

# STATES OF JERSEY

## OFFICIAL REPORT

**TUESDAY, 12th MARCH 2019**

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[9:36]

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

## **COMMUNICATIONS BY THE PRESIDING OFFICER**

**The Bailiff:**

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

First of all, I am very pleased to welcome, on Members' behalf, His Excellency to the sitting.  
[**Approbation**]

### **1.2 Welcome to Deputy I. Gardiner of St. Helier**

May I also congratulate Deputy Gardiner on her election and welcome her to the Assembly?  
[**Approbation**]

## **APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS**

### **2. Resignation of Deputy C.S. Alves of St. Helier from the Public Accounts Committee**

**The Bailiff:**

I first have to inform Members that I received the resignation of Deputy Alves from the Public Accounts Committee and we will come to that in just a moment.

### **3. Nomination of Deputy I. Gardiner of St. Helier as a member of the Environment, Housing and Infrastructure Scrutiny Panel**

**The Bailiff:**

Connétable of St. Brelade, you have a nomination?

#### **3.1 Connétable M.K. Jackson of St. Brelade (Chairman, Environment, Housing and Infrastructure Scrutiny Panel):**

I would like to nominate Deputy Gardiner as a member of the Environment, Housing and Infrastructure Scrutiny Panel. She has expressed her interest in environmental matters, and I am sure her presence on the panel will be an attribute.

**The Bailiff:**

Is it seconded? [**Seconded**] Any other nominations? Then Members agree, Deputy Gardiner is appointed to the panel. [**Approbation**]

### **4. Nomination of Deputy I. Gardiner of St. Helier as a member of the Public Accounts Committee**

**The Bailiff:**

Senator Ferguson, are you in a position to nominate anyone to the Public Accounts Committee?

#### **4.1 Senator S.C. Ferguson (Chairman, Public Accounts Committee):**

I am first of all grateful to Deputy Alves for her forbearance over the past few months. I am delighted to propose Deputy Gardiner, who has agreed to join us at Public Accounts. She will bring a wealth

of experience and expertise, with the added bonus that the distaff proportion of those sitting round the table will now be in the majority.

**The Bailiff:**

Is that seconded? **[Seconded]** Are there any other nominations? Then I declare Deputy Gardiner has been elected as a member of the Public Accounts Committee. **[Approbation]**

**QUESTIONS**

**5. Written Questions**

[9:45]

**5.1 DEPUTY K.F. MOREL OF ST. LAWRENCE OF THE CHIEF MINISTER REGARDING THE LICENCES ISSUED TO EMPLOY NON-QUALIFIED STAFF IN THE WHOLESALE AND RETAIL SECTORS: [WQ.127/2019]**

**Question**

How many licences to employ non-qualified staff were removed from the wholesale/retail sector in 2018 and what percentage does this constitute of the total number of such licences removed from all sectors?

How many licences to employ non-qualified staff remain in circulation within the wholesale / retail sector?

**Answer**

- 1) Registered permissions removed from wholesale/retail sector = 114
- 2) Percentage as of total from all sectors = 15%
- 3) Registered permissions available within wholesale/retail sector = 867

Business licensing publish data each quarter. See below for December 2018.

<https://www.gov.je/Government/Departments/CustomerLocalServices/Pages/PopulationOfficeReports.aspx>

**5.2 DEPUTY K.F. MOREL OF ST. LAWRENCE OF THE MINISTER FOR THE ENVIRONMENT REGARDING THE USE OF FIELDS FOR HORSE-DRIVING EVENTS OR OTHER EQUINE ACTIVITIES: [WQ.128/2019]**

**Question**

How many fields have been approved for change of use from agricultural to horse driving events or other equine activities (a) since 1st Jan 2018, (b) between 1st Jan 2016 and 31 December 2017 and (c) between 1st Jan 2014 and 31st December 2015?

**Answer**

It is not possible to answer this question in full. While there are two independent Laws in Jersey that control the use of agricultural land, neither control nor capture all changes of use from agricultural use to horse driving events or other equine activity.

The two laws are as follows:

**Agricultural Land (Control of Sales and Leases) (Jersey) Law 1974**

The purpose of this Law is to control the occupation and use of agricultural land and ensure that a stable, viable agricultural land bank is retained for the farming industry. The Law covers approximately 65% of the farmable land area of the Island, with land owned or inherited pre the law being exempt from restrictions. Therefore, equine use on areas of land without restrictions is allowed and not recorded.

General points in relation to the 1974 Law:

- Since 1974, conditions have generally been placed on larger farmable land when it is sold or gifted that exclude the use of the land for grazing of equine animals.
- Land that has previously been used for equine activities may not have equine restrictions imposed when the land is sold or gifted.
- Short term grazing of equines on land with conditions is allowed if this forms part of an agreed rotation practice.
- Land inherited since the Law came into force retain any conditions that existed on the land pre-inheritance.

The 2006 Rural Economic Strategy recognised the keeping and grazing of horses for commercial purposes and the breeding and keeping of livestock (including horses) as agricultural activities. Since 2006 equine activities could and have been approved under the Law by long term license.

The table below sets out the number of fields (and associated verges) where conditions existed under the Law that excluded the use of grazing of equine animals and permission was given under license for a 3 year period for equine use. Licenses are only issued following a request by the land owner for a reduction in conditions and an advertising process to assess the agricultural need.

Period	Amount of Fields	Area in Verges
2018 to present	6	20
1 <sup>st</sup> Jan 2016 to 31 <sup>st</sup> Dec 2017	12	48
1 <sup>st</sup> Jan 2014 to 31 <sup>st</sup> Dec 2015	6	22
Note: A single field may have more than one license issued during the 2014 to present time period		

In addition, any new equine business who submits a business plan may receive approval under license to occupy agricultural land with conditions for the use of equine activities. While records kept do not capture the number of fields associated to new equine businesses, approximately 100 verges of land have been licenced in this way between 2014 and 2019.

### **Planning and Building (Jersey) Law 2002**

One of the purposes of this Law is to establish a plan for the sustainable development of land and to control development in accordance with the Island Plan.

The use of agricultural fields for the grazing of livestock (including horses) or horse driving events is generally regarded as an agricultural activity and does not normally require planning permission. The permanent change to some recreational equine activity, such as the creation of a sand school or a horse-driving arena, or the construction of stables may require planning permission.

The Law allows the Minister for the Environment by Order to grant planning permission in respect of a class or classes of development specified in the Order. The Planning and Building (General Development) (Jersey) Order 2011 (GDO) sets out these classes of development that have planning permission, generally referred to a ‘permitted development’.

