly, it would depend on analysing the specific criminal offence which might be alleged in those circumstances, but I can offer the following comfort, to the effect that in circumstances where, for example, it was clear that the individual in question - for example, in the case of indecent images of children - was not responsible for the evidence on their computer, then if that was clear, then a prosecution would not follow, but it would depend on analysing the evidence as against the offence which may have been committed by the possession of the material in question.

**The Deputy Bailiff:**

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

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

I am pleased to say that I believe the Attorney General to be absolutely correct in his answer. **[Laughter]** But I would also add that I do believe that for a successful prosecution to occur the prosecution would have to show and prove criminal intent in any charge brought under this law. I thank the Deputy for his question, the Attorney General for helping me with the answer, and I propose the principles.

**The Deputy Bailiff:**

Members in favour of adopting the principles kindly show. The appel is called for. I invite Members to return to their seats. I ask the Greffier to open the voting. The vote is on the adoption or otherwise of the principles of the Draft Cybercrime (Jersey) Law.

<b>POUR: 41</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 0</b>
Senator L.J. Farnham				
Senator S.C. Ferguson				
Senator J.A.N. Le Fondré				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Lawrence				
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 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. 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 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 Deputy Bailiff:**

Deputy Ward, does your Scrutiny Panel wish to call the matter in?

**Deputy R.J. Ward (Chairman, Education and Home Affairs Scrutiny Panel):**

No, Sir. I do have some comments to make, just briefly, if this is the time. The Third Reading, I believe, Sir.

**The Deputy Bailiff:**

Yes, the Third Reading would be appropriate if it is on the law in general; the Second Reading if it is on specific Articles.

**Deputy R.J. Ward:**

We do not want to call it in. That is fine.

**The Deputy Bailiff:**

How do you wish to propose the Articles, Minister, in the Second Reading?

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

My intention was after the debate on the principles to propose them all at once and then speak to each part, Sir. There are 5 Articles, the first which amends the Computer Misuse (Jersey) Law, the second which amends the Criminal Justice (International Co-operation) (Jersey) Law, the Police Procedures and Criminal Evidence (Jersey) Law, and finally the Regulation of Investigatory Powers (Jersey) Law. I think Members have received a full report from myself. I have an excellent report from the Scrutiny Panel. Rather than go through each Article, I am quite happy to propose them *en bloc* and attempt to answer any questions that may be asked, but I am in the hands of the Assembly if they wish me to speak to each Article.

**The Deputy Bailiff:**

You do not appear to have any pressing call to deal with them on an item-by-item basis, so do you propose them *en bloc* then?

**The Connétable of St. Clement:**

Yes, please, Sir.

**The Deputy Bailiff:**

Are they seconded? **[Seconded]** Does any Member wish to speak on the Articles or any of them? Those in favour of adopting the Articles kindly show. Those against? The Articles are adopted. Do you propose the matter in Third Reading?

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

Yes, please, Sir.

**The Deputy Bailiff:**

Are they seconded in the Third Reading? **[Seconded]** Does any Member wish to speak in the Third Reading?

**7.3.1 Deputy R.J. Ward:**

I would just like to draw Members' attention to the comments paper from the Education and Home Affairs Scrutiny Panel and thank all those who made submissions to the panel publicly, because it is so important that we engage with stakeholders. I would like to thank the panel members and the Scrutiny officers for their superb work. Our comments paper summarises the main amendments to the law. I am not going to go through each one, but I just want to raise a couple of points. I would like to thank the Minister for his support of the technological advisory board meeting, because that is a very important point, if we are going to track this rather complex law. The law does enable the Budapest Convention, which is very good for tackling wider internet crime. It also allows preservation orders to be granted to protect data from being destroyed, enabling the investigation. This is important, given the borderless nature of the online world. I will point to the appendix of the comments document and the answers to the questions raised by our consultation with key stakeholders to the Minister, which is very important. The panel does believe that there are risks now

and into the future of not adopting the law as technology becomes more integrated in our society. We should, we suggest, be willing to review this legislation, given the fast-changing nature of the sector, for example, the rapidly-changing nomenclature associated with the technological world. Future-proofing the law also to address the myriad of smart devices used in homes, because I know that was a concern that was raised, and the rapidly-changing nature of the internet of things, as it is called, is an ongoing challenge. I would just like to finally say that the panel will continue to hold the Minister to account for the implementation of the law and changes made from the constantly-changing and fast-moving world of technology.

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

I just want to make a comment about the technology. Obviously, we are bringing this law forward to try to deal with the new myriad of devices that can be claimed to be computers and so on. I have concerns that go further than just the fact that law enforcement agencies and others need to be able to get access to computers or any device, for example, that has a memory. Things like Alexa and these other devices that are out there now not only react to the voice command of the person when they are seeking advice or assistance, but are recording anyway. There are a lot of devices that record information. Remember, these are in our homes and can be accessed. Some of my concerns are to do with privacy concerns and data protection. Unfortunately technology is running well ahead of the data protection laws and our ability to hold to account others who can get access to our machines. I just make the point that, yes, I think it is important that we have this law in place. Certainly Robert Mueller, the Special Counsel looking into the Russia investigation, is glad that they have got the ability to get at all sorts of communications, because he is coming up with the goods on Russian, I think, collusion in the election of the current President. We have to watch that one. Can I just say, I am pleased we brought this in, but again, it is another law that we need to monitor, but again, more importantly, I think if we can send to Ministers, we need to look again at data protection issues and privacy issues because we are falling well behind, even though we brought in the European General Data Protection Law.

### **The Deputy Bailiff:**

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

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

I certainly accept Deputy Higgins's concerns. Indeed, this law incorporates everything which now has got internet access or things like that. It could be a fridge now, which I believe has some sort of computer facility, watches, kettles and so on. I do not know if the police would ever require a warrant to open the Deputy's fridge, but if we pass this law, then they will have the ability to do so, if necessary. Privacy of course is important. That is why it is important that in this law the police or whoever the authority would be would require a warrant from the court to open someone's locked computer by either a key pass or fingerprints or whatever, so that is important. We have already agreed with Scrutiny that we are going to keep this under review by an independent monitoring body as much as is needed, certainly in the very early years, to see how it progresses. I was grateful for Deputy Ward's - the chairman of the Scrutiny Panel - comments, because I think this has been an example of a Minister, a department and the panel working together in a challenging but nonetheless very positive manner. I think because of that we have got a good law which will serve us well, but as I say, we do need to keep it under review and monitor it very carefully, particularly in the early stages. I maintain the proposition.

### **The Deputy Bailiff:**

The appel is called for. I invite Members to return to their seats. I ask the Greffier to open the voting. The vote is on the adoption of the law in the Third Reading.

<b>POUR: 40</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 0</b>
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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				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of St. Brelade				
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Connétable of Trinity				
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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. 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 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)				

## **LUNCHEON ADJOURNMENT PROPOSED**

### **The Deputy Bailiff:**

The adjournment is proposed. The States stands adjourned until 2.15 p.m. this afternoon.

[12:44]

## **LUNCHEON ADJOURNMENT**

[14:16]

## **COMMUNICATIONS BY THE PRESIDING OFFICER**

### **The Deputy Bailiff:**

## **8.1 Letters of appreciation from the Dandakharka community in the district of Nuwakot in Nepal**

Before resuming Public Business, I would just mention - some Members may have already had the opportunity of looking at the letters on the table - during the lunchtime break the Bailiff, on behalf of the States, was formally presented with 2 letters of appreciation from the Dandakharka community in the district of Nuwakot in Nepal. The letters were presented by members of a former Jersey Overseas Aid Commission community work project team and the Gurkha Welfare Trust Jersey Branch. They expressed the appreciation of the people of Nepal to the generosity of Islanders in contributing to a water and sanitation project, the construction of a new community centre and the rebuilding of a primary school following the earthquake in April 2015. So I am sure Members will wish to express their appreciation of the work undertaken by the Overseas Aid Commission and projects of this sort around the world. **[Approbation]**

### **PUBLIC BUSINESS - resumption**

#### **9. Andium Homes: authorisation of loan to develop the Ann Court site (P.146/2018)**

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

We now continue with Public Business and the next item of Public Business is the Andium Homes: authorisation of loan to develop the Ann Court site, P.146, lodged by the Deputy of St. Martin and I ask the Greffier to read the proposition.

##### **The Greffier of the States:**

The States are asked to decide whether they are of opinion to request the Minister for Treasury and Resources to sign a Ministerial Decision to release the entire loan funding requested by Andium Homes to develop the Ann Court site in accordance with Planning Permit P/2017/0730.

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

The whole Ann Court debate started back in 2007 when Sir Philip Bailhache was sitting in your seat, Sir, and Sir Michael Birt was our Deputy Bailiff. We had Greffier de la Haye; sat alongside him is Deputy Greffier Harris. Sir Andrew Ridgway had recently been appointed our Lieutenant Governor; Senator Walker and Deputy Le Main were still sat in this Assembly. Senator Gorst was still in his 30s; maybe that will help appreciate how long ago this is. But I jest. This is far too serious a subject to be joking about but we are back here again debating the future of this hugely important site at Ann Court and to me it is quite farcical. I am disappointed to be here today for many reasons but 3 in particular. I am disappointed we are here today because of the time we have already spent on this project. I am disappointed we are here today because of the money we have already spent on this project but mainly I am disappointed because of the housing need that we have identified and the fact that if we do not approve my proposition today we will be letting down those people in need; they desperately need that housing so badly. I am also angry, frustrated, upset, a whole load of other things. This is not what I signed up for. I entered this Assembly because I wanted to make things better. I want to get on, make decisions and do some good for deserving Islanders but here we are fiddling once again with Ann Court. But as I hope to show, this is not fiddling while Rome burns because we have been fiddling for so long Rome is a pile of ashes, along with probably Naples and Florence. I am not going to talk too long to open up with because I want to hear what other Members have got to say but I do want to briefly address, if I may, those 3 issues that I mentioned. Timescale: we have now been 10 years working on this project. Ten years. Ten years since Deputy Martin brought 2 propositions and a petition to this Assembly, a petition for housing on Ann Court that was carried unanimously, and I will come back to that again in my summing up. It is 9 years since this site was included in the North of Town Masterplan for housing, a plan which says that, and I quote: "This site is suitable for residential development, a new public square, together with underground

parking spaces for short-stay shoppers' car-parking facilities." It is 6 years since an unsuccessful proposal for a mixed-use development on this site. I am sure we will hear more about that as well. It is 5 years since this site was successfully added to the amended Island Plan, a plan that now states very clearly the importance of the delivery of affordable homes. It is 2 years since the planning application was submitted and a full year now since that application received an approval. We should have started this development a few weeks ago. Everybody is ready, apart from the Chief Minister, it would appear. So there is some history here but I do not want to dwell on the past; this is about now and the real needs of real people for housing. I would like to touch briefly on costs. The cost of the Ann Court scheme so far is £6.5 million, £4 million of that has been spent with ongoing costs at the moment of £6,500 weekly. The Chief Minister said that if he is successful Andium will not be financially disadvantaged; in other words, they will get their money back but where from, I ask, but that is irrelevant. What is relevant... and I would like to now talk very briefly about the supply and demand. We all know of the huge cost of housing on the Island at the moment; whether you are building, buying or renting, the costs are immense and that is because of demand primarily. Yes, there is some uplift in costs because we are a small Island where everything has to be imported but building costs are high because demand is strong and builders are so busy they can command high prices. If you want the work done, you have to pay. Purchasing prices are high because demand is strong and if you want a property, you have to be prepared to pay more than other bidders. Rental prices are high because demand is strong. There are just too many people needing rents and lets and not enough properties to provide choice and competition. Every unit that comes on to the market will help to lower costs across the board, increase the supply of rental property and reduce the demand. More choice, more competition, which leads to a reduction in the cost of rent. Lower rents make it a more attractive option for some who might be looking to buy, reducing demand in that sector. Less demand equals lower purchase prices and so it goes on. So there are financial implications here but I do not want to dwell on costs because this is about now, the real needs of real people for housing. So we get on to housing needs, which is my third point. I have to look no further than the report that was issued last week. In the next decade we will need to find an additional 900 units of social rented accommodation. That is 900 regardless of any population policy. Whether we have zero migration or 1,000 per year, 900 more social rented units will be needed. We also need to remember that Ann Court is a major part of fulfilling this decade's needs. It is already factored-in. If we do not build it out, then that 900 increases further. The really crazy thing is, is that we are ready to start, the builder is on site, spades in hands, so to speak, and that we should have started months ago. It is quite unbelievable that we are here now attempting in our challenge to build these homes to snatch defeat from the jaws of victory. Ann Court is part of a wider North of Town Masterplan, a plan that is only now really starting to get going. It involves other key sites: Ann Street Brewery, Gas Place, large sections of Bath Street, and of course Ann Court itself. It is there in the Island Plan and Members will know that. Current assumptions around affordable housing completions up to 2020 indicate that the target we set ourselves will just about be achieved. However, we must not forget that in terms of yield, Ann Court is the second largest approved site on that revised Island Plan list. Therefore, any decision not to develop it as anticipated will potentially lead to those targets not being achieved. Any replacement site which might be identified will absolutely not be developed within the terms of the revised Island Plan that is before 2020 and it is vitally important that we hit that target. I attended the Chief Minister's presentation at lunchtime today and I, as you might realise, have not really had time to think or consider carefully what was said. Maybe I will hopefully get a chance to think a bit more at length before I sum up but I do know that I was a bit embarrassed and I am certainly angry. I was embarrassed, not for me, but for those who were trying to make the case because I do not see basically that there is a case to be made. The Chief Minister has put forward a plan for a mixed-use opportunity that he felt was good and original. I was angry because the parts of the plan that were good were not original and the parts of the plan that were original were not good. But we need to get back to fundamentals because this debate today is not about offices, it is about housing. The approved plan for Ann Court is a good scheme. It is a very good scheme. It is as good

a scheme as I have seen. It is top-quality planning and design, design that also delivers not only housing but that much-needed public realm and open community space in this part of St. Helier. It is a scheme that starts the proper rejuvenation of this part of St. Helier, 7 days a week and not the short 4½, 5 days a week that the Chief Minister talks about. This is a fantastic scheme that will do so much good for so many and it needs our support today. I end at this stage with this: those very many people who are at this actual moment right now desperately in need of those homes also need our support today. I commend this proposition to the Assembly. **[Approbation]**

**The Deputy Bailiff:**

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

**9.1.1 Deputy S.J. Pinel of St. Clement:**

My position on this is quite clear: I shall be supporting the proposition. The States approved the borrowing of £250 million to permit the Minister for Treasury and Resources to provide funding to Andium or other housing trusts or associations for the development of social housing. Upon receipt in 2014, the proceeds of the borrowing were transferred into the Housing Development Fund. In accordance with the rules for the use and operation of the fund, as Minister for Treasury and Resources I need to be satisfied that any loan to be made is for an agreed project. In the case of Andium Homes, this is defined as a project selected by them and approved by the Minister for Treasury and Resources as part of an agreed business plan. Before agreeing any business plan for Andium, I ensured that the Minister for Children and Housing has given his prior approval to it and the schemes included within it. The Ann Court scheme meets this agreed project definition. The next stage in the approval process is to consider the financial viability of the scheme and the ability to repay the loan requested. The Andium Ann Court housing scheme also complies with this requirement. The proposed housing development has also received planning consent and the planning obligation agreement was completed. Therefore, I was satisfied that all requirements have been met and was pleased to sign the loan of £38 million to Andium so that the proverbial spades could go into the ground and building could commence, producing 165 much-needed social housing units in St. Helier with a completion date of 2021. There is also included in this scheme, long-awaited facilities promised for Age Concern. However, as Minister for Treasury and Resources, before doing so, I was instructed by the Chief Minister to formally request Andium to pause the Ann Court development until issues under discussion within Government involving Ann Court site could be progressed and concluded.

[14:30]

At this point, I would therefore like to correct a misleading impression reported that it was my personal decision to refuse to sign the loan. It was the Chief Minister's request that the project should be paused. To briefly reiterate some of the comments issued by the Minister for Children and Housing, costs already incurred by Andium in relation to the property acquisitions, enabling works, planning fees, demolition works and the construction of a J.E.C. (Jersey Electricity Company) substation, expenditure to date is £6.5 million plus additional increases per week in lost rentals and interest charges. Should the housing scheme not receive approval and funding, this expenditure will have to be refunded to Andium. The option being discussed for the regeneration of the North of Town area is the relocation of government offices, as those who were there at lunchtime will see. Anybody who has lived in London or visited the City of London or areas around the Houses of Parliament in the evenings and at the weekends will be aware that the spaces are deserted. We desperately need the housing. All requirements to proceed with Andium to commence this development have been met, with completion by 2021. I just need to be given permission to sign the bond. I sincerely hope that States Members will agree to the proposition of the Deputy of St. Martin to allow me to do that. Thank you.

**9.1.2 Connétable C.H. Taylor of St. John:**

There are 3 very important factors to take into consideration when looking at this proposition. Firstly, you need to read the David Flowers' report of 2010 to understand the Office Strategy for the States offices. Secondly, you need to understand the need for housing and, thirdly, you need to understand the financial implications and costs. I would not support the Ann Court development for States offices unless I had been convinced that all 3 of those criteria were met. To start with, the Office Strategy, by moving into one building instead of having a significant number around St. Helier - and unfortunately the David Flowers' report is somewhat out of date - but very sadly, very little has changed in 9 years. The idea of putting a number of States offices into one creates a massive saving. Currently, there is in excess of 180 square feet per States office desk in St. Helier. So you imagine a square roughly 16 feet by 16 feet, that is a fairly large area and it is larger than most people's living rooms in the type of social housing and first-time buyer housing that we are looking at. That is how spacious our office space is at the moment. By having a category (a) modern building, and using the Waterfront buildings as an example, they are as low as 80 square feet per desk. In other words, the industry standard, as I understand it, is around 100 square feet a desk, so you are looking at almost half the current area. So that is half the heating, half the lighting, half the rates you have to pay, half the cleaning bill; it all adds up to costs. Those costs were estimated 9 years ago to be in excess of £10 million a year. So, if you do not support this, where are we going to build the new States offices and where are we going to get that £10 million a year savings from? The financial case is very strongly in favour of building the States offices at Ann Court. Another issue is, there are 2 alternative sites to build the States offices. One would be at the La Motte Street Centre next to Social Security; there would, however, be, we are told, between £8 million and £10 million in costs in moving the States offices out of that building while the new one is built, only to move them back in again after the building is complete. That puts the Minister for Treasury and Resources' argument of £6.5 million that we would need to reimburse Andium Homes in the shade. The financial case for a single office block on Ann Court is substantial and I think that should be borne in mind. The second area is housing. We have a responsibility as a government to provide housing, especially housing for the needy, which is first-time buyers and social housing. By following the Ann Court proposition by the Chief Minister, which this proposition is trying to stop, would result in approximately 50 less homes in a 6-year period, so the net result is fewer homes. Because when you net it off, we can produce more homes on the La Motte Street site, somewhere between 100 and 130, I believe the figures are; they are in the leaflets you have. That is how many homes we will gain, while we would lose approximately 80 homes on the Ann Court site. So clearly if we are looking to maximise the use, efficiency of our property portfolio, then you will support the Chief Minister and reject this proposition. So that is 2 out of the 3. The third area is urban regeneration. The footfall that will result in people going to the States offices and being in that area and coming away would be substantial, not to mention the 800-plus States employees who would work in that building. They will be there to spend their money with the cafés, the corner shops, restaurants, the businesses in that area and that is important. We have got to just stand back and look at the whole project in the round. It was as long ago as the, I think, early 1990s when the States of Jersey were looking to buy the R.J.A. and H.S. (Royal Jersey Agricultural and Horticultural Society) Springfield site but it was brought to my attention that when you looked from Bath Street going north and on the east side of Bath Street there was no green lung in the entirety from Fort Regent right the way through to the Ring Road. That is why it was so vital that Springfield remained a football pitch with grass and the amenities there. Thankfully, we have seen fit in the meantime to produce Millennium Park, a green lung, which is going to be extended in due course when the building on Gas Place takes place. It is important, therefore, that when we have pockets such as the Ann Court site that we have areas that are amenity areas, open areas, people can sit, enjoy a sandwich, enjoy the open air, read a book. This scheme of the Chief Minister's to have office space will increase that area and will give a greater area for the public to enjoy the public realm. The 3 boxes are therefore very firmly ticked. To Members who wish to support the Deputy of St. Martin, I would say 3 things: firstly, if we do not go ahead with this scheme proposed by the Chief Minister, where are we going to make the £10 million worth of

savings in office space that is so vitally needed? Secondly, where are we going to get the extra 50 homes that we will not get if we support this proposition? Finally, where is the regeneration that should take place in that part of St. Helier if we support this proposition? I urge Members to read the literature and to oppose this proposition. Thank you.

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

We find ourselves in a strange position where we already have a scheme which is up and ready to go and we can have spades in the ground which has the support of the Minister for Children and Housing and it has support of the Minister for Treasury and Resources. It has support of Andium as well and their staff and it is ready to go. If we said to anyone, whether they are in this Assembly or outside: "I have got a proposal for you. Do we agree that there is a chronic housing shortage in the Island, both in the private sector and the social sector?" which is predominantly what we are concerned about initially. They would of course say "yes" and that is where the evidence is. If you said: "We have a scheme then which can build 165 units by 2021 or we have another scheme which can build less than half of that. We can build 80 units by 2024, maybe", because we know of course the way that currently politicians are charged, we cannot necessarily get on with big projects very quickly and there is always an element of uncertainty the longer you delay: "which one would you choose? Which one is logical?" I think the majority would say (a). In this case, not everybody ... the public is not always right, we are not always right but in this case I think you would have to be completely foolish to choose the second option. I am going to try and keep this to 4 main points. Part 2: have you been lobbied before this decision today to come here to make your decision? Have you been lobbied? Have you been lobbied well? Because this is not a game; this is about people's lives. I think most of us who stood for election probably had something in our manifestos or certainly in the conversations that we would have had to do with housing, we would have recognised the fact that in Jersey affordable housing is a notion, it does not necessarily exist in reality, and that we do need more housing. I ask the question: who is lobbying for people on the waiting list for the Housing Gateway? Who is doing the lobbying for them saying: "We need more housing" versus: "Who is doing the lobbying for a few civil servants who want better office space for us?" So this can really be a debate about helping the public or it can be another one of those debates about us and where we put our staff in St. Helier when we are already adequately housed. The Civil Service is, if you like, adequately housed and we are going to have new premises on Broad Street which are very nice and that is going to be an upgrade anyway. But there are many people in this Island who are not adequately housed, who are sleeping on sofas. **[Approbation]** We already know that the waiting list, even though it is very long, is deceptively short because the criteria that we apply for housing in the Island, and this has been admitted by Ministers for Housing previously, is very restrictive anyway. So the actual real demand out there far outstrips what the waiting lists would suggest. There are people lobbying for them. We have had the Minister for Children and Housing, we have had the Minister for Treasury and Resources, Andium themselves are saying: "We have got this site, we want it to be built" and we are giving this false dichotomy saying: "If we do this it will be a mixed development but we can have other opportunities for housing." Well that is not dependent on this development. These opportunities will come up anyway. It is pretty much almost certain now I think that the hospital is not going on the current site; that site will be freed-up for housing. We know that there are other sites which are being looked at. I was very surprised that the previous Assembly has made very bad decisions when it comes to the proportion of housing that it has allowed. There should have been a requirement in the Island Plan for some kind of split between social and open-market housing. That was taken out and so it arises now that most of the housing that is going to be built in the next decade, unless we reverse the trend, will be for unaffordable housing, so we really have got to get back to basics. I am concerned that this idea that is being floated saying: "But we spend £3 million a year on renting our own office space." Yes, we may do that. I am not too hung up about that and I will tell you why: because there is always an element of cross-subsidy in government. We

might rent some premises but we also rent out other premises and we have revenue-raising measures as a government for income.

[14:45]

But there is a much bigger statistic which is often ignored, which dwarfs that £3 million figure that we pay in rents for our office space, which is the £10 million that we give in subsidies to private sector landlords because we do not have enough social rental housing. So every year we are quite happy to hand out £10 million of taxpayers' money to the private sector so that they can continue to operate their businesses, effectively, yet we complain about having to pay £3 million. I say if we build more social housing, that is a way to get that £10 million figure down. In an ideal world, we should not be giving any money to the private sector to essentially perform a function which is that of the States. If we can get to the point where we have got enough social housing that everyone who needs it can rent off the trusts and off Andium and anybody else who has got the money to rent in the private sector can do that. Of course, the costs should come down with adequate housing. But that is not where we are at; we are in a situation where we quite happily hand over that £10 million but we could not possibly spend any money on renting properties when we have States-owned sites. No, this is a site that is all ready to go. I put one last challenge as a Member of this Government, albeit as an Assistant Minister in a very small but hopefully important role, I do not want to be labelled with that label that this is a Government of delay, delay, delay. I want this to be a Government of action and we can do this today. There are times of course when you need to delay. I think the public sympathy up to a certain point is with the Chief Minister and it is with the Council of Ministers on such an important issue of the hospital, which is probably going in the wrong direction. The previous Government I think got that decision wrong and it is about righting a wrong decision. But in this case, I have been contacted, not just by people in my own constituency, saying: "I hope that you are supporting housing on Ann Court because we cannot understand what is going on there." These are just traditional Jersey voters who are probably sympathetic with the Council of Ministers. It does not stack up either as a plan or as a tactic. So if this was really worthwhile and worked out by delivering houses more quickly, by delivering more houses and provided us with certainty, I might back it. If we had an unlimited amount of time and we were looking at blue-sky thinking, then Deputy Martin, whose proposal it originally was for housing on that area, maybe she and I would be prepared to wait for this jam tomorrow but as things currently stand we have a perfectly good proposition and a plan which is ready to go. We have many constituents all over the Island who will benefit directly or indirectly from this development and we should simply get on with it.

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

I thought I would try and speak slightly early in the debate because sometimes hares start running and it is difficult to set them right. This is obviously going to be a difficult debate but it is very much heart versus heads. I will pick up on something that Deputy Tadier said, effectively it was about the short-term thinking, I think it was "delay, delay, delay" was the expression he used. As I said, one of the reasons I was very pleased to be elected by this Assembly to this post was to try and do things differently. There was an old cliché that many of us have heard: if you keep doing things the same way all the time, you get the same results. We always have had a housing problem. All the way in my political life we have had a problem and no one has been remotely brave enough to take any long-term steps. Now that is a mixture with, as we know, the Minister for Children and Housing and I disagree on this particular aspect, but we do agree on some of the other areas that we want to do on the housing model. On population we are starting to put some stuff together. The piece of work I did set together has not been done for 15 years. Now, the debate that we put through today, as I was saying, it was probably the first legacy item I was faced with. That was a £238 million loss potentially with more coming down the line. There had been a lot of delay previously. We looked at it, we were warned about it and we took action. The hospital, as we know, subject to the outcome of the debate at the next sitting, will then potentially change that course of direction. Deputy Luce came in very

angry and frustrated; I will come back to some of that. I share his frustration in a whole range of areas but one of the things he talked about was how long it had taken to get to the planning permission, dah de dah de dah, and how many years has it gone on. I had been in post for 3 months when I first queried this. I made sure that firstly there was no contract signed, in which case you walk away. I, secondly, came along and said: "Okay, this was the kind of plan 10 years ago, does it make sense?" This was me asking the question, not being pushed by whichever adjective sometimes gets used by our civil servants, I think sometimes unfairly, but by the Civil Service. The answer came back: "It does make sense", and we will dwell on that shortly, but the summary of it, it makes financial sense and it makes long-term sense in the provision of housing. The issue we have on all of this, it is not about the here and the now necessarily - we can manage that - it is about the future supply. Where do you deal with this next supply that is coming down that is forecast over 2020 to 2030? As I said, on the history and I will go back to the beginning of this, I make no apologies for it because it is important. In 2008, 2009 and 2010 a lot of work was being done on the state of the offices that the public or the States own and I make no apologies. It does show one of the long-legacy issues and, again, this is not a pop at the previous Chief Minister in any shape or form, I really want to emphasise that, it is a pop at a lot of the people that he was being advised by because basically best interests and people not wishing to grasp relevant nettles at that point. I am in the position of having to refer back to the documents that were written in 2010 because, bluntly, they do not seem to have been updated since then, as far as I can establish; I have not got the quote right in front of me. When the Deputy of St. Martin talks about exaggerated claims and no evidence for them, well if he had done his research in the whole thing when he was a Minister, there are 105 pages drafted on the office strategy and the benefits that come out of it. One of those, if I can refer to it... and the fact, as I said, what the problem has been and I, again, mean no disrespect to the people who have been involved in this since then because I know they have been very, very good. But we shifted from dealing with individual projects, like Les Quennevais School, like the hospital and we have lost track of the strategic direction of what we are trying to achieve, which is about the people of this Island: firstly, financially; secondly, as taxpayers, the same thing; and thirdly, as the ones who are looking for housing. Not all our civil servants are adequately housed, Deputy Tadier, because what I had not realised until the presentation at lunchtime, which you should have heard, is that, for example, some of the Health people were moved out of Overdale because of the poor state of the properties up there; that is one of the properties we are renting at the moment. If you look at Overdale as a classic example, I think when I first started about two-thirds perhaps was probably not fit for purpose. I think that has probably gone up to about three-quarters now, is what the officer told me last year when we were going round it. There is one building that has not got a roof on it; that is the wonderful state of our offices. For those of you who have been getting the exercise in Cyril Le Marquand recently you may have noticed that the lifts are pretty regularly out of action; that is about ongoing maintenance. I think probably obviously we are not on our bare bones at the moment because we know we are leaving there. Cyril Le Marquand, if you were to stay there as officers, even though it is inefficient, needs a lot of money spent on it to bring it up to normal day standards. What I am going to do... I am sorry but this is about the principles behind it and trying to establish where it has come from and it was a lot of work done at the time, the problem has been since then, firstly, about political will, secondly, about departmental infighting, that is the silos and because of resources and other focus people have been doing this off the side of their desk; that is not their fault, that is the resources here. It is only very recently the focus has gone back on here. At the point, bear in mind this is 2010, it is the best information I seem to be able to get hold of, although I will say one thing, all I have been told so far in the last few days and weeks is, if anything, the estate has not changed very much, it is similar issues to what we were trying to deal with at that time and, if anything, it has got bigger. What it said at that point, it gave us square footage figures: "Just under 700,000 square feet, States offices are 14 per cent of the total portfolio. The States currently [that was then] occupy 52 offices and own a further 17 occupied by others, most of these located in St. Helier. 70 per cent of the estate is over 30 years old, offices are poorly configured and waste significant amounts of

space, all of which require maintenance.” A lot of people say: “It does not really matter, it is only money.” That is what Deputy Tadier has just said, that it is only money, that £3 million a year spent on rent does not matter; he is quite happy with that. If we do it right and we get a proper payback and all that sort of stuff, that money can then be diverted to some of our other priorities that we are all going to have. But this is about long-term thinking because I certainly will not see the benefit, as Chief Minister, in this role in terms of in this period because it will take until 2024, if that plan goes ahead or if alternatives go through but then none of them are quite as good, to see that benefit. That is about not doing things for political expediency because it is about long-term thinking. The principles that we were establishing at the time: “The overall size of the office estate is significantly greater than that required to accommodate current and future States office needs; a radical reduction in total area use is required.” It talked about modern efficient buildings. It says: “The age, condition and poor ratio places severe restrictions on the ability to intensify use within the existing stock. In order to reduce operating costs and enable greater collaborative working between departments and the current diverse location of States offices, should be reduced through site consolidation.” It is only in the last few months that we have started seeing that radically happening. Just by way because I know there are all sorts of comments made by the chief executive, one of my frustrations has been for the last 10 years that I have not been seeing anything happening. In fact 10 years ago we were trying to get South Hill vacant and I believe now we are expecting to see South Hill become vacant this year. But part of that we are at an interim stage of what we are trying to achieve but that does show the principle, you move people out of spaces you can then use it for housing; it depends on what the site is like as to what housing you put there. I have not got the exact quote again. The Deputy of St. Martin says: “I have seen no evidence. Why have we not released these sites from brownfield, from States ownership if we could already do it?” The short answer is, if there is somebody in the office block you need to move them somewhere to be able to free it up; that is kind of the obvious answer. I would have hoped people might recognise that. Also then it is talking about: “If you go for optimising office accommodation, it is essential that States Departments adopt more flexible ways of working.” Funny enough, I think now is the time of change that we are starting to see things happening. In monetary terms and the Constable of St. John has touched on it, in those days and this is all about costs that we incur for operating those buildings; that is in terms of heating, lighting, air-conditioning, cleaning and we did not pay rates in those days and we do now, so those costs have gone up and these figures from 10 years ago, funny enough, inflation has gone up, in those days the overall sum was around £10 million a year that one could save and that was excluding things like rental income, that we are now incurring, which we were not incurring in those significant levels then. Yes, it is a little bit about déjà vu, it is a little bit about Groundhog Day, and that is why I get frustrated because, as a taxpayer, I look at this waste and from an employee point of view I get frustrated because people are not in the offices’ conditions that they have the right to deserve now. Then we go down to, again, what do you do if you come across something and there is a better way of doing things? As I said, I was in for 3 months and I was looking at the site and kept driving past it every day and it was clear and I thought, let us ask the question but I am sure they are about to start, are they about to start? Nothing happening. Ask the question, number one, no, there was no contractual obligation because the main contract had not been signed yet. Number 2, okay, let us go for a walk around town to look at the other options. About 10 years ago there was a site evaluation process done, there were 15 sites looked at. Of those basically 3 are left; some have been built on, some were probably outliers anyway, but the 3 that are left are Ann Court, La Motte Street and the Waterfront in terms of States ownership. La Motte Street, to talk about costs, I cannot remember who it was talked about money being wasted.