Up until the 29<sup>th</sup> December 2016, the GDO allowed as permitted development, subject to certain conditions, the erection of a structure on agricultural land to shelter livestock, and the creation of an equestrian sand school for private use on agricultural land. The GDO did not permit such development on Listed Buildings and Places, or where the works involve excavation of ground, or the land or building is in an area of archaeological potential (AAP). The effect of the order means that only *some* equestrian developments are required to pass through the planning process and become a matter of public record, as part of the Minister's Register of Planning Applications (published on Gov.je).

From the 30<sup>th</sup> December 2016 the GDO was amended to include changes to the conditions that sit against the permitted development rights for the construction of shelters for livestock; this had the effect of further limiting the size and number of shelters that may be erected without the need for planning consent. On this same date, permitted development rights for the creation of equestrian sand schools were entirely removed from the GDO; meaning that all sand schools on agricultural land have since required planning consent and will be held on the Minister's Register. Given these evolving regulatory parameters and the continued existence of permitted development rights under the GDO, it is impossible to accurately report, or even estimate, the number equestrian changes of use that might have taken place during the periods requested by Deputy Morel.

The Minister's Statutory *Register of Planning Applications* (published on gov.je) includes a record of every planning application submitted in relation to the period referred to in the question. However, because of the large variance in the application descriptions used by applicants, a search of the database may not find all of the results to satisfy the inquiry. Attached is a report created by the Planning department from the database. It shows all approved applications which contain the word 'horse' in the description, between the dates requested.

If the Deputy would like detailed information on a specific field, I can ask officers to review the records held and provide full information relating to that site.

**Application description containing: "horse" DECISION DATE from 01/01/2014 to 05/03/2019**

Ref No. Decision	Validate Decision Date	Address	Proposal
P/2016/1401 of all-weather equestrian riding Francief, St. Brelade base with Activ-track topping within perimeter retaining boards and associated landscaping) for use	06/10/2016	Field No. B978, La Route du APPROVED area (including site levelling, compacted hardcore	Proposed formation 05/06/17
P/2016/0009 tackroom and office to North of field St. Martin with hardstanding for race horse training and livery business. Change of use of sandschool to use by race horse training and livery business. Construct reservoir	13/01/2016	Field No. 494, La Rue des Buttes APPROVED	Construct store, 19/05/16
P/2017/0431 stable and store to South of existing Ville au Neveu, St. Ouen	05/04/2017	Le Jardin Mure, La Rue de la APPROVED site.	Construct horse 19/06/17
MS/2017/0478 marquee for the horse racing Chemin du Chateau, St. Ouen corporate and/or private events within a season for a 2 year period during 2017 and 2018.	12/04/2017	Les Landes Racecourse, Le APPROVED season (April-September) and to hold up to six	Construct member's 22/06/17
P/2014/0135	28/01/2014	Les Landes Racecourse, Le	Retention and use of

members marquee for holding Chemin du Chateau, St. Ouen AMENDED DESCRIPTION: Use of marquee by members for the horse racing season	APPROVED	29/05/14	corporate and private events up to six times per year.
P/2016/1060 horse stables. Chesnaie, St. John	04/08/2016 APPROVED	Field No. 1053, La Rue de la 07/11/16	Construct 3 No. bay
RC/2015/1933 and 6 to P/2014/0135 (Use of Chemin du Chateau, St. Ouen (April-September) and to hold up to six corporate &/or private events within the season) to enable continued	31/12/2015 APPROVED	Les Landes Racecourse, Le APPROVED	Vary Conditions 3, 4 22/03/16 marquee by members for the horse racing season
RC/2016/1725 condition A (to commence within 5 Mary years) to extend permission P/2012/1176 (Restoration of the horse stable, pigsty and potato loft and conversion of the first floor of the potato loft to a	06/12/2016 APPROVED	The Elms, La Cheve Rue, St. APPROVED	Vary standard 07/03/17
P/2018/1333 Field L474 from agricultural to horse St. Lawrence 1No. judging shed to North of site.	25/09/2018 APPROVED	Field No. L474, La Rue du Vard APPROVED	Change of use of 21/02/19 driving events. Retrospective: Install 2 No. sheds and
P/2018/0063 horse stable to South-West of Grantez St. Ouen	24/01/2018 APPROVED	Field No. O1471, La Rue de APPROVED	Construct three bay 20/03/18 site.

### **5.3 DEPUTY L.M.C. DOUBLET OF ST. SAVIOUR OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE USE OF THE BIRTH POOL AT THE GENERAL HOSPITAL: [WQ.129/2019]**

#### **Question**

Can the Minister indicate whether women are routinely offered use of the birth pool at the General Hospital when in labour?

How many women used the birth pool in each of 2016, 2017 and 2018 and how many requests to use the pool were refused in each of those years?

In terms of planning for the provision of such facilities in the future General Hospital, what best practice guidelines is the Minister proposing to follow? What plans does the Minister have to consult with families on the provision of maternity facilities and when does he propose for such consultation to take place? Will the Minister also consult on the provision of facilities for the other parent to stay overnight in the Hospital with the mother and baby?

#### **Answer**

**Can the Minister indicate whether women are routinely offered use of the birth pool at the General Hospital when in labour?**

Women are routinely offered use of the birthing pool as part of their care in labour. All women who choose to use the pool are subject to a risk assessment. Many women use the pool for some time during labour, but do not remain in the pool for delivery.

**How many women used the birth pool in each of 2016, 2017 and 2018 and how many requests to use the pool were refused in each of those years?**

The number of women using the pool was as follows:

2016	<b>81</b> women used the pool during labour <b>12</b> women delivered in the pool
2017	<b>80</b> women used the pool during labour <b>24</b> women delivered in the pool
2018	<b>57</b> women used the pool during labour <b>28</b> women delivered in the pool

Easily accessible information on the number of women who were refused use of the pool is not kept, but refusal would only have occurred following a robust risk assessment.

**In terms of planning for the provision of such facilities in the future General Hospital, what best practice guidelines is the Minister proposing to follow?**

Best practice – informed by reports from the Department of Health, National Institute for Health and Care Excellence and the NHS – is to provide pools within a consultant-led facility and alongside a midwifery-led facility. Pools will also be available for women who wish to deliver at home.

**What plans does the Minister have to consult with families on the provision of maternity facilities and when does he propose for such consultation to take place? Will the Minister also consult on the provision of facilities for the other parent to stay overnight in the Hospital with the mother and baby?**

Health and Community Services is working on a strategy that will see greater service user involvement in how maternity services are delivered, including a working group that will consider how best to engage with and respond to the opinions of parents. Any future refurbishments to the maternity unit would be informed by such initiatives.