[15:00]

The Andium costs are around, I think, £6.5 million, of which £3 million to £3.5 million has been spent on making the site bigger, so the houses have been knocked down; the site clearance has taken place, the pub has been acquired, so that is not wasted money. There is a design cost definitely, no

question, that is the balance. However, La Motte Street in terms of the figures we were given from the Council of Ministers last week - and it does depend - was £8 million to £10 million to decant people out because it is a demolition issue. As Deputy Truscott enquired of me earlier today, the fact that the office building next door to it was sold and the States missed an opportunity, if that had happened then one would not be raising the question because then it gives you a lot of better options, essentially, but that was a missed opportunity. Yes, the alternative, as I understand it the preferred view of Treasury, is to go to the Waterfront and that is where we come down to. I think we have done enough on the money front. That then comes down to regeneration, the whole point; what do I mean by regeneration? I have not lived, I have worked in that area of town above the shop as well in a couple of locations but all around that area and in my working life I have watched that end of town; West's Centre, it is deteriorating, no question. If one moves everyone down to the Waterfront and, number one, is you would have to decide whether politically and publicly that would be acceptable because that would be shiny, swanky offices in a very expensive location for the maligned civil servants, shall we say, you would pull out all the people at La Motte Street now, which is about 250 employees. You would also lose the footfall, which is about 700 people a day. When I was at Property Holdings many, many years ago one of the nice things I was delighted to do was to sign-off the contract to renew the roof on the Central Market. The Central Market, for me, is a jewel in the crown of St. Helier; I would hope we all support that. **[Approbation]** These places rely on customers and footfall and, yes, part of it is residential but we are seeing a lot of residential coming to that area and it is about balance. You have also got to bear in mind there is commercial logic behind it; we own the market. If that becomes a less attractive place, that becomes our problem later. There is a line, essentially, with the move of people down to the Esplanade Quarter area, you are seeing that move of people and that move of business. In fact, as the gentleman doing the presentation at lunchtime identified, residential movements are slightly different to the office movements and, therefore, you get a balance. For me, that urban regeneration, I think, is the critical one. I hope he has not changed his view, we will find out; it depends on how long I keep talking, I guess, the people I then went and spoke to have been told: "Yes, this makes sense." I went to speak to the Connétable of St. Helier and I went to speak to Deputy Martin and Deputy Martin - unfortunately she cannot be here today - was a major supporter of what I was proposing, no question. The Connétable of St. Helier was very pleased. I went and had the conversation and he is also very keen - I understand he was - and I am hoping he will nod, around the regeneration side and aspects of that area. That is a combination of a number of civil servants going to that area and also the footfall that goes through and that will assist all those little independent shops and the markets and West's Centre much more, and that is the balance that people have got to ask. It can be you want to give the Chief Minister a kicking; why not? It is about time I suspect and I would hope it is not that but it is very much a heart versus head decision, it is short term versus long term and then we come to the housing side. As we identified at the presentation this morning, we tried to summarise an infographic that is on people's desks. Up to next year we are expecting delivery of around 800 units of affordable housing, that is Category A; the 800 excludes Ann Court, by the way. If we bring in Ann Court, on the original proposal that will be 967 and the proposed future developments, 2020 onwards, would be another 700 and that is just the ones identified in the north of town; that total is about 1,672, under my maths. The bits we did, if Members had gone to the presentation they would have seen today, is that ... and it does depend how you cut the numbers; that is always the problem here. On the basis that Cyril Le Marquand will be vacant this year in the next couple of months and Le Bas Centre as well, you would do something similar, you would achieve a similar number, in fact you would achieve 200 units coming free in a similar timeframe as Ann Court would be completed under the present scheme. That means that Ann Court is scheduled to finish at the very end of 2021, occupation probably January 2022, something along those lines and the Cyril Le Marquand and Le Bas would be in 2022; that is obviously projected. If one goes to Ann Court and then you convert La Motte Street to offices, all you have to do is achieve 37 units on Ann Court and you would match the loss of the overall 165 units. Just bear in mind, of course, that Ann Court originally had 70 units on it and in fact another

10 units have been demolished, so, effectively, 80 units was your starting point down there. The argument, we would suggest, is that in terms of the relatively shortish-term position you will be better off if one goes to Ann Court in terms of housing supply; that is the logical argument, there is very much an emotional argument that gets attached to this because the optics, I agree, do not work. But then the optics become: the sites you move out of then become part of your pipeline for the future supply of housing and that is where you get the gain. The summary is we believe, rationally, this provides more units of housing in the short term and gives a long-term supply. Financially it starts opening up the efficiencies that we have said this public sector and the States need to do and this is around that it does not affect that many people, other than where they work. Although people like their desks and their work area, it is a relatively painless way of achieving efficiencies. Thirdly, depending where one puts it, one gets the urban regeneration and that footfall that supports our local businesses. For me, that is the key prize of putting up that location. I have definitely spoken enough, I am sorry, but I hope that gives a rational side to why this comes through. On that note I shall conclude and I will just say - sorry, Sir - the timing of this proposition is not our choice and that has been where the frustration is. Bearing in mind what I consider to be the importance of sorting this matter out in terms of the office estate, the fact that it seems that very little resource has been put into doing this previously. In fact the Deputy of St. Martin turns round and says: "Well, we agreed at the Council of Ministers something on La Motte Street." Absolutely true and that was in 2016, no progress since then. As we have said, La Motte Street has some costs attached to it. The other thing, interestingly enough, La Motte Street did not address the Health or Education estates, I understand, at the administration level. In other words, it was a part solution to what one is trying to do. We are not trying to come up with a perfect plan in any shape or form, we are trying to come up with a reasonable plan. On that note I will stop but there is a logic and I really hope Members will not support this proposition. If they do, we understand it is a democratic decision but please do not say it was a knee-jerk reaction from myself. There is a logic to it and it is trying to take long-term thinking, strategic decision-making and not just short term; let us call it tactical. **[Approbation]**

#### **9.1.5 Connétable J. Le Bailly of St. Mary:**

This proposition for Andium Homes is not the magic answer to the much-needed housing solution. An alternative has been identified, which will make many savings and also increase housing units overall. True the site is ready to go, there lies the dilemma. Do we nod approval then find when the site begins construction that we have made a drastic mistake, as has happened with the existing hospital? Housing cannot be supplied en masse, it does not need to be provided all on one site; that is an advantage. Other sites can be built on consecutively; 2 wrongs do not make a right. The existing hospital site is one wrong, let us not add to it. The Constable of St. John and the Chief Minister have given facts and figures that make common sense; more savings, more housing by not using this site solely for housing. I will always lobby for more housing whenever possible; not voting for this proposition does that.

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

I am delighted to follow the Constable of St. Mary. We are told by the Chief Minister that this debate is not about the here and now. I am not quite clear what it is about then, other than settling old scores perhaps. Because try telling the many families who under ... and we were told just last week in the publication of the Objective Assessment of Housing Need that many families are living in accommodation that is unsuitable. I quite agree with the Constable of St. Mary that this project at Ann Street will not solve our housing crisis but it will certainly go a good way to taking another step in resolving our housing crisis and dealing with the here and now and the everyday needs of families. Because delay and the impact of any delay that it has on a child who is living in a family with unsuitable accommodation has a detrimental impact on that child. Just remember, if Members can recall, the comments and the findings that the Children's Commissioner has shared with us all and the true stories that we have heard from those children who have felt and understood the desperate

situation and circumstances that their families are living in and would simply like a decent home over their heads. I do ask Members to support this proposition and to assist those families in moving ahead. After all, we are told by this Government that they are putting children first and I think supporting the proposition today will assist that. If the Constable of St. John would like alternatives, and the Chief Minister tells us he does not like the La Motte Street project that has been brought forward in the last 10 years to offer a solution to the situation of housing the Civil Service, well perhaps we can look in other parts. Perhaps the Broad Street site next door to the temporary accommodation that the States employees are about to move into, the post office might provide a solution to that, which will not contribute to the costs of decanting people from one site to another. There are always options to look at and there are always considerations. But part of our role is to find solutions to the problems that we see as States Members within our community and to help those people to lead better lives. I hope that Members will keep those people, and particularly those families, at the forefront of their minds when they vote today.

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

I am just going to keep on a couple of points, and I have raised these, and there are certain areas that I question about what is going on here. There is the regeneration and from a very forward-thinking Deputy Ring-binder we have got the Millennium Town Park that regenerated up that part of the area. Andium Homes, back in 2016, did a full consultation with all the residents of the area, drop-in sessions to talk about, what did they want to see in this area? Would they like to see more bars? Would they like to see more restaurants? Would they like to see more shops? What do they want in this area before they started any of their plans? It was a very early consultation and I do not know how this would fit into that. I think there is a level of regeneration there.

[15:15]

There obviously seems to be some idea that just because somebody lives in social housing they do not have disposable income and they will not use the shops and the restaurants and the cafés, and that is not true at all. There are many people that live in our social housing that is provided that work in the finance industry and have good money but they need somewhere to live because they have got children or the likes and that is why they are there. A lot of us here have gone on Commonwealth Parliamentary Association trips around the globe and we have seen government buildings everywhere. The one thing I cannot find and what I cannot see is I have never seen a government building with a public car park underneath it or a government building that has a road that leads directly into the front door from what would be where the bank is. Security has to be a concern if we are going to bring forward a new building for our hard-working members of the public service. I still cannot seem to get my head around the idea that we will have a public car park underneath a government building. I have not seen it anywhere. I have been looking on the internet, I have not seen it and wherever I go travelling I am a bit of a geek for going and checking out parliaments and government buildings when I go somewhere, and I know I am not alone in this Assembly for being one that does that. I still have not heard anyone come up with any good answers about how the security and the idea that we have a public car park underneath our One Government building is a good idea or whether it meets any security requirements; that we are going to have to have bollards out. It was not that long ago in Westminster when somebody tried to ram through with a van into a government building with a load of cement bags and gravel in the back of a van. I know we do not necessarily deal with that trouble in Jersey and I hope we never have to really worry about it but we should think about it. There has been some talk about the old plans and I have spoken to the Chief Minister about this; he knows my views. When we looked at the plans for regenerating or rebuilding on the La Motte Street site and there is decanting 250 staff, and the Chief Minister made me very aware that that would be quite a challenge when you start looking down that programme. We are looking at plans from 10 years ago but if we go back 11½ years the very first iPhone was created. There is a new way of working. We have got some of the fastest internet in the world in Jersey. We

are about to roll out Office 365, which has some amazing collaboration tools where you will not even have to be in a building with everyone else. We could go through a decanting process where people work from home. We have got fast internet and we have got the tools where people can communicate and they can share documents and they can even edit the same documents at the same time. They can video-conference to each other, they can video-call; it is quite amazing what the technology can do now, so that we can work in smarter and better ways. I know the Chief Minister mentioned that in his speech, that we need to be looking at this but there are possibilities to do it. We probably should be taking a bit more care to look at, is that an option and will that reduce our costs? Does that mean we do not need a bigger building? Who could work from home and who has to be there? But they are a couple of my thoughts around the whole process of what is going on here. The one key thing though for me that has been going time and time again is the security thing. I know we need housing but we also need to be aware of the other areas that we are responsible for and security of our staff has to be one and I cannot seem to get my head past that one yet.

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

Of course we can find alternative sites to build social housing. We have had La Motte Street, when the Civil Service move out of it, put forward today. We have had Cyril Le Marquand House. We could also have Warwick Farm. We could have St. Saviour's Hospital. We have all been there before on other projects, have we not? Just another alternative, put it off, put it off, let us have a look at somewhere else. We have got a number of fires raging at the moment on the Island, serious fires - the hospital for one. I think we would need Red Adair to sort that one out. Deputy Perchard might have to Google Red Adair. [Laughter] We have Fort Regent, we have States pay, a lot of fires. But this particular fire has been needlessly started and we have got the ability this afternoon to extinguish it through this proposition. In doing that we can demonstrate to the Island and to the public that we are able to get a project up and running and we can make a positive decision. People are waiting for homes. There is an urgent need for more homes; it was highlighted by the report we had last week. I have yet to see a report highlighting a desperate need for a Civil Service headquarters or indeed an alarming lack of office space. If we are looking for purpose-built office space to house the Civil Service, we have the next I.F.C. (International Finance Centre) building and we could put it there. This discussion is not new, as the Deputy of St. Martin said, we have been going 10 years, and Deputy J.A. Martin of St. Helier, I do not know whether she is still a Member or whatever, but she said this 10 years ago: "Ann Court should now be at the top of the housing refurbishment list as it had been in the pipeline for many years." This is said 10 years ago. It was previously agreed that some of it would need to be demolished and some of it refurbished. The site could be used to create a flagship scheme for housing. We are still there 10 years later.

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

Point of clarification, which Deputy Martin is he quoting; the past one or the current one?

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

The current one, as you know. The Treasury are ready, Andium are ready, the contractors are ready. I hope the Assembly is ready to show some political leadership and back this proposition.

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

I will start with how often I have heard the current Chief Minister place his heart and his head in opposition. Time and time again, he always comes down on the side of his head and presents this as a logical way forward. But apart from Deputy Wickenden's plea for some security, we could end up renaming this particular area Guy Fawkes Square, I think. But let us go to the quick, I just had a look at this document here circulated by the Chief Minister, and quite frankly I rarely see anything which is so misleading. I was talking to a fellow Member at lunchtime today and he said: "I used to be a salesman and when I went to sell my goods I did not give them a balanced picture of the opponent's

equipment. I told them exactly how mine was best and that is the way I sold.” I am looking at this and saying: “Is this a balanced presentation?” Of course the answer is it is not. It is completely specious. So we have the current plan, the new mixed-use plan and the supposed analysis of residential opportunities. On the very end we say: “Longer term, bigger gains in housing numbers.” Really? Let me look at the columns. Residential opportunities: Cyril Le Marquand House, 66 times 2-bed apartments; Le Bas Centre, 80 times one-bed, 54 times 2-bed; La Motte Street, 128 times one-bed; Ann Court, under the new scheme, overall says an overall gain of 43 apartments. But each of those sites is in the process of being selected for housing. They are not just on the agenda for the new scheme. They could be built there anyway. So there is no net gain in that sense at all. What we have got here is an extreme justification. As if somebody has said to a civil servant: “Tell us the case for doing this. It does not matter whether it is entirely accurate but let us give it a gauge and let us try and sell it. Let us try particularly to lobby on this and work this Assembly and its Members, work them over so that we can get this through.” But I ask Members to think about the way in which this will present itself in the public out there. A straightforward choice between building housing, which everybody knows is much needed on this particular site, with preserving some green space as well on the end of the Town Park, *et cetera*, we have already got it worked out, that is ready to go. The Minister for Treasury and Resources wants to get her finger out and just press the button. Let us go. We can do this tomorrow. Let us go. Instead of which the Chief Minister says: “Oh no”, at the last minute, and it is the last minute: “We are ready to go on this, we could be building it now.” We are not. “I thought of a better idea. Let us build some offices for ourselves and civil servants.” How is that going to sell out there? Given a straightforward choice between offices for themselves and housing for poor people, which is the choice, they have chosen offices. That does not work for me. I do not think it works for any of my voters out there. I do not think it works for any of anybody’s voters out there. As Deputy Tadier said earlier, I will bet in your presentation projection, whatever it was, 7 months ago, you had housing somewhere near the top of your priorities and getting the housing ... the problem we have got, crisis we have got, solved. This does not do it. I urge Members to accept the proposition from the Deputy of St. Martin.

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

It seems to me that the arguments supporting the Deputy of St. Martin’s proposition are becoming more and more desperate. We had Deputy Ash quoting from Deputy Judy Martin something she said 10 years ago. To the credit of Deputy Martin, I would say she has moved on over the last 10 years and has seen the new reality and unquestionably would now support the Chief Minister’s position. Put this building on the Waterfront says Deputy Ash. Why? Triple-rated AAA offices, highest quality offices that we can think of, undoubtedly hugely more expensive than the proposition of the Chief Minister, and we want those best offices in the Island on the best site in the Island for a public authority? Why, when there is a perfectly reasonable alternative proposal, which will regenerate an area which needs regeneration, unlike the Waterfront, which is being regenerated in any event, without the taxpayer putting in goodness knows how many millions it would be? The other desperation: Deputy Wickenden, I have a lot of respect for Deputy Wickenden, but he is worried about a car park underneath this new building. I assume it is because he expects someone, possibly at some time or other, to go in there with a bomb and blow up a lot of civil servants. Let me tell Deputy Wickenden, if anybody wants to do that now they can park their car bomb outside Cyril Le Marquand House or any other public building and it would be just as effective, probably more effective, than putting underneath a reinforced concrete car park. What absolute desperate argument that is. But the one that really amused me was an early speech in this debate from the Minister for Treasury and Resources. The Minister for Treasury and Resources, my second favourite Deputy - I am not telling you who is first, I will let her worry about that now - tried to compare this site of Ann Court with the City of London, which colloquially becomes a desert at night and at weekends.

[15:30]

Now, I have been there a number of times and it is not true, but let us assume that it is true. The Minister cannot possibly make that comparison with this part of town. To say it is a desert at night is an absolute nonsense. What has been proposed here by the Chief Minister and what is being opposed by the Deputy of St. Martin and his cohorts is a mixed development which does a better job of revitalising that part of town than housing alone because a whole development in that area has been concentrated on housing and it needs different things. It needs commercial activities, it needs offices, it needs people moving in and out. But the beauty of the Chief Minister's idea, which I did not support at the beginning but I am warming to it, we still get the housing. We still get the housing albeit much of it on different but nearby sites. We are able to revitalise the commercial activity in the area. That is proper regeneration. The proposition of the Chief Minister is not unique. We, as an Assembly, as a States, decided to reduce the number of houses on the Gas Works site from something like 250 to 117 to provide facilities in that area. Where were all the people saying: "Oh, we cannot do that? All these people waiting for housing. It does not matter about extending the green area, these people are desperate." We were quite happy to reduce ... over 130 we reduced that. But this scheme, unlike the Gas Works scheme, as proposed by the Chief Minister, produces more homes in the slightly longer term. So if it is okay for the benefit of the Island to reduce the numbers on the Gas Works site then we must reject this proposition in the wider interests of all Islanders. We revitalise this part of town. We regenerate this part of town. I say to the Minister for Treasury and Resources once again, in the longer term we save millions on the efficiency of the use of office space. Give the Chief Minister time to develop this plan and if we do not like what he comes up with in the end then come back. But do not knock it on the head now. It has got so many good opportunities for the Island in this scheme. He needs to be given the chance to see it through. If we do not like it at the end of the day, fine. But it is too early to pull the rug from under his feet. I will be opposing the proposition.

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

Forty-four years ago this month I began my life as a civil servant in Conway Street and from Conway Street we moved to Charles Street, which was the old *J.E.P. (Jersey Evening Post)* offices, of course. It was a very interesting site because when we moved in the fleas and the paper bugs did not move out. I then spent time working at the States of Jersey Airport. I also worked at Howard Davis Farm. Then I went to work, as everyone knows, at Rouge Bouillon, Summerland and then latterly in Cyril Le Marquand House. Then of course I came to this lovely old building. The worst place I worked was the Broadcasting House on the Summerland site. We had a ground floor office, which was condemned, I have to say. It had no heating and it also had bars on the windows. That was not to stop us getting out. However, there was a gate at the back in case we got stuck in by fire. However, much for my desire for a nice office, because I have always wanted to work somewhere with nice offices but never got, what I would say, a luxury office, I cannot see that I can possibly not support this proposition because, I am sorry, but homes - not houses - homes, as my colleague behind me keeps telling us, homes for local residents has to be a higher priority for me than new offices. I am sure there is a better alternative. It would be very different if this had not already been agreed but it has and it is too late for me to start changing our mind again.

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

We seem to have been round this so many times. I will be supporting the Deputy of St. Martin for the simple reason, like it has just been stated, it was promised to everybody a long, long time ago. We are now told that La Motte Street is not fit for purpose and yet in the last Assembly we had to go through all sorts of hoops to get covenants changed so we could buy different properties, so we could make it much bigger because it was what was needed. Now we are being told: "No, we cannot accommodate everybody" but we can accommodate them at Ann Street and then when everybody has moved out of where they are there will be an Ann Street, so then we will be able to have Cyril Le Marquand House, we will be able to have all the other places. I have been there before. We, as

a Government, in this States, have promised ourselves this before. We do not carry things out. There is always a hiccup somewhere along the line that something needs. We need housing. We also need an immigration strategy because although we do need houses, if we do not control the people that are coming in we are going to find ourselves in this situation year after year after year. Because although people moan about not being able to find somewhere decent to live they all still keep coming. So we must have something. But we need to look after the people that are already here and they need accommodation. I do not want to be promised that in 2022 Cyril Le Marquand House will become vacant and we are going to have apartments there. I do not want to be told we are going to have apartments somewhere else because that is the thing, we have a space now which has been earmarked and promised to housing and that is exactly where it should go. We cannot keep changing our minds. Sometimes I go out and I am almost ashamed to say that I am in the States because we seem to lie to the general public so often. I just find that very, very sad. My parishioners come up and say: "What are you doing this time, Constable?" I said: "I have no idea, my sweethearts." I said: "We are doing exactly what we have promised everybody but the hierarchy keep changing their mind." We were promised, as I say, whatever went on in La Motte Street and buying the houses and getting the covenant, the past Deputy of St. Lawrence bent over backwards and took a lot of stick for having to get covenants ... I think some of the family were in South Africa and they had to be traced. A lot of things went into that and now we are not going to use it for States because we have somewhere else. We have got this lovely big open space. But that was not for us. It was not for civil servants. It was for the people who live on this Island and need, as the Deputy just said, a home. Not a house, it is a home. So I would suggest that a lot of the newcomers who were not here, maybe you have been listening to the last Assembly that was here, but we were hoodwinked into quite a few things the last Assembly. Now we are suffering for it but this was promised as housing. It has been passed for housing. There is no reason why it should not continue to be homes for people who live on this Island. But somebody here has to grab the nettle and say: "We need an immigration strategy" otherwise we are going to find ourselves time and time again in this position. We are only 9 miles by 5 miles, for heaven's sake. So do you want a concrete jungle with nothing pleasant and nowhere for anybody to sit because we concreted over it because it seemed to be a good idea at the time? Somebody, excuse the ... no, that is not parliamentary language. I will be a good girl, I promise. Somebody grab the nettle or the bull by the horns and say enough [**Aside**] ... I said "horns". That was parliamentary. They have got to do it and they have got to stick by their guns and say: "We are not going to be doing this anymore. We are not going to concrete over this Island anymore." People come here and then they moan because they have not got anywhere to live. But nobody wants to leave. Let us not spoil it for those that are already here and those that want to make their home here. So please, I implore you, to vote with the Deputy of St. Martin, who I know is absolutely devastated by what has happened.

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

It has been very difficult for me. I, up to now, have taken no part into any discussions about this matter. Environment and Planning is full of enough conflicts so I decided to avoid the discussions at Council of Ministers. I obviously read all the papers very comprehensively, both the Minister for Housing and Deputy Luce's submissions, and I have to say I found them very, very persuasive, very well-argued and very logical. I think that needs to be said. I feel I can take part today because the proposition is about a financial measure. The proposition is about whether we close the door on future possibilities, whether we shut our minds to those broader opportunities in looking at our town development or whether we stick to a decision that was made, I do not know, several years ago. I assume that the Deputy bringing the proposition probably was the person who approved it, and I can understand why. Of course, we have also seen the overwhelming evidence about our failure to deliver housing, which frankly has to ... in my view, it is so urgent I would personally like to see an interim review of the Island Plan to how we deal with that. I want to see a population policy brought forward forthwith because the issue is how are we going to achieve the dwelling units that we need, which I

would hope is on a reduced target but a target that we developed carefully, after a lot of thought of how we work that out, but nonetheless we have still got to do that. There is no way of avoiding it. I think, like Constable Norman, this morning, reading those reports, I read them early in the morning, this morning, and thinking about it I thought I am going to support the Deputy. Attending the presentation today has given me more an open mind. I am hoping I am going to hear from the Constable of St. Helier soon because this debate I think is about the regeneration of greater St. Helier. I think it is. I think what we have seen in the last 2 decades, probably going back to the Waterfront reclamation, we have seen a steady drift of high-quality commercial business west. We have seen the north-east part of town suffer from empty shops, empty premises, a proliferation of charity shops. I do not know what they call them, pop-up shops. All well-meaning and it is great that we have got that. But where is the economic real drivers to bring that investment? What I heard today, and we have not got another scheme, the Chief Minister has given us a concept. He has been elected to a new role, and so have I, and we are asked to deal with the major challenges. There is no question. On my manifesto was the quality of the urban environment of St. Helier. It is not about wall-to-wall dwelling units. It is about having the mix right. I am going to come back to it in a moment because when I saw the model it made me ... it is the first time I have seen that. It made me think some things. I am going to come back to that in a minute. So the Chief Minister is saying to us: "Look, here is an opportunity for a mixed-use scheme." It is a concept. Obviously, it has been put together in a hurry and I wish we would not have this debate today because in all these urban planning matters we need time; we need time to look at it across the piece, look at different sites, see what we do here, what affects what we do here, to try and make sure we get that planning framework correct. But no, we have got to make a decision today. So we do not have that choice. Of course, I ask: "Where else can I point to where we have got this concept that the Chief Minister presented to us?" Well, the officers presented to us. It was not the Chief Minister, it was professional officers presented it to us and said: "These are the possible ideas." Well, I think I can recall Century Building, at the bottom of Gloucester Street on the Esplanade. There you have got, I think, a Dandara scheme and it was a mix of offices and residential units with an open square in the middle. Quite a high-density scheme. As far as I understand, that has been a successful mixed-use scheme. Okay, it is in the west of town but I ask: "Why could we not have some of that in the east of town?" In other places you have housing developments with retail underneath them, on the ground floor. You have active frontages. I look at it there, where is the active frontage? I have not seen it. So it is a concept. I think what the Island ... I want to give full praise to the Deputy of St. Martin because he is right.

[15:45]

The Island Plan is vital. If we want to step outside of it or look at varying it, we have to have a good reason but of course the thing about all of the laws and decisions on the Island Plan is that the policies have to be looked at as a whole. One cannot cherry-pick it. It is not valid to say: "Here is a policy here, we will cherry-pick that." You have to look at the balance and there are policies about urban regeneration objectives. I really hope the Constable is not going to let me down going out on a wing like this. But nonetheless, to me those are valid objectives of how we do it. Of course, in the timescale if this concept works out, we heard, it seems to me that it matches quite nicely with our work that we are doing in revising the Island Plan. I heard the concept is housing. So the choice is do we close the door on alternatives? Do we look at the bigger picture? Do we look more broadly? I would want to see the Chief Minister given time to work this up. If it does not run, and it will have to be brought back here, then what has happened to the housing scheme? It is still there. Why is it not? I would like to hear the reasons. Maybe another Member can tell me. **[Interruption]** The site is there. We have a contractor. We have finance in place. **[Interruption]**

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

Excuse me, gentleman in the gallery, you are not able to speak and interrupt the business of the **[Interruption]** ... I am afraid you are entitled to come up here, you are entitled to watch and to listen

but you are not entitled to intervene in a way that disrupts people from giving a speech. **[Interruption]** No, I am sorry, you have no right of audience here. You have to speak through your elected Members who you might lobby outside.

**Deputy M. Tadier:**

May I raise a point of order? It is not related to this although I notice there is a by-election that is closing tonight and I am sure the individual could put his name forward if he gets 10 signatures. He would have a voice in the Assembly, if elected. But my point relates to whether Deputy Young has sought advice about whether or not he should speak or indeed vote in this, in regard to whether or not any planning application is likely to come across his desk. He is not necessarily wrongly expanding this beyond the current plans to his vision of the Island Plan, of which he is solely at liberty to bring amendments to this Assembly. But it is quite possible that the vision that he is outlining may well come across his desk as an alternative planning application and in that case would he not already have a pre-stated opinion in this Assembly on the issue of what goes on Ann Court site?

**The Deputy Bailiff:**

That is a point that is perfectly valid for you to make but as Deputy Young has now spoken at some small length, if there is a difficulty that is a difficulty he will need to address when matters come across his desk.

**Deputy R. Labey:**

I wonder if I could assist in any way. This application came before the Planning Committee and it was passed by the Planning Committee. If it had not been or indeed, as it was, it could have then been appealed in a third-party planning appeal. At that stage would the Minister be able to make the final determination. So in the circumstances, if people feel and if the Minister felt he was conflicted he could defer that final determination, if it went that far, to his Assistant.

**The Deputy Bailiff:**

It is a matter for you, Minister. Do you have much more of your speech that you wish to give?

**Deputy J.H. Young:**

I would like to respond to that but if you are directing me to sit down then I will sit down.

**The Deputy Bailiff:**

I am not directing you to sit down. It is a matter for you whether you feel that there could conceivably be a conflict going forward. You have heard what Deputy Labey has said. We should not get into a debate about whether or not you can or should not speak. You are already participating in the debate. I think please carry on speaking or stop as you see fit. Any kind of difficulty thereafter will be a matter to be resolved at that time.

**Deputy J.H. Young:**

Yes, I did take advice and it was said that it was okay because there is no application, there is no live issue. Obviously if there were to be an application ... I can clear it up, but if there were to be an application at the present time under the current Island Plan that it was unchanged, then that would give me a conflict and I would come out, but I do not see an application. I am going to get to the end. I think the issue is whether or not the concept is taken, given a further look, and I suppose on balance I think ... all these decisions are a fine balance. As I have given credit, I heard the gentleman from the public gallery there, and said this: yes, it is obvious if it is that there are particular housing needs that this scheme is equipped to do, that is something which absolutely would not be lost in my view because it should be capable of being dealt with in either this scheme or an amended version of it. But nonetheless, on balance, my view is I think the Chief Minister should be supported on the balance of these possibilities.

#### **9.1.14 Deputy G.C. Guida of St. Lawrence:**

Just for clarification, the Oklahoma City building bombing was done by a lorry parked in front of it, so having parking or not would not have made much difference. I do hope that we do not have anybody here with many tons of fertiliser to use for that purpose or even the will to do so. Another point that Deputy Wickenden made is that, of course, new technology means that we can deal with things without meeting. However, for somebody who has been involved with new technologies since they started and is still extremely involved in new technology, I must say that I have a very big fondness for face-to-face meetings. There are many, many things that will not be done without that. So, we are trying to make One Government and having one building is one of the best possible ways to make it work. Spreading people all over the place is not going to help the goal that we are trying to reach. That is for having a government building. The first time I heard about Ann Court, with probably everybody else, left me dismayed. I said: "My God, are we going to get rid of housing that we so desperately need?" I think that the key word here is that we are looking to build homes, not a dormitory. We did that in France. In France, when the country started to develop after the war, we said: "We need so many homes near the town" and we developed like mad. We were probably the best in the world at building low-rent accommodation. We did extremely well. We built such ghettos that we are still reaping the results of that now in the streets wearing yellow jackets. Now, this has not been on television everywhere. I was in Paris 2 weeks ago and to walk in major shopping streets where every single shop in the street has broken windows, bordered up or taped over, every single one ... you walk 5 miles and every single shop is broken. There are cars burnt out. This is the sort of situation you get when you marginalise people. I understand that one of the goals of this Government is to integrate people. We want to mix. We want to have people, offices, shops. We want a lively place. Now, as a developer, somebody who works in real estate, giving life to a place is very difficult. You do not tell a shop or a restaurant: "You are going to go there. There is very nice, you have 15,000 people living in the area, perfectly fine. Of course, they are out of the area from 8.00 in the morning to 6.00 at night, but that is fine, you can probably find something to do with them between 6.00 and 7.00." So shops are a little bit wary of going and establishing. We know, we all go to that part of town but mostly we drive through it. We do not stay. There is nothing there. To bring something there means that you have to bring people. Now, we say: "Fine, let us build any office. We can find any site in the north of town and build an office." Then you ask a bank: "Why do you not put your headquarters there?" The bank goes: "Well, does it have any shops, bars, restaurants? Is there any sort of life in there or are my people going to get stuck and have to walk 2 miles for their sandwich or have to buy before they go to the office?" So, they will not go. Somebody needs to take the first step. The shops are not going to take the first step and wait for people to come. This happens all over the place. This is not unique to Jersey. This is the one step that we can make to put life in the north of St. Helier. There is not another one. We can build housing everywhere but we cannot force shops and life to happen in a part of town without bringing people first. So it is one opportunity and I say it again. When I first heard of it I was dismayed and then I looked at the aerial photograph. It was instant: "Oh God, there is this line here and everything in town happens south of it." We need to do something to push it north a little bit and 1,500 people plus parking space is going to make it happen. So, I urge people to not vote for the proposition.

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

Would the speaker take a point of clarification?

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

Yes, if Deputy Guida is prepared to give a point of clarification. What is the clarification you seek?

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

I just wanted to ask what evidence he has, for example, with Cyril Le Marquand House to suggest that having a States office block in a particular part of St. Helier adds any particular vibrancy or nightlife or whatever to that particular area.

**Deputy G.C. Guida:**

Unfortunately, most shops and restaurants do not exclusively live on nightlife. Yes, from 6.00 p.m. onwards if it is residential, fine, but most shops need the whole of the day to make their money. So unless you have a bar or a nightclub, then unfortunately you need those 8 hours of trading. Again, I am in the business. I would not buy a shop north of Minden Place.

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

We had a presentation at lunchtime, which was very good, on this. I made the point that there is no car parking or very little car parking probably sufficient in the proposals to accommodate the staff there. Quite candidly, I do not believe there is sufficient draw to that end of town to do what the Chief Minister is proposing. I would say that I admire the Chief Minister for bringing this. It has been the culmination of 10 years' beating of the drum, but regrettably I feel it is too late. We are advanced down this process so far. The work has been done and I think that the Chief Minister needs to look to the next move. The other point is I find I am getting regular remarks about La Motte Street being too far for people to go. Surely Ann Court for States offices, yet further, is not going to be palatable from the public's point of view. I shall be supporting the Deputy of St. Martin.

**9.1.16 Deputy J.M. Maçon:**

Just to let Members know where I am, I am still making my mind up on this debate. I am cognisant of the fact that we urgently need affordable homes for the people of this Island, but then again I am very reluctant to take a lecture from 3 previous Ministers of the previous Government to start telling me how much housing was needed when they did absolutely nothing to sort out an immigration policy for this Island. Bear that in mind, please, Members. I am cognisant of the arguments around urban regeneration and the movement of people. Deputy Tadier asked for an example. Well, Colomberie is a key example of when a key office block moves out of an area, the detrimental impact that that can have within the town area. I know that because I come from Georgetown and I come through Colomberie regularly. When you lose a key anchor tenant, as has happened, it does have a detrimental impact to that area. We have already seen that in that part of town, the losing of Blockbuster, the closing of the Odeon, all that type of stuff. We know in that area because you do not have those key anchor tenants it does affect that area and the footfall. We have seen it. This all goes back to the Frank Walker days when everything was going back to ... move it down to the Waterfront, but unfortunately what is the impact on our town in the round? I absolutely accept the arguments. I am a key supporter of the Central Market. I think it is so important for the Island, but again the way that things have been migrating down to the Waterfront, that is all having an impact on that area of town as well, the impact on the High Street, *et cetera*.

[16:00]

I do understand these arguments and I think there are strong ones that are being proposed by the Minister for the Environment and the Chief Minister on those grounds. With my Education hat on, we know that the States Assembly, of course, also agreed that they would want to find a place for more Youth Service facilities within the area. Now, could that be incorporated into this design and would that not bring a benefit to this area as well? I suppose what I would have wanted to hear from the Chief Minister, because as I say I am listening to arguments, is: "We will come back to the Assembly with a plan in 3 or 4 months", something like that. Because it is key that this type of work is done and I think for Members like me who are very cognisant of the urgency, to almost kind of dismiss something and say: "Oh, yet again we are going to have another saga where we do not know how it is going to conclude" I think we need a little bit more. I think we need to have an idea because

it may be to look at it and say 3 months down the line: “Right, it is taking too long. Let us get on with the housing development as proposed.” I would have taken more comfort I think from the Council of Ministers had that been said. I think there is probably still time for that to be said but, as I say, I am listening. I want to hear what people say but I think there are strong arguments on both sides.

**Senator J.A.N. Le Fondré:**

Could I give a point of clarification perhaps to the previous speaker?

**The Deputy Bailiff:**

Well, you can ask immediately the previous speaker has sat down or if he is prepared to give way you can ask for the clarification.

**Deputy J.M. Maçon:**

I slipped, I am more than happy to give way to the Chief Minister. [Laughter]

**Senator J.A.N. Le Fondré:**

Thank you. If the debate for the Deputy of St. Martin does not go the way of the Deputy of St. Martin, I am very happy to give that assurance. Because the point we have had is that it has been premature from our point of view and I think the point was made at the presentation today that a business case is due to be finished within the timeframe that has been talked about. So if that adds as a clarification ...

**The Deputy Bailiff:**

That is getting close to a second speech, I am afraid. I had thought you were going to ask for a point of clarification of the speaker, and although you are entitled to give a point of clarification of your own previous speech, that is I think crossing the line. Very well, does any other Member wish to speak on the proposition?

**9.1.17 The Deputy of St. Peter:**

I have heard the arguments for the housing that is required in this Island. It was very clear at the presentation we had the other day. The demand at all levels is clear for all of us to understand. However, I also believe we need one building for our Government, and I say this because I know Deputy Wickenden talked about Office 365. By the way, between you and me it is not very secure, but that is not for this debate. The idea that you can collaborate through technology is a great futuristic idea, it is James Bond, but the reality of the situation is - and I have done it - trying to manage people, situations, in my case sales campaigns, account management, when you have people on the phone in Singapore, London and San Francisco does not work. I support Deputy Guida. There is no substitute for eye-to-eye contact when you are trying to collaborate, bring things together, make decisions and make decisions quickly or respond to decisions that we are going to ask our States Members to do. I think that is why it is essential that we find one building, and we can go on on that for ages but that is a key tenet from experience for myself. That leaves us, according to the presentation this morning, with 3 options: Ann Court, La Motte Street and the Waterfront. Now, we were told clearly La Motte Street involves a lot of refurbishment, some extra buildings, some moving in, some moving out, and as we know from the various debates we have had, not to mention the hospital, that is very expensive, disruptive, and time consuming, and delays which we do not necessarily want to hear about. We have the Waterfront, and I admire Deputy Ash for supporting the Jersey Development Company and making sure there is construction on his favourite site down there. However, it does go against the business model of the Jersey Development Company, which is quite simply build, let, sell, return money to the public purse and build a car park. I do not see how this fits within this particular model. The other thing is a quick one on some just elementary numbers. I am advised that the current rental per square foot in the Waterfront is north of £36 per foot.