At present, the department encourages women to share their experiences of the service through a monthly “Listening Clinic”, which is facilitated by a senior team of midwives known as Professional Midwifery Advocates. This team offers debrief sessions for women both at the hospital and at home and seeks to learn from and build on the experience of women it has assisted.

#### **5.4 DEPUTY R.J. WARD OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE REPAYMENT OF BENEFITS OVERPAYMENTS: [WQ.130/2019]**

##### **Question**

How many people are currently repaying benefits overpayments where more than one year has elapsed since the original overpayment?

What are the mean and mode averages for the level of weekly repayments in these circumstances?

What is the mean and mode average period in months that such repayments will continue to be taken?

What guidelines are used to calculate repayments in such circumstances?

##### **Answer**

It is not possible to break down repayments of Social Security benefit into those where more than one year has elapsed since the original overpayment.

The Department does not have fixed guidelines for repayment amounts because levels of claim adjustment are set individually for each household claim on a case-by-case basis.

**5.5 DEPUTY R.J. WARD OF ST. HELIER OF THE MINISTER FOR ECONOMIC DEVELOPMENT, TOURISM, SPORT AND CULTURE REGARDING BUSKING PERMISSIONS: [WQ.131/2019]**

**Question**

With reference to the answer to Written Question 78/2018, can the Minister state what progress has been made with updating current busking permissions?

**Answer**

Busking remains a matter for the Bailiff exercising common law powers.

However, as outlined in previous answers given on the matter, it is an area of interest for the Assistant Minister, Deputy Tadier, who has outlined the potential for some changes to the busking guidelines, particularly in relation to Christmas busking and amplified music.

The Assistant Minister has held discussions with the Bailiff's office who currently manage the administration of busking with the support of the Jersey Arts Centre, under the remit of public entertainment.

He has also met separately with the Arts Centre director to discuss possible changes to the guidelines.

Discussions are continuing with the Bailiff's Office to determine what changes might be made as well as what steps could be taken to facilitate and promote busking and street entertainment. This will also involve discussions between the Assistant Minister and other stakeholders, including the Parish of St Helier.

**5.6 DEPUTY R.J. WARD OF ST. HELIER OF THE MINISTER FOR EDUCATION REGARDING THE USE OF ADVISORS BY THE DEPARTMENT OF CHILDREN, YOUNG PEOPLE, EDUCATION AND SKILLS: [WQ.132/2019]**

**Question**

With reference to the answer to Written Question WQ.113/2019, which stated that the Department had spent £199,624 on advisors in 2018, can the Minister indicate –

- (a) the names and/or company names of the advisors used;
- (b) where tax was paid by those advisors;
- (c) the specific improvements to education in Jersey arising from the amount expended on advisors in 2018;
- (d) the criteria for determining the success of advisors and whether or not they may be re-employed;
- (e) the projected spend on advisors in 2019; and
- (f) how many of the advisors used in 2018 have subsequently been employed in full- or part-time posts by the Department for Children, Young People, Education and Skills?

**Answer**

a), b), c), d)

The following advisors were used in 2018:

Marc Rowland, Rosendale Primary School; Caroline Daly, Insitute of Education; UCL Margaret Mulholland, Swiss Cottage Teaching School and Development & Research Centre; Steve Rowe, GS Rowe; Alan Taylor- Bennett, Taylor-Bennett Education Solutions Ltd; Margaret Dickinson, Klyx



Education Ltd; Andrew Redpath Alwyne Jolly, Weatheroak Inspections Ltd; David Rosenthal; Gehane Gordelier, Gordelier Education Ltd; Judith Rundle, RGB Business Solutions; Juliet Jaggs; Richard Moore, Richard Moore Solutions; David Reedy; Further Education Associates and Longhouse Business Services.

They are all UK-based and are responsible for their own tax returns - and I am not aware of further details on their affairs.

They are all contracted, and re-contracted as appropriate, in line with relevant procurement policies and procedures, and specific improvements and evaluation methods are used to review of their work, for example, with reference to feedback from schools, and against benchmarks in other jurisdictions. As to improvements in 2018, these include greater consistency with regards to the approach to safeguarding; improvements in self-evaluation; more staff are trained in peer review processes and more training is being planned; and more training on the pupil premium and around leadership has taken place.

e) £181,000

f) None

**5.7 DEPUTY K.G. PAMPLIN OF ST. SAVIOUR OF THE CHAIRMAN OF THE STATES EMPLOYMENT BOARD REGARDING ABSENCES BY STATES OF JERSEY EMPLOYEES DUE TO REASONS CONNECTED WITH MENTAL HEALTH: [WQ.133/2019]**

**Question**

Can the Chairman state how many States of Jersey employees, broken down by the department or section of the States in which they work, have either (a) been signed off work, (b) requested from their line manager support or a period of leave, or (c) left their place of work or had their contract ended due to any form of reason connected with their mental health since 1st January 2018?

**Answer**

a) As of end of February 2019, the breakdown of employees who have reported sick since January 2018 with a mental health related reason is shown below.

It is important to note that this includes sickness of differing lengths of time, for example, one staff member could have half a day, and another could have much longer, and they would be recorded in the statistics below just as two separate occurrences with the same weighting, even though they are of a different duration.

For a period of sickness of over 3 days in a row, a medical certificate would be needed; while for shorter single periods of sickness, a certificate would not normally be needed. The figures below therefore include absence under a medical certificate and absence which is ‘self-certified’.

Department	Total Staff
Chief Operating Office/ Strategic Policy, Performance	8
Children, Young People, Education	106
Customer and Local Services	34
Growth, Housing and Environment	50
Health and Community Services	253

Justice and Home Affairs	55
Non Ministerial	18
Treasury and Exchequer	19
<b>Total</b>	<b>543</b>

- b) Requests for leave are agreed directly between an employee and their line manager. Reasons for leave requests are not recorded unless they are categorised under Special Leave (e.g. bereavement, carers leave, etc.) or sick leave.
- c) Where a person leaves on ill-health grounds, we do not record the specific health reason for them leaving. However, to provide some context, during the period from 01 January 2018 to date, 32 employees have left their employment for health reasons.

Separately, and in addition, of those employees who have received ill health retirement, none were ill health retirements on the grounds of mental ill health.

#### **5.8 DEPUTY K.G. PAMPLIN OF ST. SAVIOUR OF THE MINISTER FOR CHILDREN AND HOUSING REGARDING THE SUPPORT PROVIDED TO PEOPLE WITH MENTAL HEALTH CONDITIONS APPLYING FOR SOCIAL HOUSING OR HOUSING SUPPORT: [WQ.134/2019]**

##### **Question**

Can the Minister confirm what processes and support are in place to support people with mental health conditions applying for social housing or housing support; and what steps his Department is taking to provide additional processes or support for such people?