Questioned today at lunch time, the rental value in the north of the area and Ann Court is about £28. So for a quick calculation, that is £8 a foot difference, which over 100,000 feet over 25 years is £20 million. That £20 million, on the basis of the presentation we received on requiring housing, is £20 million of housing over the next 20 years - which was our presentation - that will go a long way to supporting the development of that housing or, indeed, refurbishing the 100,000 square feet of office buildings that the States has at the moment to convert into residential, a simple number. However, that is not the real issue. The real issue for me, as we know, about the hospital is ... and our experiences of trying to squeeze a quart into a pint pot is that we do not have endless amounts of open space to accommodate 100,000 square feet of office building with associated outdoor green spaces to make it a great place to work for our valued States employees. If we take this away, if we take one off the table, that will leave us with 2. Deputy Ash's favourite and La Motte Street. We will take away those 2 and then all we are going to have is we are going to have the debate coming back over and over again of where we are going to put the office developments that this Island needs in one location. Quite honestly, there will not be anywhere for it and we will then go around having debate after debate of how to squeeze a quart into a pint pot. It is for that reason that we cannot take this option off the table until we have clarity about where we are going to put this development for our valued States employees to work under one roof in one collaborative way of working together. I think we ought to consider that very seriously. For that reason I will be voting against the Deputy of St. Martin.

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

I would just like to correct a few comments that have been made. I was the chairman of the Corporate Services Panel in 2010 and we learned about the property strategy then. It was taking a lot of time because the then Minister for Treasury and Resources restricted the budget available and this is a practice that appears to have continued with regards to Jersey Property Holdings until this Council of Ministers has taken it by the scruff of the neck and started to do something with it. I hate to disagree with the Constable of St. Saviour but this Chief Minister wants a mixed development. It is not getting rid of all the houses and living units on that site. It is going to be a combination. The Deputy of St. Lawrence said: "If we squash everybody together it is the old thing, you end up with rats, the Gorbals, and everybody is at each other's throats because it is totally uncivilised." Frankly, the other comment is if this housing is needed so desperately why have we allowed the hospital planners to plan to demolish Westaway Court without any provision for its replacement and instead have taken over a large proportion of Convent Court. What I am trying to find out is where the people who were moved out of Convent Court have ended up. We seem to have spare housing accommodation if that has happened. The Minister for Treasury and Resources has taken a particular stand on this proposition. I do understand that the chairman of Andium has been a very busy little bee. The age concern section of Ann Court is merely a shop for our charity shop, the main age concern redevelopment site - I hope I have not blown it totally with Andium - is next to Convent Court in the new low rise. They have had planning permission for some time and we are just waiting for them to start. I saw the people drilling there the other day so I am saying: "Please let them start." If they cannot start Andium maybe they will start the low rise. It is like the "deep of night" syndrome, if there is residential housing then it will not be a dead after 5.00 p.m. As the Chief Minister said, it is not either or, it is housing and offices or housing plus offices, which, having lived in big cities, you need the housing and you need the offices altogether. If you start just having one or the other then you end up with deserts. Deputy Wickenden was worried about security. The Treasury in Washington has a tunnel connecting it to the other buildings, including the White House and it has also got a jolly ... oh, I am sorry, Deputy Wickenden seems to have left the Assembly. It has a jolly good souvenir shop there as well, but that is totally off the thing. To say that we want to put the office down on the Waterfront, the original concept of the Waterfront, as my network keeps telling me, was some offices but local residential and open space. There was meant to be a town park on the original Waterfront development. Basically, we need the one building to accommodate all the

workers. I forget the square footage that, for instance, the Education Department are using in their offices but it is fairly extensive. Basically one of the things that has come out of all this, and certainly out of the work the Public Accounts Committee have been doing, this underlines the necessity for a real overall strategic plan for policy. We have 4 organisations concerned with property, Jersey Property Holdings, Andium, S.o.J.D.C. (States of Jersey Development Company) and Ports and we have to make sure that they conform with the strategic aims of the States. To have 4 bodies like that going off in different directions is absolute rubbish. I just have one plea for developers and the Planning Committee: will you please stop allowing developers to put the kitchen in the sitting room, it is totally uncivilised. I will not be supporting the proposition.

**9.1.19 Deputy D. Johnson of St. Mary:**

I share the misgivings of Deputy Maçon with this problem. Certainly like all other candidates up for election, housing was the top of my priorities and I am very reluctant to vote in favour of anything which would delay the implementation. Also I agree with the comments made by the Constable of St. Saviour who in the last Assembly was on the Environment Scrutiny Panel and we spent a lot of time scrutinising the project at La Motte Street, extinguishing the covenant, apparently all to no avail. But I suggest, respectfully, that we are no longer talking about a temporary shortage and supply of housing. We are talking about the regeneration of St. Helier. More recently the Economic Affairs Scrutiny Panel conducted its review on the retail sector, which could equally be termed the regeneration of the town. Many witnesses spoke and gave examples of how much regeneration was needed. Various Members referred to the Market as being the jewel in the crown and there was real concern that unless something is done that will be left in isolation. I see this proposal or the opposition to the proposal as being a means of taking stock of the situation, allowing us to look in more detail into the question of regeneration and I am pleased the Chief Minister has committed himself to doing that in a timely fashion. On that basis I shall oppose the proposition.

[16:15]

**9.1.20 Connétable P.B. Le Sueur of Trinity:**

When I first heard this proposal rumoured that we were going to put a block on the social housing and build government offices I thought: “You could not write this script. What are the public going to think we are doing in here?” Often we are criticised for being indecisive and today I think we are having another good go at it. This project is going to deliver 165 units of much needed accommodation. It is an oven-ready site, it fits the plans, it has been through the planning process, it has been costed, there are contractors ready to go and all of a sudden, at the eleventh hour, we are going to say: “Whoa, stop a minute. We are going to throw it all in the bin and we are going to go and start again.” We are going to start back from basics being redesigning it, re-costing it and then we are going to find all of a sudden there is another black hole, we cannot afford to do it now so we still have no social housing. I do not think that this is the answer. We have to provide these homes for people, just offering them jam tomorrow by saying: “If we do not do it now we can give you a few more homes in “N” number of years” is not going to placate the people in urgent need of housing out there who are pinning their hopes on us making a decision and letting Andium get on and deliver this project, which I think is a fairly good design project. We have to realise that if we are going to accommodate the population that we have and we are going to have to accommodate that, giving everyone the opportunity to have a nice 3-bedroomed house with a garden and a garage is a pipe dream. We do not have the space for it. It has to be well-designed apartment living, it is the only way that we are going to satisfy this need. I will be supporting the Deputy of St. Martin because, finally, I really do not think that this talk of regenerating the area is a reality. It is going to pop up a load more coffee shops and sandwich bars but you will not see a de Gruchy’s or Marks and Spencer’s around there. Those times are unfortunately ... we had the managing director of Sandpiper in to talk to us a couple of weeks ago, who said they are managing the decline. This is not going to re-boost it

and all of a sudden it is going to be a win/win for all the retailers. Coffee shops, sandwich shops that is what we will see. I am afraid I will be supporting the Deputy of St. Martin in his proposition.

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

It is always a pleasure to follow the Constable of Trinity as I have in previous Assemblies when we have been told how we are to arrange things in St. Helier. I notice he was not offering any of his fields for this much needed housing. I want to start by complimenting Andium on the tremendous way they have taken up their office. They have not been around long but they have done an enormous amount of work and I think it is only right that we start by saying how well they are moving, particularly in renovating outworn accommodation. I walked in this morning past what Senator Ferguson calls Convent Court, it has now been renamed Pleasant Court. How pleasant it is and what a good renaming that is. That, of course, is only one in a long line of projects that they have recently delivered with attendant attention to the spaces around the accommodation. I also compliment them because they have been working closely with the Parish in which most of their work is done. That is, of course, in St. Helier where the States have agreed to focus our provision of housing and other development. We have worked side by side with them at every stage of the development of the Ann Court proposals. They have even been into the lion's lair, that is to say the Roads Committee of St. Helier, twice - at least - to talk about traffic arrangements and they surprised us when they came in and said: "We are going to knock down some existing housing in the area to create a new civic space." No one had thought of that until Andium got hold of this site. They have done a great job there. I also want to congratulate the Chief Minister because in all the time I have been in the States, and certainly as long as I have been Constable, there has never been a Chief Minister who has rung me and asked my opinion about a particular development in the town. He has consulted me right from the start about whether Ann Court would be better used for a mixed-use development rather than simply putting in more flats. I have to say that is in contrast to the mover of this proposition who has not contacted me about what I think before he lodged his proposition. Of course, the key question is this project has been around for years, and if Deputy Martin was here she would echo that, that she and I have been pushing for this development to go ahead for years and it has been held up for all sorts of reasons, not least by the surface water drainage scheme which seemed to take for ever and, of course, there is now a very convenient tunnel. I think it was Senator Ferguson was talking about tunnels from the public building. That will double for civil servants, I suppose, if they were to go here; a rather more bizarre departure from script in this debate. So it has been delayed; it has not been delayed for any reason other than these works have had to be done. But what has happened during that decade of delay? I will tell Members what has happened in case they have not noticed. There has been a huge number of additional units of housing provided in the immediate vicinity of Ann Court. They are going in everywhere. Indeed, we now know that the whole of the brewery site is earmarked for residential or quite a lot of it is earmarked for residential. Although the numbers on the Gas Place development have been reduced there is still over 100 units going in there. Play.com warehouse moving on the other side of the Town Park is going to take hundreds of units. We are talking about thousands of new units going into this part of town. So anyone who thinks it is going to resemble the City of London is mistaken and the analogy that has been drawn by several Members in trying to argue against the Civil Service being here is completely wrongheaded. This is not the City of London. It is a very densely populated part of my Parish. Now, given that things have changed, what should go on Ann Court? Well, clearly, a car park. I think there has been no disagreement today that the car parking is much needed, particularly by nearby businesses, particularly by the Central Market, we might also add by the Arts Centre and local residents. That parking is vital and it has to be said whatever the outcome of today's debate, the only thing that will happen on that site is the car park would be developed and that would take a couple of years. So, regardless of whether it is housing or offices or a mixture of both, the car park must be delivered. In an ideal world, what would I put on the car park? Well, I will tell Members there are 3 things in order of priority. The best use of this site in terms of regeneration would be a park. Quite simply,

put a park on the site because there are so many people living around there they need the extra space. The second-best use of the site would be a national gallery. Why? Because it would drive footfall into the area. It would be an exciting new use in that part of town. It would complement the Arts Centre. It would complement the Town Park. So if we are thinking out of the box, let us put something like that on the site. A third use - and I saw a marvellous example of this in Bournemouth when I was visiting my daughter at university - is a tennis club would fit perfectly, a public tennis facility. It is not big enough for a golf course. What I am trying to get Members to appreciate is that it is not just housing or the Civil Service. In an ideal world, you would do something on this site which would really regenerate that part of the community. The word "regeneration" has become a bit of a weasel word in the last 10 years. Developers use it all the time now in their applications when what they mean is how many units can I get on the site and this will regenerate the area. It does not do the job. Regeneration is about mixing, people living, people working and people playing. I am afraid just to do the housing on this site when you have the option of putting the Island's civil servants there is to miss that particular point. So, we have been assured by the Chief Minister that there will be no net loss in housing and there will be no net loss in revenue costs. So, what is not to like about letting the Chief Minister get on and see if he can bring his proposal forward? I need to remind Members that he has not long been elected Chief Minister and although one former Minister referred to the settling of scores in this debate, I do not think there is any score settling going on by the Chief Minister. He is trying to bring fresh thinking to the Assembly and I would urge Members to back him and I would urge Members to reject the proposition.

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

The reality is that we need social housing and we need it urgently. This project provides a proportion of social housing that is needed, it is planned, it is possible and with a signature it will happen. We cannot have any more delays and tomorrow politics and tenuous promises of savings that exist on a spreadsheet because we are dealing with people's lives. I cannot, when I go around my constituency, talk to residents who live there in substandard accommodation and say: "It would be a really good idea to move the civil servants in and not build the homes that you so desperately need." I will not do that. I was not elected for that. I do not think it is the right thing to do. We all knew about that site during the election campaign and this change should have been made there and been clear in people's manifestos before we started if we are genuinely going to be a transparent Government. Real people are more important than the numbers on an accountancy spreadsheet. Their lives matter. Where we put our offices is second to the quality of lives of the residents of St. Helier. We can put them along Broad Street. It is the central hub for the bus service, which I hope people use and one day will be free. Then people can have access to our civil servants in the way that we want them to have. But what I want to talk about is about the definition of regeneration. We talk about regeneration as though it is just about creating shops and selling things to people. The best regeneration that can happen in that area is to regenerate our communities by rebuilding our community. This Assembly voted unanimously - unanimously - for a purpose-built facility for youth and community in that area. I would say to Deputy Maçon that I understand what he is saying, but that would be a second-rate facility. We have seen it elsewhere. A room at the bottom of a Civil Service building with a few houses on top will not be the sort of facility that we need if we are to genuinely build our communities. In the centre of St. Helier it is vital that that sort of centre is the hub for those communities. If you are interested, I can show you some of the things that have happened in areas of the U.K., particularly in London in deprived areas, where they have rebuilt communities together, brought them together and turned what would be horrendous sink estates into vibrant and regenerated areas of life that bring people in and improve the quality of their lives. That is what we are here to do. I do not believe that importing civil servants into that area will regenerate that area. It just does not make sense. I have nothing against civil servants; they are wonderful people. I support them. Let us give them a decent pay rise. **[Laughter] [Approbation]** However, there is more to regeneration than just sticking a few people there. I have to say, and this is nothing

personal, I just felt quite offended on behalf of people in my community that people talk about ghettos, the creation of ghettos, because that is not what we will have. We will create substandard living accommodation, which is what we have now, because we do not have a decent social housing stock that is so necessary for people to move into. Ghettos are a notion that are produced. Working people can regenerate if you give the opportunity for them to take control of their lives and give the opportunity for them to have rights in the way that they live and the money that they can spend. People produce communities themselves. Just some facts for you. Whenever friends come over to Jersey they get quite amused by this notion that we are going to go all the way out to somewhere, and it is about 3 or 4 miles. It is always something you see again and again. Can I just thank Google Maps for this? The distance from Ann Court to West's Centre, the centre of shopping and facilities, is 190 metres. That is all. The distance from Ann Court to the Central Market is 350 metres. So you are talking about regeneration of an area. The area already has facilities. You are just looking at the homes that you are going to build there to facilitate the lives of people and improve the lives of people. Let us look factually at the information that we have. Finally, I would say that it is a simple question. Do we want housing for our people or do we want more offices? We have the International Finance Centre. There is the Waterfront. There is Broad Street. There are offices closing all over the place. But there are certainly not houses being built that are affordable for people who desperately need them. I reject the fallacy that this model of urban regeneration, by putting in civil servants and having a few pop-up shops and coffee bars - and I absolutely agree with that - is going to regenerate an area. It will not. It will produce the façade of regeneration but in the long term it will not happen. Housing is needed now. We need to build the facilities in our community that we have committed to already. I will be supporting this proposition and I urge you to do the same.

[16:30]

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

I am pleased to follow Deputy Ward because I will start by saying the area to the north of St. Helier has been recognised as one of the most densely populated areas in Jersey. It draws from the common goals. What I am referring to is the introduction of the Deputy's very good and well received and accepted amendment to the Strategic Plan. His amendment drew from the common goals of the Strategic Plan of making St. Helier a more desirable place to live, to work, to do business and to visit. It addresses a strategic priority of protecting and valuing our environment in its widest sense, providing purpose-built facilities for young people to access and improve their living environment. I refer to Deputy Maçon's speech where he pointed this out. The comment that Deputy Ward made about perhaps squeezing in a small youth facility, those days have gone, this Assembly and the people of Jersey now recognise, as we have demonstrated and as the Minister for Children and Housing is championing tremendously well. Our thinking has changed on the way we are going to look after the young people in the future. Here lies a unique opportunity to do something really very special for our youth. I build upon the comments of the Constable of St. Helier, who listed his 3 favourite options for the site. I do not disagree with him. Well, I do on the tennis but I will explain why in another speech perhaps. When you look at the map of that part of town and even with the new Town Park - and that is going to be extended - you see the proliferation of housing. It is extraordinary. There it is, you can see. You cannot see the detail but you can see the colour. It is extraordinary that there are such small amounts of green space. It is even more extraordinary that it is down to a binder that we had that Town Park in the first place, and I am pleased to say thinking has moved on. I think - and this is a debate for another day - that we have a unique opportunity to put something different there, not just a building of civic pride but perhaps an opportunity for another green lung and some really good youth facilities. I live near there. I was in Woodville Estate. I spent my formative years - well, I like to think so - in the area, and I thoroughly enjoyed it. We tend to look at life through rose-tinted spectacles when you are a teenager most of the time and I did, but I also remember the long walks through the town streets to get my bus to Les Quennevais School from the Weighbridge in the mornings and long walks back again just through streets seeing buildings and buildings and no trees.

We have an opportunity now to do something really good in the area. I want to also go back to some of the opportunities that have been highlighted. As I have just said, this can help to reduce the over-concentration of housing in the area. I know we need housing; I will come to that in a second. There is an over-concentration of housing and there will be an over-concentration of social rented housing in this area as we move forward. There is also an opportunity to improve social inclusion and mixed communities by having a different development. Now, as Minister for Economic Development I have been doing a lot of work with retailers recently. I have no doubt that this move will help strengthen the retail economy by increasing economic footfall in a key area of St. Helier. I am not sure who mentioned de Gruchys. It might not produce another de Gruchys but it might help Boots and it might help all of the very valuable shops and businesses that run the whole length of Bath Street who are facing severe challenges in the retail market at the moment. Of course, it will maintain the connectivity through Bath Street right up to Le Bas and the north end of town. Like many when I first heard this idea, I was not too keen, but when presented with new facts I can change my mind very easily. If we as an Assembly cannot change our minds from time to time, then we cannot change anything. I understand and appreciate and want to acknowledge the excellent work of Andium, not just on this project but on many projects they have worked on. They are working now on some of the really fantastic ideas they have for the future. The Andium proposal will help if we go ahead with that, but I think the Chief Minister's plan will help even more. In the context of the whole issue, the impact of this development, whatever we decide, in the whole housing challenge issue is not critical insofar as the whole issue is far, far bigger. This is a very, very small part of the huge amount of work that needs to be done in providing the right type of housing for Islanders moving forward. Senator Mézec will, no doubt, allude to that and, of course, we have seen the very helpful report that was produced just recently, which puts some detail around the size of the challenges that lie ahead. So the issue needs a much bigger focus and the fact that we are having this debate now on this issue I hope will focus our minds on the much bigger issue moving forward. Because I think what we all realise is that we have to get behind not just the Minister for Housing but the whole Assembly has to get behind and really put rocket boosters on the efforts to find more housing, to find the right solutions. What the Chief Minister is proposing here is a recalibration of this area that will help the bigger picture. The quickest options are not always the best options. The Andium scheme from now will complete sooner than the other options, but that does not mean it will be the best option. There has been talk of politics at play here. This is the fifth Assembly I have served in and one of the notable differences is that we seem to be getting above that. We seem to be spending less time on politics and more time on being productive. How long that will last I would not like to bet, but I hope it will last for the duration of this Assembly. In some Parliaments - and I use the term loosely because we are an Assembly - politics win. In strong Parliaments the best ideas win. Now, while the Andium idea is a good idea, I believe the alternative is a better idea and that is what we should stick with. Because long term future generations will not thank us if we fill that area with more density of social rented housing. We have an opportunity to do something rather special, so let us please let the debate continue. Let us not halt it at this stage and let us work together to deliver something really special for that part of town.

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

I hope Members will forgive me as my voice seems to be leaving, though I am sure some will be quite pleased about that. I have been really impressed as a new Member to be engaging in a debate and listening to debates. In the first few sessions last year I was worried that we were only spending a couple of minutes in here a day, but this has been reassuring today to hear. I allude to previous speakers' comments about how this feels very productive. I have a feeling the new Members have provided some of that and I am proud to be one of them. I think there is a lot of sense in what the Chief Minister has put down here and it is really encouraging going forward because there is no doubt we have to get much better at what we do. There is no doubt about it. As a young man who grew up in Jersey - and I will get to that bit in a minute - when I get in the back of a taxi or I go out for dinner

or people stop me, what do they talk about, among other things? Look at the state of Fort Regent. Look at the state of Overdale. Look at the state of that, look at the state of this. What has happened? That is the feeling that you have as you walk around most of the Island, and we are trying to get better and make our Island better for not just us, my children and our children's children. I want to talk as probably the only States Member here who lived and grew up on Ann Court as a young boy. I lived at number 31 and to the other side my great-gran lived in a flat at the bottom. So we would spend a lot of time as a family between the 2 flats. My great-gran's best friend's family lived next door to her, so we had a community sense. I went to Janvrin School, so I used to walk to school and I used to spend all my money in the shops every day, much to my parents' displeasure. Then on the weekends we used to take gran into town and we used to go and have lunch in the Central Market, or we would go for Sunday lunch at one of the nearby hotels. Obviously, it only catered, where we were living, for 2 bedrooms, so when our family expanded we had to move. We moved to Rosemount Estate which put me in the Parish I am now proud to represent. The point was, it gave me a great start-up, and our family, there is no doubt about it. I still have friends, we grew up together, and they have all gone on to achieve great things. I do get very upset when I hear terms of "ghettoes" and "rats" because I am standing here today as somebody who lived in Ann Court, who used to go and play football matches at Troy Court or used to go and get in trouble at Elysée a bit further up the hill. But those were my formative years and then my life changed for the better. We had a sense of community. We all looked out for each other. Then we had the Arts Centre which came about. We were always doing things. The idea that is being talked about, about rejuvenating the area with people working... well, I believe our civil servants only work Monday to Friday. Saturday and Sunday is the weekend and people can do whatever they like to do. People live Monday, Tuesday, Wednesday, Thursday, Friday, Saturday, Sunday and, as I have just described, they would quite welcome the idea to boost the Chief Minister's idea of regenerating the area, but then there is also the little problem of cost of living and rising prices. There is this little thing called the internet where most people do their shopping. So it is a mixed debate, but I have been true because I think there has been a lot of talk about manifestos and what we said. I have to be true to the person where I came from, and that was Ann Court. I think seeing the lists of names and people who want affordable housing and want that opportunity to start, then we have to see Ann Court come about now. The Chief Minister's points he has raised are really interesting. I just think it is the wrong time and that is why I will be supporting the proposition.

**9.1.25 Senator S.Y. Mézec:**

I am pleased to follow Deputy Pamplin, who in many ways kicked off this debate with his question to me earlier. I am going to come back to that in a moment. As my comments to this proposition make perfectly clear, I really, really do urge Members of this Assembly to support the proposition being brought by the Deputy of St. Martin. I thank him very much for bringing it and for putting the information out in the public domain that he has in that proposition. The other person who I also want to thank is the Chief Minister because despite the fact that we have a disagreement on this, he has understood my position from the start and it is a civil disagreement and politics is much better when that is how you conduct yourself in disagreements. So Deputy Pamplin asked his question of me earlier about the effect of R.P.I. and the effect that has on affordable housing for low and middle earners in Jersey. I said that I thought back further than the most recent R.P.I. report to the income distribution survey, which I will remind Members in 2015 said that it was the cost of housing that was the single biggest contributory factor for people living in relative low income. That was in 2015 and I dread to think where we are in the years since then. That is why at the recent election I made it my number one issue that I raised at the hustings, that I thought the number one aim of this Government should be to make a concerted effort to improve the standard of living for the people we represent, try to make their lives better.

[16:45]

That is our job, after all. We are not in here to try and make life worse for the people that have put us in this privileged position. That is why I argued robustly that the C.S.P. that this Government produced should have improving the standard of living and dealing with income inequality as one of its key priorities. I was glad that all Ministers got behind that idea and I was glad that we included specifically in our ambitions on that page dealing with affordable housing. I know that there are a lot of things to do and many of those things are going to be incredibly difficult. I guess you could perhaps say in some ways the position of Minister for Housing is a bit of a poisoned chalice because of how difficult these challenges are that we are facing. But on this debate, here is what it comes down to for me: the fact that we have just under 850 applications on an affordable Housing Gateway for social rented accommodation, and every time I look at the page that shows the breakdown of how many of those people are in Band 1. Band 1 is for people who are homeless. That is people facing eviction, people with serious medical issues, people facing pretty dire circumstances that I myself have never faced and would never wish anybody else to face, who spend an inordinate amount of time in accommodation that is completely inadequate for their needs, whether that is because they are over-occupying or whether that is because the walls have damp all over them or the fact that they cannot afford to live there and are getting poorer and poorer every month and every standing order for their rent that goes through. I think of the people who regularly contact me who are in Band 2 of the Housing Gateway, who I speak to very often, often go down to see their properties, and I see the families who are living in properties without the right number of bedrooms for their children. I always had a bedroom to myself as I was growing up. I never had to share a bedroom with my siblings, and I see children of an age where they deserve to have their own personal space and privacy but they are not able to have that opportunity because they do not have the opportunities on the Housing Gateway to go to an appropriate size property. Then I cross-reference those numbers and I see that there are 367 applications for a one-bedroom property and of those 367 just fewer than half of them are people who are requiring to downsize, to free-up a property with more bedrooms that a family could benefit from living in. Then I look again at the number of people in Band 1 who are applying for a one-bedroom property. That number is 130. Have a think, where does the number 130 feature again in this debate? It is the precise number of one-bedroomed properties we are looking to build at Ann Court. This is not back of a fag packet stuff. This is not something that we have just dreamt up 5 minutes ago. This is 10 years to get to this point. A couple of weeks ago I met with the chair of the Jersey Homes Trust, who are also doing excellent work to support people in social housing, who told me the stories of when the Jersey Homes Trust was looking at that site wanting to build social housing there and were made promises and then those promises were reneged upon. They went round in circles and eventually it was not to be and they were not best pleased with that, especially given the contact they have with people day in and day out who are in desperate housing situations. Now we find ourselves in a situation where our state-owned social housing provider, a provider which we are democratically accountable for and which has done, I think, an excellent job at improving the quality of the properties that their tenants live in after decades of neglect to the point where by next year they will all be at good homes standard ... we have a provider that has played this by the book. They could not have done this any better. They have worked incredibly hard. They consulted with the people who live in the area. They consulted the political representatives. I was one of them and I remember going to one of the events they held, instinctively thinking that I would be against it because I do, of course, share the concerns that many people do have about the density of population in that part of town. I was convinced immediately that it was the right thing to do because of the type of plans that they had drawn up, because of the improvements to open public space, because of the car park, this on top of the fact that they are going to be extending the Millennium Park as well, providing even more open green space in a part of town that desperately needs it, and how this is in line with the Island Plan. It is in line with the North of St. Helier Masterplan - remember that document? I would love to see a lot more of that delivered - and the fact that pending the result of this proposition they are ready to go. They are ready to go. They just need that ink on that paper. Contrast that with what we are being suggested as an alternative. The main

picture that has been shown to us looks like it is hand drawn. I do not know if it is hand drawn or not, but it looks like it is. Contrast that with the model that we can show in the room aside to show the full scale of this, the full designs that are all passed and ready to go, that can be made a reality and have people living in those properties sooner rather than later, taken off the Affordable Housing Gateway into property that meets their needs, out of what may be substandard private sector accommodation that they cannot afford, which may be out of properties that they are over-occupying and, therefore, denying the ability of another family to be living there more appropriately. We are talking about stopping that for what right now is nothing more than a concept, a concept with no detail underpinning it, really. If you ask me, some of the projections that we are proposed in terms of freeing-up other housing sites look to me like they veer on the optimistic side rather than the realistic side. So it has been said by some who are opposing this proposition that if we oppose it we have the opportunity to end up with more housing. Let me tell you the reason that I am supporting the proposition rather than opposing it is because I simply do not buy it. I look at this and I look at the dates that are provided, some of which are almost 10 years down the line when there are people who are in need right now, when I see the idea of having housing at Le Bas Centre without any sort of consideration on the fact that it may well be difficult to move the agencies that are operating from there now, including Family Nursing and Home Care, that need decent premises to work from. That may be difficult to find, which may be extra time added on to this. Throw in the fact that we can end up with a third-party planning appeal at any point in this process, how much time does that add on to it each time that happens and who is to say that it will not happen more than once? Look at the hospital. I do not want to dwell too much on the saga of the hospital other than to say that I really do not think the Assembly looks good in this debate, especially if we do not accept the proposition from the Deputy of St. Martin, because it does make us look indecisive. It does make it look like we are prepared to go back on the merry-go-round at the pleasure of the people who are on the Housing Gateway. It does not look good and I do not accept that this is somehow the only opportunity to regenerate that part of town and it is the only opportunity to find a coherent office strategy for the States, things which, of course, I support. Since I think some red herrings have been brought forward in terms of the prospects for alternative sites, I guess I will bring up some of my own red herrings just in case they are helpful to try and balance things out. If we were looking for a site in the area to consider an alternative use for what is currently looked at, there is one. If Deputy Ward wants to check Google Maps, I am sure it is probably less than 100 metres away, the brewery site, which is currently earmarked for housing but is nowhere near the way down the road as the Ann Court site is. So, 100 metres away, maybe less than that, an area in the same location pretty much, better road access as well, fewer concerns about the parking there, that is a conversation we could have. I am not advocating that we have that conversation but if we had it, it would be at a better stage in the process than this one because we would not be delaying the housing projects that we are delaying and have already delayed by getting us to this point. So I do not accept that at all. We had the Objective Assessment of Housing Need Report come out last week, which examines the projections for what sorts of accommodation we will need based on different population scenarios in the next 10 years. It showed that irrespective of what population policy we adopt the need for social housing remains broadly the same. That is why it is important to deliver on that and I am worried, seriously worried, that if we do not accept this proposition, we end up delaying a whole host of things. We are on schedule right now to deliver on what we were aiming for under the previous Island Plan and under Andium's previous plan. We are looking like we are going to get there. We take this away, we do not, and I ask: how do we catch up in that next 10-year period? How many potential open green sites, whether they are in town or outside of town, may we lose because we are having to catch up to find decent accommodation for those people? That is going to be a difficult discussion when we have that Island Plan, but it will be slightly easier if we have reconciled this issue rather than kicking it down the road and not dealing with it. There are other issues that are affected by this, not least the issue of key workers. Senator Ferguson in her speech raised some points which I do not feel the need to address. I will say that my officer has been in touch with Senator Ferguson to arrange an

opportunity for her and I to sit down to try and understand each other's perspective on this. But we had a £23 million public inquiry into Jersey's Children's Services and events over decades that we are all rightly ashamed of, and one of its recommendations to making sure we improve that situation in Jersey was about building a sustainable workforce, making sure we have the best people working in our public services, and recognising that the housing situation for them is one of the things that puts people off coming to work in our services. As an Island we suffer from that and that is why we decided that we would take it upon ourselves to use the Housing Gateway to provide some support in that. Senator Ferguson has concerns about that and I understand that and I hear that, and to a degree they are concerns that I share as well. I think that dedicating large amounts of housing that was built to be social housing to key workers does not look great when there are lots of people on that Housing Gateway list, but I have agreed to what we have signed up to so far because I think the positives outweigh the negatives. That becomes more difficult without this scheme, so we are looking at using Hue Court to provide some key worker accommodation. That allows us to free-up the site on the Limes to do something there. It works well in terms of decanting people, having people in the right sites. We will have to rethink that if we do not have access to these homes which are due to come online, and that I think is worrying. It disrupts other pieces of work that we need to be doing. Deputy Tadier in his speech referred to the fact that the Affordable Housing Gateway is not a reflection of housing need in Jersey, it is a reflection of the need that we have decided should fit under the criteria that we have set. I meet people regularly who if you apply the common sense test to you look at and realise these are people who are in housing need but because they do not fit the criteria set by the Housing Gateway they are not able to benefit from social housing, whether that is people whose incomes are slightly above the threshold but are still at a level where they could never hope to get a mortgage on that income, whether it is people who are single, whether it is people without children. We cannot justify widening that criteria while so many applications remain on the Housing Gateway and while people are remaining in their inadequate accommodation for as long as many of them are. I am finding myself, and I will be perfectly blunt with you, that I have been very upset from time to time when I have had constituents get in touch with me who have been in a housing situation that has gone from bad to worse purely because of the availability of accommodation.

[17:00]

Not the cost, not their eligibility even, but the fact that an adequate property simply did not exist and there was nowhere for them to move to. I had one family get in touch. It was a single mother with 2 children. The only thing stopping her being adequately accommodated was the fact that there simply was not a property coming available on the list. She ended up staying with friends of the family and even for a few nights had to sleep in the car with her children. The children had to receive extra support at school as a result of that. That is an absolutely heart-breaking case and it is one of the reasons that I have decided to make pursuing a homelessness strategy one of my top priorities this year. My work there becomes more difficult without this, without knowing that we have sites coming online that we can manage and that we can bear in mind, and the idea that we might have certain sites available in years after that pending whatever appeals there may be, pending whatever rejections there may be of planning permission. So I think that this is the wrong site to be discussing this prospect with when there are viable alternatives that we are at a better stage to be able to have that discussion. We have a proposal which is ready to go, that causes nobody any harm or disruption if it is allowed to go ahead, and thirdly, and most importantly, it is the human element here. It is the people whose lives are more difficult than they deserve to be on an Island, which is a wealthy Island and could and ought to be doing much better than this. To throw that away for a hand-drawn picture and some overly optimistic assurances that could turn out to be completely wrong, I cannot justify that from my mandate as a Senator and as Minister for Housing and I am finding myself feeling more and more despondent as time goes on when I have constituents get in touch who I am simply unable to help because of the lack of availability. I cannot imagine what it is like to be in that situation because I myself have never been in that situation. There has always been a roof above my head. I

have always had a decent bedroom. I have always lived in a good community. I say as somebody who lives in St. Helier now, I think that St. Helier is a fantastic place to live. I live on the other side of the Millennium Park to Ann Court and I do spend a lot of time there. I go to the cafés. I go to the Arts Centre quite frequently. My drycleaner is just around the corner. There is a great chippie and a great Chinese there as well. It is a great place to be and I do not accept at all the inferences there have been from some that this is about creating some sort of ghetto because that is absolutely absurd. How many ghettos do you know that have parking spaces like this? How many do you know that create new open public space for people to enjoy? I think what quality accommodation are those people living in now. Surely that would be much worse than what they might otherwise be living in. So, I urge Members of this Assembly to let Andium continue with the fantastic work that has led up to this point right now. I say that this is not to reject an opportunity to have a smarter discussion about our office strategy because those opportunities do exist, whether that is with other sites that are currently earmarked for housing but another arrangement could be made, whether that is for other sites entirely at all, but I think this would demonstrate the worst of Jersey politics by saying that we will put government facilities above the needs of people who often are living in desperate circumstances. To consistently delay making decisions, to review things that have gone on for 10 years already, it sends out the wrong message about what sort of Assembly and what sort of Government we want to be. We have committed to improving the standard of living and reducing income inequality. I cannot think of a more perfect opportunity to make true that promise and deliver for the people that have put us here. I urge Members to support the proposition from the Deputy of St. Martin.