##### **Answer**

People with mental health conditions require a multi-agency approach with key agencies working alongside each other to share relevant information and coordinate proportionate responses.

If the person with the mental health condition is under 50 with no dependants, they can apply for social housing via the Supported Housing Group (SHG) with a support plan from mental health services. If the person with the mental health condition is over 50 years of age and meets the Affordable Housing Gateway (AHG) criteria, medical information would be gathered to support their application. However, if they were unable to live independently without a package of care, they would also be encouraged to apply via the SHG.

The SHG is a mechanism for those who do not ordinarily meet the standard pathway via the AHG to access stable accommodation.

The SHG is run by Andium Homes and consists of a number of agencies & 3rd sector organisations. The group consists of the following agencies:

- Adults Social Care Team (including the Brain Injury Service and Learning Disability Team)
- Autism Jersey
- Barnardo's
- Community Mental Health Team
- Children's Service (Leaving Care Team)

- Drug & Alcohol Service
- Headway
- Independent Domestic Violence Advisors
- Jersey Association of Youth & Friendship
- Occupational Support Unit, Customer & Local Service
- Probation & Aftercare
- Sanctuary House
- Shelter

Agencies are able to refer their clients to the SHG and are required to provide a package of support in order to ensure that once suitable housing has been identified in the community, their client has the best chance of having a successful tenancy. A 2-year tenancy is typically offered by Andium Homes, during which time the referring agency is responsible for carrying out at least 4 reviews of the client's tenancy and to work closely with Andium Homes to provide ongoing support & advice.

People admitted to acute inpatient mental health units often experience heightened stress and distress. It is essential that their problems are not exacerbated by additional financial pressure or fear of losing their accommodation.

The Core Assessment, Risk Assessment and Care Plan are created during the initial period following admission and information pertaining to finances and home circumstances are gathered. If the patient is in receipt of any Social Security provision this information is provided to a social worker. The same applies if there are concerns relating to housing.

A protocol has been set up to provide contact between Adult Mental Health Social Workers and the Safeguarding Manager within the Customer and Local Services Department to look at liaising/supporting patients due for discharge. This protocol provides a process to ensure that no one will experience unnecessary adverse financial consequences through requiring inpatient treatment.

The Disability Strategy for Jersey (2017) set out a series of relevant principles for social housing allocations e.g. the provision of accessible advice and guidance on housing options. In response to this, a review of access to social housing is underway which includes consideration of pathways for people with specialist housing needs.

## **5.9 DEPUTY K.G. PAMPLIN OF ST. SAVIOUR OF THE MINISTER FOR EDUCATION REGARDING THE PROCESSES IN PLACE TO TACKLE THE EARLY STAGES OF MENTAL HEALTH PROBLEMS AMONGST SCHOOL-AGED CHILDREN: [WQ.135/2019]**

### **Question**

Can the Minister for Education confirm what processes and support are in place to tackle loneliness, social isolation and the early stages of mental health problems among school-aged children; and what steps her Department is taking to provide additional processes and support in relation to such matters.

### **Answer**

The Education Department provides services and support for children and young people through schools, and the Youth Service, within the community. This is typically in response to children and young people who are either reporting or presenting with emerging mental health, well-being or other presenting needs, which prevention and early interventions and Early Help can be an appropriate

response to ('nipped in the bud'). All services are organised to ensure they are appropriate and accessible for children's age and stage.

## **Schools**

Since 2015, an offer of services and support has been developed, which provides a graduated response for children, who may present with need that sit on a continuum of complexity. This ensures children are able to access the right support at the right time. This is further reflected in a redesigned and renamed service – Psychology and Well-being (PAWBS) – which ensures issues of well-being are visibly a priority for the Education Department. Key developments in the area of mental health and well-being include the following:

### Workforce development

Since 2015 schools have been introduced to the concept of termly PARMs (Planning and review Meetings). The PARM is a multi-agency forum, empowered and informed by the school and their community needs. This can be attended by a range of professionals including Educational Psychologists, Well-being Facilitators, Primary Mental Health Workers, Education Welfare Officers, Family Support Workers and members of school staff. The focus of the PARM is to explore appropriate support for individual children and young people, review progress, streamline access to the appropriate service for further insight, discuss systemic issues and professional training needs and discuss what support needs to be offered to the school to promote early intervention and inclusivity. Whilst a theme underpinning each PARM is to have regard for mental health and well-being, associations with vulnerability, attendance, behaviour, special educational needs and adult support can also be discussed.

Since 2015, The Education Department has introduced a training offer for schools, which ensures school-based professionals are able to understand and respond proportionately to children with mental health and well-being needs. The offer includes training in the following areas: Supporting staff well-being; Mindfulness; Mental Health First Aid; Promoting positive mental health and resilience in children; Implementing the FRIENDS programme; Responding to bullying in schools; Responding to pupil distress; supporting anxious pupils; supporting self-harm; Understanding ADHD; LGBTQ (co-delivered with Liberate, Youth Service and CAMHS). This training is always well attended and positively evaluated and, with the exception of Mental Health First Aid (offered by MIND Jersey) is offered free of charge. 2018 has also witnessed many of the courses being offered to any professional who works with children and young people, with the PMHT offering to develop training specifically for teams/agencies in relevant areas, as demand arises, and an ability to offer training to teams on location if so desired.

Telephone consultation lines have also been in operation since October 2017, available to any professional working with children and young people seeking professional support, signposting etcetera to streamline access to appropriate services and upskill. These lines have been offered by the Educational Psychology Team, Well-being Team and Primary Mental Health Team and are now accessible to any family member including children and young people (excluding PMHT). Parentscope meetings are also in operation, taking place at three separate locations across island every 6 weeks, encouraging access to a range of services for families wishing to talk face to face and seeking consultation external to their school based environment.

### Emotional Literacy Support Assistants (ELSAs)

The ELSA model has been introduced to the significant majority of schools in Jersey. ELSAs are school based professionals (typically keyworkers), who have attended a six day training course with indefinite, ongoing, half termly clinical supervision delivered by the Psychology and Well-being Service (PAWBS). This equips them with the skills to provide early support for all children presenting with emerging well-being needs. ELSAs are also provided with twice termly CPD sessions

and an end of year annual conference facilitated by the PAWBS. There are currently 70 ELSAs providing support to children in Jersey schools with plans for further training of new cohorts available in June 2019 following demand from schools. All training, clinical supervision and CPD is delivered free of charge.

### Well-being Team

The Well-being team (team of 4 representing 2.46 fte) provide a peripatetic service to all provided and non-provided primary schools. The role and contribution of this team has continued to develop and includes a mix of casework (1:1); small group work; whole class work, support and consultation for school based ELSAs and the development and delivery of training. The well-being team are all trained in, and implement the FRIENDS approach – this is a licensed, manual-based approach (CBT methodology) designed to support children with emerging symptoms of anxiety/depression to more complex well-being needs. As integral members of PAWBS they also co-develop and co-deliver relevant training modules with other PAWBS teams and colleagues from other agencies e.g. Sleep, Mindfulness, Fitting The Oxygen Mask (support for senior managers to nurture the well-being of staff). The Well-being Team are also attending further training across the academic year of 2018 - 2019 focussing on working therapeutically with children and young people with the hope of reviewing the range of services on offer in the future to further enhance service delivery.

### School-based Counselling (SBC) Services

A review of school-based counselling services was undertaken in 2014. This led to the development of professional, operational guidelines to support robust governance around these roles and a requirement on schools to report on the activity and performance of their SBC to the Education Department (via the Principal Educational Psychologist). This guidance has also been revised and updated in 2016 and 2018. The Psychology and Well-being Service oversee the clinical supervision of all SBCs. The number of SBCs has steadily increased and all but one secondary school provides a counselling service for its pupils (10 posts operating on island from September 2018). The most recent annual audit of this service indicates that students are seeking this form of school based therapeutic support with, for example, 615 students accessing a counselling service during the academic year 2017 – 2018 and 3158 therapeutic sessions delivered in total. SBCs are also encouraged to work in partnership with other PAWBS teams and are currently working with members of the Primary mental health Team to explore supporting exam stress and periods of transition.

### Primary Mental Health Workers (PMHWs)

In partnership with Health and Community Services (CAMHS), 2.0 fte PMHWs have been seconded to the PAWBS since June 2017. These posts are ‘new’ and have been developed to extend the offer of support (and with this, expertise) available across all schools and the wider community, thereby encouraging and upskilling all to recognise their role as early intervention mental health practitioners. The post holders provide: consultation and advice; training and development; 1:1 and small group support in addition to developing and facilitating projects. A weekly triage clinic for children, young people and their families, alongside CAMHS colleagues, was also piloted from June 2017 to July 2018 but has currently paused whilst colleagues within CAMHS assess future focus. Parent workshops and a pop up information stand have been offered through the main library over the summer holidays whilst parent/family workshops are offered throughout the year via schools regarding core subjects e.g. supporting and managing anxiety, understanding ADHD. Mindfulness and compassion group workshops have also been offered to students and to parents with future plans to offer this service to professionals. Links with many voluntary sector agencies, professional agencies and all Jersey GP surgeries continue to be forged.

### Counter-bullying

Due to the evidenced relationship between bullying and mental ill health, a project that looked to understand and respond to this issue has been prioritised and developed as a piece of ongoing action research over the last 18 months. This is being led by the PAWBS with active involvement from school representatives and other partner agencies e.g. The Police. The project has included: seeking the views of over 2000 pupils and 500 school-based professionals on issues of bullying (illuminative research); establishing a focus group to review local evidence and manage project activity; review and improve the Department's policy (with a view to achieving practice change in schools); develop resources and introduce approaches to support children; parents and school staff in this area. This will take place working actively with the Diana awards to further develop schools anti-bullying strategies and up skilling children to tackle bullying within schools.

#### Multi agency, partnership working

PAWBS chair a termly mental health network meeting devised to share ideas, news and good practice to better support the Jersey community by avoiding duplication, promoting the work achieved by all agencies and working together. To date representatives from the following agencies attend: MIND Jersey, Eating Disorders Group, YES, Liberate, Drug and Alcohol Service, Silkworth, Citizens Advice, You Matter, Hospice, NSPCC, Jersey Recovery College, Specialist Community Public Health Nursing, Libraries Services, Brook, The Primary Mental Health Team, the Educational Psychology Team and The Well-being Team.

Strategic roles are also adopted which include:

- Education lead for Parentscope Project;
- Chair of the Mental Health Network;
- Education Lead for prevention of suicide;
- Virtual School Head teacher for Looked After Children (LAC) until 2018, now adopted by a member of SEMHIT (Social Emotional Mental Health and Inclusion Team);
- Membership of the multi-disciplinary Autism and Social Communication (ASC) diagnostic pathway and steering group;
- Previous Education representative on Mental Health Criminal Justice Forum;
- Education representative on Legal Information for Young People Project.

Since September 2017 the Principal Educational Psychologist has met with Youthful Minds every 6 weeks. This is a participation group formed by young people who have experienced mental health challenges and MIND Jersey. The meeting enables the Education Department to share ideas and thoughts with young people who also have the opportunity to feedback themes and concerns to inform future planning and joint work. Joint projects have included a review of CYP use of JOD (Jersey Online Directory), a pop up information stand at the local library during the summer holidays and support during recruitment processes for new staff.

Throughout 2018 the formation of the Jersey Student Council Network has also been a focus. All Jersey schools have been offered training and support in auditing or creating effective student councils within schools, promoting student voice and engagement. This has culminated in the first forum meeting in October 2018 when students from participating schools came together to establish a collective, capable of informing processes and professionals through voice and participation (VAP), identifying themes through consultation with their fellow students etcetera. Work continues to link this forum with The Children's Commissioner's Office and Youth Connect and to co-produce a process that empowers children and young people to share ideas, give advice and seek support when they feel they need it.

## **Youth Service**

The Jersey Youth Service provides high quality preventative and early intervention service through a network of community / Parish based youth clubs for young people between the ages of 8yrs to 18yrs with the focus of this work with the 12 to 18yrs young people. The service reaches over 3000 Children and Young people annually. This is 33% of the population of the 12-18 year olds on island.

Its impact on social inclusion and development of vulnerable children & young people is evident from the specialist areas of work that have been developed over the past 3 to 5 years.

The service is well connected with other agencies and services in the island with strong partnerships with the Police, Children's Service, MASH, Probation, 3<sup>rd</sup> Sector organisations, Parishes as well the private sector and business. These partnerships are imperative in keeping children and young people safe, engaged and having a voice in affair that impact on them.

The Jersey Youth Service, through its network of community based youth projects provides opportunities for children and young people to have a voice within their local Parish / community, a space to meet with peers, that is safe, have informal learning opportunities and have some fun as they grow from childhood into adulthood and avoid becoming isolated

The service operates from 18 different locations across the isle of Jersey with plans for this provision to be extended to 19 by 2021 when a designated Youth Centre for the North of Town should start to be built and cater for children & young people in one of the Islands most populated area of Jersey. This centre will provide a valuable link to the young people living in this area.