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

I should really just sit down after that speech, an excellent speech from Senator Mézec, because I totally concur with everything he said. I am looking at the paper I have in front of me here with the notes I have taken and he has virtually covered every single note I have made today. There are one or 2 things that I want to add and I am going to be very brief because I am conscious of the time and I am conscious that this debate has gone on for a very long time. One of the things I will say about the Chief Minister is he does not make knee-jerk decisions. He does not. I respect him for that. I know he takes time when he thinks about things and that is something that I think is one of his great qualities. I also would say that about Deputy Luce. He is another one, I think, that thought very long and hard before he brought this proposition today because he knew what it meant for both the Chief Minister and Government and what it might mean in terms of housing, but it was the right thing to do. The Chief Minister's speech was something I was expecting in many ways. It was a very calculating speech and I do not mean this in a demeaning way but I felt it was cold to some degree. The phrase "head over hearts" was used and this is not one of those debates, I am afraid. We all know there is a waiting list for homes in the Island and as Senator Mézec has eloquently said, there are a large number of people looking for homes and I think it is important that we deliver on that. When I first heard about Ann Court potentially being a home for States offices, it reminded me a little bit of the first time I heard that People's Park was going to be used for a hospital. I almost could not believe it because we were just about to go ahead with building on it and I did not think it was the right thing to do. I think from discussions I had with like-minded politicians, it was clear that I think it was something that needed to be challenged. One thing I do find disappointing is that, knowing the Chief Minister is a deep thinker and he thinks long and hard and I know he has thought about this for many, many years, I spent probably 20-plus evenings going through an election campaign and I cannot remember once when it was mentioned as being part of his philosophy moving forward. It certainly was not mentioned during his speech as the Chief Minister. Now, that is something that he made a choice to do. It certainly would not have been a vote winner, that is for sure, States offices over social housing, something that we definitely need. But one thing that does worry me, and it does worry me about the hospital as well, is timing and if we do not go ahead with this, if we do not support this proposition this will be another site that will take 18 months, 2 years

plus before we get anything out of the ground. I know the phrase has been used about delays and I do not think this Chief Minister or the Council of Ministers are deliberately trying to delay anything, but it will nevertheless delay what is a much-needed development. Some comments have been put about lack of maintenance on buildings around this Island. One of them is Fort Regent, something I have got a passion for. Cyril Le Marquand House was mentioned. We have got an absolutely horrendous record in the States for looking after our buildings. We have no property strategy. We are talking about one from 10 years ago. Well, the world has moved on a bit in the last 10 years and, frankly, if we were going to go ahead with Ann Court as States offices it should be part of an extensive property strategy that looked at all of our buildings not just in isolation with one particular site. A couple of comments have been made about regeneration and that it would be better to have States offices there rather than housing. My own Minister said that. Where is the evidence for that? If somebody is going to make a comment like that, please provide me with evidence that that is a true fact. It is not central London but there will be nobody in that area during those periods of time. At 4.35 p.m. it is going to be devoid in that particular area of people, irrespective of the fact that this could take 2 or 3 or 4 years to come to fruition. I know there has been talk about alternative sites. There are alternative sites. Some have already been mentioned. If we want to find an alternative site for States offices, we can find it. Senator Mézec mentioned the brewery site only 300, 400 yards away. I walked round there yesterday. It is only 200 or 300 yards away. There is no planning permission on that currently. It is not States owned but there are always deals to be done with developers. I think there are other opportunities to get on with this and make a decision about States offices at a later date. I think primarily we all should be thinking about people that we promised during the election we were going to provide social housing for and make sure we deliver it as quickly as we can. I am a little bit disappointed we have not got a housing forum up and running already that is beginning to look at affordable housing, both social housing and also housing to buy for first-time buyers. It is something we need to move on with quickly. This is a social housing site and again we need to move on with it as quickly as we can. Regeneration has been used for all sorts of issues in Jersey. We have talked about it at the Fort and what that might mean. In terms of regeneration, I have got a lot of time and respect for the Constable of St. Helier who has been let down time and time again when it comes to investment into St. Helier, but it needs to be the right investment at the right time. For me, this is the right investment at the right time. I would urge Members to think a little bit about those who are in need before we think about States offices and providing offices, yes, for our staff and, yes, I agree we do need to rationalise it at some stage. We need to think long and hard about where we put that. This is not the place to put it. We can find somewhere else to put it. I agree we do need to look at it and there are savings to be made, so I agree with the Constable of St. John, there are savings to be made but let us get on with this development, please let us support this proposition and let us get on with building 165 much-needed social rented houses that I know the Minister will fill at the drop of a hat.

**9.1.27 Deputy R. Labey:**

I want to start by addressing Deputy Ward. Deputy Ward can get things spectacularly right. He was right about not charging our E.U. (European Union) nationals to stay here and he brought that up months ago. We should have listened to him then and we would have got the moral high ground and we would have done it then and not just followed the U.K. when it does a U-turn. But Deputy Ward can also get things spectacularly wrong, as we have just witnessed. I have never in this Assembly heard such a running stream of rancid bilge water since I was last on the Constable of Grouville's cow farm. [Members: Oh!]

**The Deputy Bailiff:**

Deputy, I think that extends well beyond political comment into remarks that might reasonably be taken as offensive and I wonder if you would withdraw them and simply make it generalised.

**Deputy R. Labey:**

Of course I will withdraw them, Sir. I thought by being very complimentary at the beginning I might have just taken the sting out a bit.

**The Deputy Bailiff:**

I am afraid it does not work that way.

**Deputy R. Labey:**

Okay. Let me get to the point. Please, please, Members of the Assembly should be in no doubt whatsoever that what the Chief Minister is proposing represents gold dust for the north of town. It is a once in a lifetime opportunity and if he does not believe me, what I will ask the Chief Minister to do ... if we leave the window open here, if we leave the door open for another 3 months, let the Chief Minister come back with his finished concept and we will do the study. We will get the experts to prove, as it can be done, what the 1,500 footfall in this area with the associated disposable income will do to West's Centre, to the Fish Market, to the Central Market, to that whole area of town, what it will do for laundries there, the drycleaners, the paper shops, the little supermarkets. That will be regenerative and it will help the vast amount of socially rented housing tenants that are in the area at the moment. It will be good for them. It will be good for the area. I am sorry, but this argument ... if the Minister for Treasury and Resources and her Assistant Minister have indeed, as Senator Ferguson, suggests, been lobbied by the chairman of Andium, as is his right, with the greatest of respect, they need to listen to today's Chief Minister, not yesterday's Chief Minister because yesterday we did not get housing right. Today we have a chance. Today's Chief Minister knows more about socially rented housing than the rest of this Assembly put together with his work over decades for the Housing Trust. It does represent a massive opportunity.

[17:15]

On this argument that it is only for 5 days of the week, 5 days of the week out of 7 is better than no days out of 7 for this area and it represents a different demographic coming into the area and spending their money in the area. What is happening with town, and we can see it, is that the gradual moving of the axis of the town southwards towards the Waterfront has the potential to cause a vacuum in the north of town and we can see that happening. That is why the Assistant Minister for Treasury and Resources is so, so wrong to be saying: "Let us put the new States offices on the Waterfront." That is the wrong thing to do. We have an opportunity for where we put the States offices to properly reinvigorate an area. The speech of the Minister for Children and Housing, who I like a lot and respect a lot and should be representing the brave new world that we need him to in the Housing Department ... but with a speech like that, which could have been delivered by former Deputy Anne Pryke or former Senator Andrew Green or even former Senator Terry Le Main when they were Ministers for Housing, that script has got to change. We have got to change the way we do things because the smart people are not making the same mistakes. The smart people elsewhere in the U.K. are not building single-use, completely social rented housing blocks. They are going for mixed development and this bit the Senator liked because they are looking forward with mixed developments and they are also looking back to an Aneurin Bevan's living tapestry notion, the famous sentence of which was: "The grocer, the butcher, the farm labourer and the doctor should live in the same street", the post-war developments that you made them mixed developments. They are going back to that and it is not just about these diverse dynamics living in the same street. It is about them working in the same street too. They are reliving that but they are also looking forward at ways ... socially rented housing is so, so important and it is going to be, with the rent generation, the generation that will never be able to afford to buy houses, increasingly important for Jersey. We should have proper socially rented housing in a way that is not 90 per cent of market rates. That is not socially rented housing. We say we are providing socially rented housing. Unless the tenant can afford the 90 per cent, it is not socially rented housing and we need to do better. Good socially rented housing can potentially end poverty, end homelessness; it can end a dependency on benefits; it can

end a lack of aspiration by young people and failure to reach and fulfil their potential. Good socially rented housing can do all those things. It is going to become increasingly popular, so we cannot keep doing what we have been doing with socially rented housing because it has not worked. We have still got housing problems. We are not the only ones with housing problems. We need to be smart and we need to look at what the smart people are doing near us in France or in the U.K. and they are not doing this anymore. They are building mixed developments and what they are doing is they are changing the culture. It is called hybridisation and it is about taking the 3 providers of housing - the state, the market, the third sector - and allowing them some leeway, some hybridity, so that the state and the third sector, allow them to become a little bit more commercial because that helps to sustain the less commercial. With the market, allow the market to be more philanthropic or, through planning, insist upon it. With hybridisation, allowing hybridity in those 3 sectors, that is the way forward, that is the script, that is what I want our Housing Department to be looking at. With the figures about we are going to have to build a new town of 7,000 by 2030, we obviously know that we are going to have to be radical and different because we are not going to be able to fulfil that plodding on as we are, unless we build on every greenfield in Jersey. There is something radical that is going to need to happen. I am not going to suggest what it might be; I have got a few ideas. We are going to need to do that, but in the meantime let us do what smart people are doing with mixed developments. Let us just not repeat the same old same old that we have heard before and that has failed before. When I hear in a debate my opposers say: "Let us just get on with it. This is more unnecessary delay. This is going to delay people getting into their new homes", when I hear the opposing side saying that I know I am on the right side of the argument. I know because I have heard it before. I heard it lots when I brought the La Collette proposition to the Assembly and asked to save a piece of protected open space. I heard all that: "Get on with it. You are delaying people getting into new homes." I heard it from the Deputy of St. Martin when he was a Minister and Senator Moore when she was Minister and Senator Gorst and Senator Farnham. I do not know if they have been down to Green Street recently but it is quite clear that my La Collette proposition caused absolutely no delay whatsoever to that development or people getting new homes or houses. It did absolutely nothing except chop the trees down and take away the green space and put cars on it. In fact, what they are proposing for that is again another block of socially rented housing, all of it. I implore the Minister for Children and Housing to reopen that discussion, take a look at it, because these unmixed blocks of socially rented housing is backward thinking and we want to create mixed communities. Havre des Pas is a perfect example of a mixed community that works and all those people from Havre des Pas who supported me in that campaign, some of them were in socially rented houses, some of them renting the property, some of them were property owners, big properties and small, and they were all united. They would come to the meetings of the Havre des Pas Improvement Group and it is wonderful to see. We won that debate in this Assembly and those Ministers did nothing about it and they failed that community. We must not fail our communities anymore. It is a weird issue, this one, because on the face of it the Deputy of St. Martin is absolutely right. In black and white terms you can completely understand why he brought this proposition, but this is not a black and white issue. Housing is not a black and white issue. Ever since the creation of Andium, the Minister for Housing has been thought of as some kind of non-role. There is no more important portfolio than the housing portfolio in the future, but Housing has got to get with it, they have got to get on the brief, they have got to know what the smart people are doing, and this is not it. This is yesterday's idea. Let us give the Chief Minister those 3 months. Do not close the window now. It is not going to cause any delay. Let him come back. I say to Deputy Pamplin, 3 more months, and Deputy Le Hagarat and Deputy Ward. This represents gold dust for the north of town. Let us put it here because another thing that we lose to the Waterfront, we are creating a vacuum and that is not good for the north of town. This is exactly what it needs. When I first heard about this proposition - I am going to wrap up any minute now, Sir - as it happens, the next day I had a meeting with the Chief Minister about something else. It was getting to exactly the time and I had lunch with a Constable booked at 12.30 p.m. and it was 12.25 p.m. and so I said to the Chief Minister: "Look, you

are pushing at an open door. I do not have time to go into this because I have got another appointment. There are just 3 things I need to know. One is the shopper parking proposed in the development is vital for Central Market, Fish Market, West's Centre, all that area of town. Will you guarantee that the shopper spaces stay?" "Yes." The second question was: "Will you guarantee that we are not going to lose this accommodation, that there will still be some on the site and that what there is not on the site we can quickly, in the same timeframe, get built for people to move into new homes? Will you guarantee that?" "Yes." The third question was: "Is Deputy Judy Martin on board?" and he went: "Yes." She is the most politically savvy person. She cannot be here today. If she had been here, you would know what a barnstorming speech she would have given on this one. She is dead behind this scheme because she knows, she has been the Deputy there for 20 years, what good this can do to this area. With regret, and I understand the intention of the Deputy of St. Martin, but we must give the Chief Minister 3 more months. Please do not shut the door now.

**Deputy M. Tadier:**

Sir, may I ask for clarification?

**The Deputy Bailiff:**

Clarification of the speech?

**Deputy M. Tadier:**

Yes, of the speaker.

**The Deputy Bailiff:**

The Deputy does not have to give a clarification but you are welcome to ask it.

**Deputy M. Tadier:**

The speaker is clearly not a fan of the current proposals as they stand but would he state whether he was on the Planning Panel when it came to him and whether he was one of those who passed the actual plans?

**The Deputy Bailiff:**

I do not think that is a point of clarification of the speech at all. There was nothing obscure. It simply was not mentioned in the speech so it cannot be clarified. Does any other Member wish to speak on the proposition? I call upon the proposer to respond.

**The Deputy of St. Martin:**

Before I start, I am going to be more than 5 or 10 minutes.

**The Deputy Bailiff:**

That is an indication that has been given to the Assembly that the closing speech will be more than 10 minutes.

**Senator L.J. Farnham:**

I propose in that case, Sir, that we continue to sit until we finish the day's business.

**Deputy G.P. Southern:**

Sir, we have a nomination meeting in St. Helier with 10 candidates standing for a place in this Assembly. We have urgent business to do elsewhere. I think we could go over to tomorrow. We will have to do tomorrow to some extent.

**The Deputy Bailiff:**

Could you assist us, Deputy Southern, by saying what time you would need to leave in order to get to the meeting you need to go to?

**Deputy G.P. Southern:**

The election of a Centenier is taking place at 6.30 p.m. The 10 candidates will be nominated at 7.00 p.m., Sir, so we are already getting tight on getting out and getting there.

**Deputy L.J. Farnham:**

Could I propose in that case, Sir, we sit until 6.00 p.m. and see how we go.?

**The Deputy Bailiff:**

The proposal is that we sit until 6.00 p.m. Is that seconded? **[Seconded]** Very well, could Members show if they agree to sit until 6.00 p.m.? Thank you. Very well, the Assembly will sit until 6.00 p.m. Are you in a position to ...

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

I will do my best to keep this as short as I can and if I get to 5.55 p.m. I very much hope somebody will throw something at me to remind me to stop. Deputy Labey's speech has made me write down a couple of notes. The first thing he said was there is no more important person than the Minister for Housing. He might do well to remember what the Minister for Children and Housing said when he addressed us. The other thing was quite interesting because Deputy Guida argued for do not do it like the French and Deputy Labey argued for do it like the French, so it is very confusing. In the final paragraph of my report I used the word "dithering" and on reflection it was not the best of choice of words. I was wrong. Yes, we are dithering about all sorts of things - the hospital, population policy, Fort Regent - but not on this, not on Ann Court, because we have done our dithering, 10 years of it. We have done the propositions, amendments, petitions, plans, revised plans, acquisitions, applications and finally the approvals. We have done the site clearance as well. We have done all that. What is happening now is not dithering, it is destruction. It is potentially the deliberate, determined destruction of our own agreed housing policy to build homes for deserving Islanders and those in need. It is now many years since the then Deputy Le Fondré tried unsuccessfully to build offices on Ann Court.

[17:30]

During the debate in 2011, and to paraphrase Deputy Le Claire at the time, the States sent a clear signal that they were building affordable housing on this States-owned site. Every States Assembly since that time has agreed to this housing site. It is ours, it is ready to go, so I say to Members today, let us stop dithering or destruction or whatever it is. Let us do something positive. Let us make a clear, firm decision that says that we want to get on and start making things better for those people living on this Island. I am not going to pick out anybody in particular - it would take time - but I would say I would like to associate myself with those people who have said they were quite upset about Senator Ferguson using the words "totally uncivilised" and Deputy Guida who referred to a ghetto. I looked it up quickly: a slum area occupied by a minor group. I would want to distance myself as much as I possibly could from those words. **[Approbation]** The one person I do want to pick out is Senator Mézec. He has been strong enough to say enough is enough and stand up for what he knows is right and I thank him particularly for not only his speech but his comments, which I thought were excellent. I thank all those who have spoken in support. Then I get to those who cannot quite feel they can support me and I say to them this: "It is still not too late and I hope in the next few minutes to convince you to change your mind." I then had a section where I was going to refer the speech that Deputy Martin made a long, long time ago, but it would be very unfair for me to do so with her not in the Chamber today. In my opening remarks, I spoke about disappointment and I have to say that I am even more disappointed now than I was when I opened this debate just after lunch. At no time in my opening speech did I mention government offices. That is because this

proposition is not about offices. It is about homes and the desperate need that we have to provide more. I am afraid that Members have forgotten the real issue here. Ann Court is not a designated site to build offices, even if somebody wants to do that. This is an Island Plan-approved housing site. This proposition is about homes. At this point I have to apologise to the Assembly slightly because I now have to go into an unscripted note. Last night we all received our comments papers from the Chief Minister. I was not in a position to look at it until quite late in the evening and then of course we have also had a presentation at lunchtime, which was coincidentally just before the debate started. That is not anybody's fault and I certainly do not blame the Chief Minister, but I do want to run through a few of the comments and then I want to run through what I can of the presentation that we were given at lunchtime. In the comments the Chief Minister talks about public realm, amenities, local businesses and families, but I say to him: "Look at the scheme that is already proposed." He talks about these 700 customers each day accessing services. No, it will not be each day because nothing happens at weekends. Then we get to a section where he quotes the housing numbers and the proposed delivery of houses and units in various places and he gives dates. Then there are 3 words in brackets, which are the most important of the lot here: "All figures indicative" and I am so pleased he put those in because had he not done so I would be fearful of having to say something I might regret. Some of these numbers and some of these dates you just cannot know when they are going to be delivered by. They are certainly not going to be delivered before the date. That is very clear. In paragraph 14 there is a number that we have had quoted to us today. It started at £8 million and now it has moved to £8 million to £10 million, about the cost of decanting from La Motte Street. I do not know where that number has come from. I have not seen any evidence to show how it has been arrived at. It seems to me a bit of a number that has grown for maximum benefit. Then, of course, we have the £6.5 million, which is the money that we have already spent. I say to Members if we are worried about money and we want to do the best, if we want the best number of houses where we will save the most amount of money, do the best all round, let us save the £6.5 million we have invested in Ann Court and recover it, build it like it is, build the application that has been approved. Let us save the £8 million, £10 million for decanting from La Motte Street by decanting to another site. Build houses on La Motte Street as well. We know we have got the desire and the need for it. In paragraph 10 we talk about ... the Chief Minister says: "Not least the efficiency improvements of hosting our government offices" but in the first line of his comments paper he says: "I wish to prioritise housing supply." You cannot say not least this demand for improvements and then go on about housing supply. Then the one I really wanted to talk about was in the middle here. The Chief Minister says in his comments: "This plan revives a previous position whereby Ann Court was the preferred location for the new focal point for our public services." The debate was unanimously passed by the Assembly that it would be a housing site. Any variation from this unanimous scheme is going backwards, in my view. There is absolutely nothing in the Chief Minister's proposal that adds benefit. I will not go on because basically it delivers less houses at a later date on Ann Court and it means some more people waiting. I then go to the paper that we had presented to us at lunchtime and I am going to be even more vague but I would just like to address 2 pages, if I may. The first page is the one entitled *Residential opportunities coming onstream*. I would say to Members the Cyril Le Marquand House scheme 66 units, Le Bas Centre scheme 134, it does not matter what we are doing at Ann Court. It does not matter what we do anywhere else. Those schemes are coming forward, nothing changes. I do not know why they are even on the sheet because what decision we make today makes no difference. If we build out La Motte Street 4 units that is fine, that just leaves us Ann Court. We are still going to be 200 short of the 900 we need, that the Minister for Children and Housing spoke about, in the next decade. In the summary of benefits on the last page: "Longer-term bigger gains in housing numbers", only if we use all these sites that I have spoken about, only if we use them for housing do we get the largest housing numbers: "Supporting independent traders, including the Central Market." You will not have any footfall from your offices on a Saturday when the Central Market is open. I take exception to some of the things that Deputy Labey said, do not upset the balance of the way retail operates in town, Deputy. For