The Service also provides various youth work projects that target various groups of vulnerable young people within the Island to tackle loneliness, social isolation and the early stages of mental health problems, these being:

- Youth Enquiry Service (YES) which is the Islands Information, advice and counselling project for 14 to 25yrs
- LGBTQ Youth Jersey which supports our LGBTQ young people
- MyTime project for young carers – This provides support to those young people that are providing care to someone else such as parents with substance or mental health issues
- Inclusion project with works with young people with disabilities
- Prince's Trust programmes to support NEET young people / adults
- Duke of Edinburgh Award
- Return home interviews for those young people going missing and young people at risk of Child Exploitation.

The Service also provided support and opportunities to all primary and secondary Schools through its Outdoor Adventure Offer and the use of St Aubin's Fort, the Queens Silver Jubilee Activity Centre (Crabbe), water or land based activities such as powerboating, high ropes, residential opportunities, sailing etc.

Youth work focuses on the personal and social development of young people so that they can develop their knowledge, skills and confidence and the service is currently reviewing its offer of accredited learning outcomes, as well as how it measures its impact on the informal learning opportunities that arise from its work and the softer outcomes young people gain from their involvement with the service.

**5.10 DEPUTY K.G. PAMPLIN OF ST. SAVIOUR OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING INSTANCES OF SELF-HARM AND SUICIDE ATTEMPTS: [WQ.136/2019]**

**Question**

Can the Minister provide the number of self-harm and suicide attempts (a) which occurred at the General Hospital or another medical facility, such as Orchard House, and (b) which were recorded on admission to the Hospital or another facility, in each year since 2011, broken down, if possible, by age, gender, and whether it was a repeat incident?

**Answer**

a) Incidents of self-harm (SH) and attempted suicide are recorded in the Datix incident reporting system.

**Incidents reported on Datix: 2011-2018**

**Deliberate Self-Harm**

Location	SH Total	Male	Female	
JGH	14	0	9	The 14 episodes of SH were carried out by 9 patients
Clinique Pinel	6	1	4	
Orchard House	73	12	21	The 73 episodes of SH were carried out by 33 patients. 1 patient had 18 episodes of SH *
<b>Total</b>	<b>93</b>			

**Self-Harm by Year**

Year	Number
2011	5
2012	9
2013	9
2014	6
2015	16
2016	9
2017	5
2018	34 *
<b>Total</b>	<b>93</b>

\* 1 patient had 18 episodes of deliberate self-harm

**Level of harm to patients who self-harmed**

Harm to patient	Number
No Harm	14
Low Harm	76



Moderate Harm	3
Severe Harm	0
Death	0
<b>Total</b>	<b>93</b>

### Attempted Self-Harm

There were 12 patients captured on Datix who attempted to self-harm but did not do so as staff were present.

### Attempted Suicide

Location	Attempted Suicide	Male	Female	
JGH	10			This involved 10 attempts by 8 patients
Clinique Pinel	10	2	5	This involved 10 attempts by 7 patients
Orchard House	20	5	11	This involved 20 attempts by 16 patients
<b>Total</b>	<b>40</b>			

### Level of Harm that came to Patients that Attempted Suicide

Harm to patient	Number
No Harm	11
Low Harm	22
Moderate Harm	4
Severe Harm	1
Death	2
<b>Total</b>	<b>40</b>

### Attempted suicide by year

Year	Number
2011	8
2012	3
2013	3
2014	5
2015	4
2016	6
2017	1
2018	10

<b>Total</b>	<b>40</b>
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In the majority of cases of attempted suicide, no harm or very low harm came to the patient as staff were present and the patient was under observation at the time of the incident. The patients in the category of very low harm are categorised as such as they required additional observation; they did not come to any physical harm.

It is very difficult to say whether the apparent self-harm episode was an attempt at suicide or not. The incident is reported at the point of it occurring and it is subjective at this point as to whether it was an actual intended suicide attempt.

b) The first full year of available data is from 2012. The table below shows attendances at the Emergency Department under the 'Attempted Suicide' and 'Deliberate Self-Harm' diagnosis categories from 2012 to 2018.

<b>Year</b>	<b>Attempted Suicide</b>	<b>DSH</b>
2012	42	98
2013	33	154
2014	30	110
2015	36	89
2016	27	132
2017	34	99
2018	39	110

The following table gives a breakdown of the above by gender:

<b>Diagnosis Category</b>	<b>Female</b>	<b>Male</b>	<b>Not Specified</b>
Attempted Suicide	134	107	0
Deliberate Self-Harm	439	350	3

The table below shows a breakdown by age:

<b>Diagnosis Category</b>	<b>&lt;18 years</b>	<b>18-64 years</b>	<b>65 years and over</b>
Attempted Suicide	28	201	12
Deliberate Self-Harm	179	601	12

Of the 241 attempted suicides attendances in the period, 27 patients (11%) have attended more than once.

Of the 792 deliberate self-harm attendances, 99 patients (12.5%) have attended more than once.

## **5.11 DEPUTY K.G. PAMPLIN OF ST. SAVIOUR OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE REPORT ENTITLED 'PREVENTION OF SUICIDE IN JERSEY: A FRAMEWORK FOR ACTION 2015-2020': [WQ.137/2019]**

### **Question**

Following the publication by the States in 2015 of *Prevention of Suicide in Jersey: A Framework for Action 2015-2020*, can the Minister confirm which actions have been implemented in relation to

effective identification and planning of priorities to take forward around suicide prevention; and provide the evidence of each annual evaluation of the framework since 2015, with specific outcomes arising from the action plan, including details of the annual Prevention of Suicide Forum to communicate the progress of the framework to key stakeholders?

**Answer**

**Progress of actions against priorities** from the *Prevention of Suicide in Jersey: A Framework for Action 2015-2020* has been provided in existing reports to the Health and Social Security Scrutiny Panel in 2018 in support of the review of Mental Health Services in Jersey. This is the latest information available on progress of actions:

Objective 1		Action requirements	Supporting Evidence
Improve mental health and wellbeing in vulnerable groups	1.1	Ensure relevant Mental Health Strategy actions take account of those groups identified as being at higher risk of suicide	<p>Work carried out to support improved information on gov.je on emotional health and seeking help in crises for parents of young people. A wider review of how young people are influenced by social media and appropriate responses is required as part of a refresh of the suicide prevention work under the mental health implementation board.</p> <p>Mental Health Services carry out individual assessment of risk for self-harm and suicide with appropriate and person-specific safety planning triggered where relevant. Staff training has supported awareness and increased competence in both risk assessment and safety planning around self-harm. Services continue to have a heightened awareness of the potential increased risk of suicide amongst clients, particularly men, with addiction.</p> <p>Generic training regarding promoting positive mental health and resilience continues to be offered to any professional working with children and young people, thereby adding to the island offering and increasing accessibility to training given the lack of financial charge attached.</p> <p>Developing baseline data on awareness and stigma of mental health through Jersey Opinion and Lifestyle Survey will help support monitoring of improvements to knowledge, acceptability and access to local services supporting risk reduction.</p>
	1.2	Review and identify best model for Tier 2 early intervention in schools and colleges	The Psychology and Well-being Service (PAWBS) manages the Well-being Team, offering intervention to primary-aged children and young people for early signs of mental health and well-being challenges e.g. self-esteem, social skills, anxiety, loss. The Service also manages The Primary Mental Health Team, in operation since 2017, which promotes the necessary skill set associated with being a tier one/two mental health

		<p>practitioner. A range of support is in place including: professional weekly consultation line available to support those working with children and young people; face to face consultations for families via Parentscope meetings, parent/carer workshops delivered via schools and summer workshops at the library; comprehensive training offer to any professional working with children/young people, one to one case work, liaison with CAMHS.</p> <p>All teams within PAWBS offer a weekly consultation line to offer advice, signposting, clinical supervision and to raise awareness, with lines operated by the Educational Psychology and Well-being Teams now available to families and young people.</p> <p>Mental health network meetings continue to bring charity/voluntary organisations together to share information, raise awareness, link initiatives and avoid duplication. These are chaired by the Educational Psychology Team which is also part of PAWBS.</p> <p>Recent introduction of the multi-agency Right Time Right Help panel with a key priority of supporting vulnerable families with early help in step down from Children's Services or following referrals from MASH.</p>
	1.3	<p>Review existing curriculum practice and approach to mental health prevention as part of curriculum delivery in schools and colleges</p> <p>Individual schools developing range of bespoke plans in meeting the needs of their own school communities and engaging with local charity Mind Jersey.</p> <p>Training offer available from PAWBS introducing central courses, whole staff delivery at school or bespoke packages tailored to suit needs of schools e.g. understanding and managing ADHD, supporting anxiety in children and young people. Service delivery from the Primary Mental Health Team also includes working with school staff to deliver small support groups and one to one case work alongside staff as a means of upskilling.</p> <p>Approximately 70 ELSAs (Emotional Literacy Support Assistants) now working in our schools. The Psychology and Well-being Service delivers a 6-day training programme and provides a continuous clinical supervision and CPD offer to support ELSAs in applying support in schools (they must attend 6 sessions per annum to remain a registered ELSA). A new training cohort offered for</p>

			<p>June and July 2019 and new additions to the training module in outdoor learning and attachment theory being devised.</p> <p>FRIENDS training – this is a cognitive behaviour therapy-based programme designed to support early signs of anxiety/depression and is managed by PAWBS. All existing ELSAs are now trained in FRIENDS and a training offer continues to be made available with the current service offer being disseminated to other agencies.</p>
	1.4	Develop formal networks across state and 3 <sup>rd</sup> Sector services to identify and maximise opportunities to coordinate approach and support	Suicide prevention steering group is a vehicle for partnership and multi-agency working. Multi-agency workshops led to the development and support of key approaches on real time suicide audit and peer support for bereavement of suicide.
<b>Objective 2</b>			
Reduce stigma about suicidal feelings	2.1	Promote sensitive reporting of suicide and portrayal of suicide in the media	<p>Ongoing Media opportunities to raise awareness include:</p> <p>Annual awareness in media releases and local interest stories around National Suicide Prevention Day.</p> <p>Using social media at relevant potential stress points in the year to signpost to information and support for children and young people.</p> <p>Responding to relevant Scrutiny, Safeguarding Partnership Board and Freedom of Information enquiries.</p> <p>Officers liaising with editorial teams proactively ahead of inquests including the provision of good practice media guidance in suicide reporting and reactively to reporting which contravenes best practice.</p>
	2.2	Encourage seeking urgent help early to avoid emerging crisis, and promote ways of publicising help available	Business cases prepared to establish Listening Lounge; Crisis Team and Place of Safety scheduled for implementation during 2019.

	2.3	Develop Information provision about suicide that helps support reduction of suicidal ideation	<p>Will be linked to work aligned to development of 24/7 services via Listening Lounge and Crisis Service.</p> <p>Development of Peer Support through Mind Jersey to reduce risk amongst those people who have been bereaved by suicide.</p>
	2.4	Deliver and review effectiveness of integrated multiagency training on managing self harm and suicidal ideation, and on performing risk assessment	<p>Development and delivery of licensed Connecting with People training programme. Up to the end of 2018, a total of 337 people from a range of agencies have been supporting people at risk of suicide. Evaluations demonstrate 96% feel more able to talk to someone in emotional distress; 91% felt more able to co-create a safety plan. Over 2018, 4 trainers have been re-accredited and 7 new trainers have been licensed to deliver training.</p>
<b>Objective 3</b>			
Reduce the risk of suicide in high risk individuals	3.1	Identify appropriate risk assessment tools to identify high risk individuals taking into account the different drivers and risk factors for different population/age groups	<p>Training in validated peer-assessed risk assessment approaches and tools as part of Connecting with People training programme.</p> <p>Priority actions to support vulnerable at risk groups has helped engage support for and the development of crisis response approaches to reduce suicide risk. Programmes currently under development include: place of safety; 24/7 crisis response; listening lounge</p>
	3.2	Developing a framework for multiagency working with those identified as high risk	<p>Suicide prevention steering group membership and quarterly meeting supports partnership approaches and collaboration in best practice working in supporting suicide risk reduction.</p> <p>Review of zero suicide methodology and the latest international evidence of zero suicide methodology used to inform the provision of a position statement on considering the approach in the Jersey context and the need to apply best international evidence.</p>
	3.3	Delivering and reviewing effectiveness of integrated multiagency training for those working with	<p>Completed review of prevention of suicide training and implementation of Connecting With People, awareness, risk reduction and safety planning Training Programme. Over Q4 2018, HCS has supported a full-time position to lead on the development of Prevention of Suicide priorities and lead the coordination of training. Review of training</p>