every person that we have heard today talking about we are going to have all these people moving into offices at Ann Court remember one thing, those people are coming from somewhere else. They are coming from a block of offices somewhere else in town where they will not be if they are working in Ann Court. If the offices that they are coming from somewhere else in town then get converted into housing, there will be, like the same argument, a diminution in their spend, it does this all the time. So far moving a big block of civil servants into Ann Court and saying we are going to rejuvenate the whole area and revitalise, just think very carefully about what happens at the opposite end where those people are coming from because the arguments are contra on both faces. I am going to leave that paper and not go further because I have got some important things to say at the end. Ann Court is about creating places for people to live, maybe some of them for the first time away from their parents. It is about homes to bring up families and about homes for retirement in. This proposition is about looking after those we are responsible for. Only 2 months ago the World Health Organisation published new guidelines entitled *Housing Impacts Health*. They say in that report: "Improved housing conditions can save lives, prevent disease, increase quality of life, reduce poverty and help mitigate climate change. Housing is becoming increasingly important to health, in light of urban growth, ageing populations and climate change." All things absolutely relevant to Jersey. Their director general goes on to say: "Raising housing standards is a key pathway for providing healthy housing conditions and improving health and well-being for all." We have the evidence that a cold home is bad for your health, a cold home increases the risk of cardiovascular respiratory rheumatoid diseases, as well as worsening mental health. We know that many Islanders struggle with paying for heating, spending vast amounts of money on uninsulated properties. We know that children living in overcrowded homes are up to 10 times more likely to contract meningitis and 3 times more likely to have respiratory problems. We know that due to overcrowding some people in Jersey have to share beds. Yes, some come home from work from a night shift and get into beds just vacated by children or other people just going off to work. We know that homes containing damp and mould have been directly linked to respiratory problems, allergies and asthma. Research found people with asthma were twice as likely to live in homes with damp as those without. I see I am losing Members' attention, maybe they would like to listen to this. In our very own Jersey School Survey Report from 2018, Deputy Labey, chapter 4, page 27: "7 per cent of children reported sleeping in a bedroom with black mould on the walls or ceilings and those sleeping in a room with black mould were almost twice as likely to require an inhaler due to asthma or other breathing difficulties." Jersey School Survey Report last year. Over 3,000 children took part in that survey, that equates to 214 children sleeping in mouldy bedrooms, 214. But then remember that that was only from 4 year groups, so what is the total number? Probably over 600, 600 children in Jersey sleeping in mouldy bedrooms and we are discussing building an office on a site approved for social housing to help those very children. For years now no one has thought about offices in Ann Court until the Chief Minister mentioned it again recently. The Council of Ministers generally have gone along with the Chief Minister. I say to the Council of Ministers, how dare they do this? But, of course, we know now that it is not clearly unanimous, we know that the Chief Minister is driving it, indeed the Chief Minister who has given the comments paper. I say to the Chief Minister, how dare he just decide to put offices on a site identified and approved for affordable housing, a site that is part of a housing commitment made in this Assembly, a site that is desperately needed to get people out of cold, overcrowded and damp homes? His own Common Strategic Policy says this, he will put children first and I quote: "So they can grow up safely feeling part of a loving family in a community that cares." Does his office block do that? The Common Strategic Policy says this as well: "Improve Islanders' well-being and mental and physical health." Does an office block do that? The Common Strategic Policy says this and I quote yet again: "It will reduce income inequality and improve the standard of living, improve and deliver the quality and affordability of housing." Does his office block do that? Church has been a difficult place for me in recent months but slowly I have returned, taking part in services at Christmas and Plough Sunday and most recently the States Members Service of Dedication. Churches are places where one can find quietness and calm, they are great buildings

for reflection and contemplation, free from the constant bleep of the mobile, a place where one can sit quietly and collect one's thoughts. Those of us who were in the Town Church a fortnight ago took part in an act of commitment and as I sat quietly waiting for the service to start, I read the order of service and noted the words that we were to repeat. During the service we committed to promoting peace and justice, to heal wounds and encourage talents, to honour all that is good and build a society and opportunity for all. But, most importantly, for me we committed to respect our Island and its people entrusted to our care and it is good to be reminded of that. What could be more important than healthcare and housing? Offices, really? States Members' duties include many things but no part of our oath is more important than to undertake our duties with particular regard to the most vulnerable members of the community, including the Island's children and other people for whom the States of Jersey has a duty of care.

[17:45]

I ask Members to think of a warm, light and airy state-of-the-art office block and then I ask them to think of cold, overcrowded, damp and out-of-date rooms and bedrooms. Finally, I ask them to think of their duty of care, their responsibility to all Islanders that they represent. I ask them to support this proposition and I ask for the appel.

**The Deputy Bailiff:**

The appel is called. I invite Members to return to their seats. If Members have had the opportunity of returning to their seats, I ask the Greffier to open the voting.

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

**The Deputy Bailiff:**

There are 2 further items of Public Business for the Assembly, they are both the appointment of Members to various panels. Naturally, we have gone well past the time when normally I would invite Members to decide if they wished to continue; it is agreed to continue until 6.00 p.m. because that is the will of the Assembly.

## **10. Jersey Overseas Aid Commission: appointment of non-States Commissioner (P.147/2018)**

### **The Deputy Bailiff:**

Very well. The next item of Public Business is the Jersey Overseas Aid Commission: appointment of non-States Commissioner - P.147 - lodged by the Minister for International Development and I ask the Greffier to read the proposition.

### **The Greffier of the States:**

The States are asked to decide whether they are of opinion to appoint Ms. Therese Morel as a non-States Commissioner of the Jersey Overseas Aid Commission for a period of 3 years, commencing 6th March 2019 in accordance with clause 7.4 of the Constitution of the Jersey Overseas Aid Commission, as set out in Schedule 1 of the Jersey Overseas Aid Commission (Jersey) Law 2005.

### **10.1 Deputy C.F. Labey of Grouville (The Minister for International Development):**

I do not want to take up too much of people's time, so very, very briefly an outline of Therese's C.V. (Curriculum Vitae) is in the report. But, basically, Therese Morel left Jersey 35 years ago to pursue a career in humanitarian aid. She has held senior positions, both in the U.N. (United Nations), both in the field and at H.Q. (Headquarters). She has run teams of up to 300 staff and a budget of 20 million dollars. I consider that we are extremely fortunate to have scooped her up on her return to the Island. I may remind Members that the non-States Commissioners of Jersey Overseas Aid give a considerable amount of time free, so they do not get paid at all. In proposing Therese, I would like to just pay tribute to Peter Le Seilleur, who is the retiring commissioner. Peter has been with the Commission for 12 years. He has enjoyed it, he has been on many community work projects and, hopefully, he will still be with us as a leader on those projects. I think that is all I can say now, unless anyone has got any questions, I would like to make the proposition.

### **The Deputy Bailiff:**

Is the proposition seconded? [**Seconded**] Does any Member wish to speak on the proposition? Those in favour of adopting the proposition, kindly show. Those against? The proposition is adopted.

## **11. States of Jersey Development Company Limited: re-appointment of Chairman (P.8/2019) - reduction of lodging period**

### **The Deputy Bailiff:**

The next item is the States of Jersey Development Company Limited: re-appointment of Chairman - P.8 - lodged by the Minister for Treasury and Resources. This has not been lodged in sufficient time, so I am taking it that the Minister is going to first ask for the States leave to bring the proposition outside the relevant lodging period.

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

I do appreciate this is controversial. I am seeking the support of the Assembly that this proposition under Standing Order 26(7) be considered by the States at today's sitting, which requires a reduced lodging period. The proposition relates to the re-appointment of the S.o.J.D.C. chairman, Nicola Palios, for a period from 2nd February to 19th June 2020. The reason for the reduced lodging period is purely administrative, driven by the re-appointment date being so close. My Assistant Minister

has written to you all by email last week and has made himself available during the intervening period to answer any questions you may have. I hope that this has provided sufficient comfort to you all to be able to support this request. Sir, I will ask the Assembly to agree that the proposition P.8/2019 be considered at this sitting.

**The Deputy Bailiff:**

The test to be applied is the States can reduce the minimum lodging period if they believe it to be in the public interest to do so. Will Members show if they agree to reduce the lodging period, otherwise I will take it as a formal proposition?

**Deputy R. Labey:**

Sir, do we get to speak on this or not?

**The Deputy Bailiff:**

Very well, that is really what I was asking, if you wanted a formal proposition on it. You propose a reduction on the lodging period, the Minister, is that seconded? **[Seconded]** Does any Member wish to speak on that proposition?

**11.1.1 Deputy R. Labey:**

Yes. I do not want to be petty but I did ask the Assistant Minister for Treasury and Resources for some more information about this proposition, which, as yet, I have not received, I do not think. I would have liked to have been in possession of that information before voting on it; that is all I would say.

**11.1.2 Deputy M. Tadier:**

First of all, we have not heard any arguments as to why it is in the public interest to reduce the lodging time, certainly I did not hear any from the Minister for Treasury and Resources. But I think the second consideration is a practical one, we have agreed to sit no later than 6.00 p.m. tonight or we have agreed to sit up to 6.00 p.m. rather; we have not agreed to sit beyond 6.00 p.m. It sounds like even this part of the debate about whether we debate it today could take more than 10 minutes if everyone is to have their say. It sounds like there were material reasons why people might want to speak for a longer than usual period for an appointment process on this particular appointment. I think it would be both impractical and undesirable to take this today.

**11.1.3 Deputy J.H. Young:**

I think we do need more time because not only is this proposition about a transitional extension, the proposition also talks about a future process about reworking in the board. I think there are issues we need to talk about and need more time.

**The Deputy Bailiff:**

Does any other Member wish to speak? Minister, do you want to respond to ...

**11.1.4 Deputy S.J. Pinel:**

Yes. As I said in my opening remarks, it is only an administrative process because the chairman was previously the non-executive director of S.o.J.D.C. and then changed from that in 2017 to be chairman. It was confusion over the 2 dates that have got us to this situation, which I agree is not excusable, however, we are where we are. If this is delayed S.o.J.D.C. would have to appoint an interim chairman in the meantime and her appointment is purely from February 2019 to 19th June 2020 and then she will have completed her 9 years. It is just this interim period that we want to discuss. I quite understand the concern of the Members because precedents should not be set but it was a totally administrative area I would like them to consider on this occasion. The proposition itself will not take very long at all because she has been chairman, has given 9 years of service. Her

C.V. and reputation are included in the report and she has a very high reputation for efficiency and enthusiasm with S.o.J.D.C. I do not think that will take long, it is really just to agree the reduced lodging period.

**The Deputy Bailiff:**

Very well, all Members in favour of reducing the lodging period ... the appel is called for and I invite Members to return to their seats. I ask the Greffier to open the voting on whether the lodging period should be reduced to enable this item of business to be taken now.

<b>POUR: 30</b>	<b>CONTRE: 14</b>	<b>ABSTAIN: 0</b>
Senator I.J. Gorst	Senator S.C. Ferguson	
Senator L.J. Farnham	Connétable of St. Helier	
Senator J.A.N. Le Fondré	Connétable of St. Lawrence	
Senator T.A. Vallois	Connétable of St. Saviour	
Senator K.L. Moore	Deputy M. Tadier (B)	
Senator S.W. Pallett	Deputy M.R. Higgins (H)	
Senator S.Y. Mézec	Deputy L.M.C. Doublet (S)	
Connétable of St. Clement	Deputy R. Labey (H)	
Connétable of St. Brelade	Deputy J.H. Young (B)	
Connétable of Grouville	Deputy M.R. Le Hegarat (H)	
Connétable of St. John	Deputy S.M. Ahier (H)	
Connétable of Trinity	Deputy J.H. Perchard (S)	
Connétable of St. Peter	Deputy R.J. Ward (H)	
Connétable of St. Mary	Deputy C.S. Alves (H)	
Connétable of St. Ouen		
Connétable of St. Martin		
Deputy K.C. Lewis (S)		
Deputy J.M. Maçon (S)		
Deputy S.J. Pinel (C)		
Deputy of St. Martin		
Deputy of St. Ouen		
Deputy S.M. Wickenden (H)		
Deputy of St. Mary		
Deputy G.J. Truscott (B)		
Deputy L.B.E. Ash (C)		
Deputy G.C.U. Guida (L)		
Deputy of St. Peter		
Deputy of Trinity		
Deputy of St. John		
Deputy K.G. Pamplin (S)		

**Deputy S.J. Pinel:**

May I thank the Assembly, please, Sir? Thank you.

**12. States of Jersey Development Company Limited: re-appointment of Chairman (P.8/2019)**

**The Deputy Bailiff:**

Very well, then the next item is the States of Jersey Development Company, which is re-appointment of Chairman - P.8 - lodged by the Minister for Treasury and Resources and I ask the Greffier to read the proposition.

**The Greffier of the States:**

The States are asked to decide whether they are of opinion under Article 21(b) of the States of Jersey Development Company Limited’s Memorandum and Articles of Association, (a) to re-appoint Nicola Palios as chairman of the States of Jersey Development Company Limited for a further period from 2nd February 2019 to 19th June 2020, in accordance with the Memorandum and Articles of Association, to take effect from the delivery to the company of the notice referred to in paragraph (b) below and (b) to authorise the Greffier of the States, for and on behalf of the States, to deliver a notice to the States of Jersey Development Company Limited in accordance with Article 21(b) of the Memorandum and Articles of Association, to give effect to such appointment.

**Deputy S.J. Pinel:**

The Assistant Minister with delegated responsibilities will take this proposition.

**12.1 Deputy L.B.E. Ash (Assistant Minister for Treasury and Resources - rapporteur):**

Firstly, could I thank the States Members for agreeing to take this item at this late notice? I hope this re-appointment, which I believe is non-contentious, can therefore be supported and approved. This Assembly has on 3 separate occasions approved Nicola Palios’ appointment as a director of the S.o.J.D.C. board, twice as a non-executive director and once as chairman. This later appointment followed a vigorous selection process overseen by the Jersey Appointments Commission. This latest re-appointment would bring her time on the board to 9 years, this being the maximum recommended in accordance with best practice and the U.K. Corporate Governance Code. At the end of this re-appointment period she will stand down. Before then a process to find a replacement will be undertaken, again with the full involvement of the Jersey Appointments Commission. As the report attached to this proposition highlights, the re-appointment is for a period of less than 3 years but brings to the total term of 9 years. This anomaly results from the fact that Nicola Palios was appointed as chairman partway through her second term as a non-executive director. The second approved term of office was from 20th June 2014, expiring on 19th June 2017. However, she was subsequently appointed as chairman from 2nd February 2016 for a period of 3 years to 1st February 2019. As stated, this re-appointment to 19th June 2020 would bring her term of appointment to 9 years. I would like to commend Nicola Palios for her excellent work to date and I am confident that her determination, commitment and experience will continue to benefit the company throughout the period of her re-appointment. All Members will have seen her C.V., the skills and attributes that she brings to this role are abundantly clear. There is no doubt that S.o.J.D.C. has faced a number of challenges in delivering what we in this Assembly have asked them to deliver. The benefit we have had during this time of strong leadership and focus, a consistent vision and effective delivery by the board has been vital to the successes and benefits that we are now starting to see. Nicola Palios has been a major factor in this success and I would ask the Assembly to approve this re-appointment as chairman and I make the proposition.

**The Deputy Bailiff:**

Is the proposition seconded? **[Seconded]** Does any Member wish to speak on the proposition? Those in favour of adopting the proposition kindly show. The appel is called for. I invite Members to return to their seats and I ask the Greffier to open the voting.

<b>POUR: 36</b>		<b>CONTRE: 4</b>		<b>ABSTAIN: 3</b>
Senator I.J. Gorst		Deputy M. Tadier (B)		Deputy L.M.C. Doublet (S)
Senator L.J. Farnham		Deputy S.M. Ahier (H)		Deputy R. Labey (H)
Senator S.C. Ferguson		Deputy R.J. Ward (H)		Deputy J.H. Young (B)
Senator J.A.N. Le Fondré		Deputy C.S. Alves (H)		
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				
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 S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
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 J.H. Perchard (S)				
Deputy K.G. Pamplin (S)				

## ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS

### The Deputy Bailiff:

That concludes Public Business. I invite the chairman of P.P.C. (Privileges and Procedures Committee) to propose the arrangements for future public business.

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

There is only one change to the Arrangements for Public Business on the Consolidated Order Paper, which is the addition of P.12/2019 for 12th March.

### The Deputy Bailiff:

Do Members agree to take that? Yes. Very well, that is the order of Public Business.

## COMMUNICATIONS BY THE PRESIDING OFFICER

### 14. Mrs. D. Abbot-McGuire, States Greffe - retirement

#### The Deputy Bailiff:

Members may wish to note that this will be the final meeting at which Mrs. Denny Abbot-McGuire will be in attendance before she retires. Denny has worked at the States Greffe for over 18 years and has provided wonderful support service to Members behind the scenes. **[Approbation]** Her very varied role has encompassed anything from dealing with jammed photocopiers through to fixing the clock in the Chamber so we do not lose track of time. On behalf of Members I wish to thank her for

her service to the Assembly and we wish her a long, happy and healthy retirement. **[Approbation]**  
Very well, the States stands adjourned until Tuesday, 12th February.

**ADJOURNMENT**

[18:00]