		high risk individuals	priorities and revised target groups completed for 2019 and 234 training places planned over 2019.
	3.4	Monitor completed suicides annually to identify trends that will inform future interventions	<p>Ongoing review and publication of annual suicide rates completed as per international best practice approaches. Comparisons made to other jurisdictions with relevant caveats. (* see Suicide Rates in Jersey below)</p> <p>Development of real time suicide audit process which monitors deaths suspected to be by suicide for any trends which could indicate related clusters and/or specific learning. The process also ensures the triggering of relevant support to family and friends. (Since commencement in 2018, the process has triggered one multi-agency meeting to review a small number of deaths suspected to be by suicide.)</p> <p>Serious Incident Review Panel in place through HCS overseen by Medical Director as lead for Quality &amp; Safety.</p>
	3.5	Support the development of a multi-agency Vulnerable Adult Risk Management process	Development & Implementation of the Safeguarding Vulnerable Adults policy
Objective 4: Improve information and support to those bereaved or affected by suicide	4.1	Have in place effective local responses following death by suicide & establish Safeguarding Partnership Board multiagency policy and procedure	<p>Established governance arrangements in place which include policy and procedure to be followed in the event of a suicide; incident review; linked to safeguarding practice.</p> <p>Police Coroner's Office currently leads on triggering process of support following a suspected death by suicide, ensuring family and friends access the support available locally.</p>
	4.2	Provide information and support for families friends and colleagues who may be concerned about someone who may be at risk of suicide	<p>Provision of information on gov.je for families on mental health/suicide risk and service support accompanied by media coverage and targeted communications through schools.</p> <p>Production of '<b>Help is at Hand</b>' a bereavement by suicide resource produced in partnership with people who have lived experience of bereavement by suicide.</p> <p>Future development of Listening Lounge will also provide support.</p>

	4.3	Seek to secure service user feedback	Completed review of lived experience of bereavement by suicide to inform planning which involved a facilitated session and a summary report supported by follow up on findings with people with lived experience, drawing on the experiences of bereavement by suicide and opinion on support and potential gaps and areas for improvement.
	4.4	Provide effective and timely support to families bereaved or affected by suicide	The co-production work with people with lived experience of bereavement in suicide culminated in the development of preferred priorities for peer support. Mind Jersey has since been engaged in a 14-month contract to pilot a peer support programme providing practical support for people who have lost a relative, loved one or close friend to suspected suicide.

### **Annual reporting of progress against priorities**

2015 – 2017      Reported through the Children’s and Vulnerable Adults Ministerial Group. Reporting on progress and evaluation through this route was completed in January 2017.

2016 Review of outputs presented at the multi-agency forum. Presentations were followed by group work reviewing the initial strategic period, alongside brainstorming sessions on reform of priorities for the coming period. Forum outcomes were used in planning additional follow on multi-agency Outcomes-Based Accountability (OBA) workshops. Specific priority actions for bereavement support and services as well as priorities for vulnerable groups were identified using this OBA methodology.

2017 – 2018      Reporting on progress included and incorporated as part of the Mental Health Strategy Steering Group with additional updates also provided to the Safeguarding Partnership Board. Annual evaluations of the Connecting with People programme have been produced and reported to the Mental Health Strategy Implementation group.

2018 – 2019      Prevention of Suicide Steering group reports on progress submitted to the Mental Health Improvement Board. The role, remit and related terms of reference for the steering group are now under review in the context of ensuring alignment with the work of the recently convened Mental Health Improvement Board.

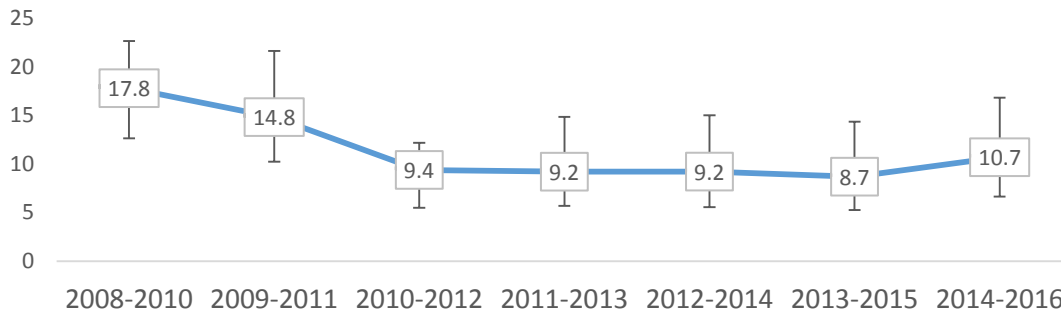
### **\*Suicide Rates in Jersey**

Jersey currently has a suicide rate that is comparable with other jurisdictions. The challenge in a small community such as ours is that our actual small number of deaths by suicide can fluctuate year to year and this therefore reduces the confidence in data that is seen in larger populations.

Because actual year on year numbers are subject to this variation, the annual rate is prepared using an age standardised calculation with a three-year rolling average. This allows comparison with other jurisdictions as the data accounts for any demographic differences across populations as well as allowing a clearer picture of any trends. The trend for the Jersey ASR rate for suicide can be seen in the graph below from 2017 Statistics Jersey Mortality Report.



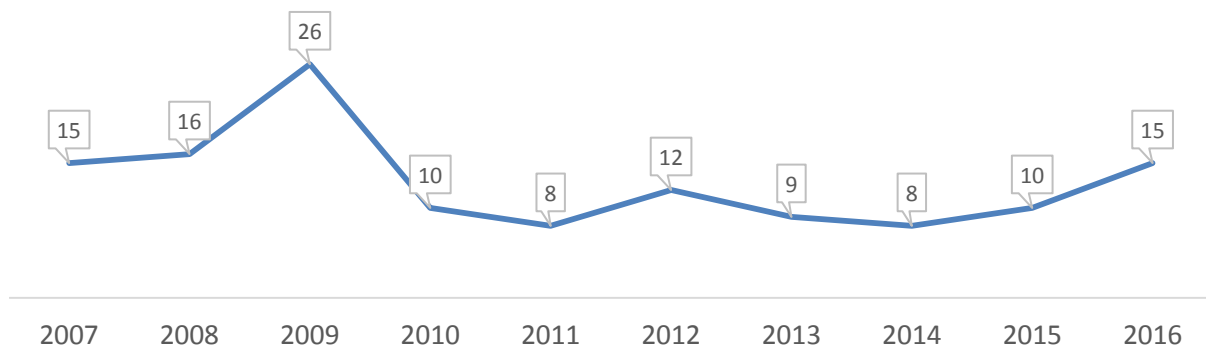
### Age-standardised mortality rate by intentional self harm per 100,000 residents (3 year average)



For the 2014-2016 period, the rate for our nearest comparison in the South West of England was 11.2. The lowest recorded rate was London at 7.8 and the highest Northern Ireland at 18.1.

The 2017 Mortality Report showed the annual number of deaths in 2016 as 15 which can be seen in the graph below. This is the highest number of deaths in recent years with the next highest annual number of deaths being 12 in 2012. Fluctuations year to year are evident with the highest number recorded in 2009.

### Deaths by suicide in Jersey



Data on deaths by suicide is typically around 2 years in arrears to allow for accurate recording of deaths following conclusion of all inquests for the period. Therefore, deaths data for the previous two years cannot be confirmed. However, in reviewing inquests and reported sudden deaths indications suggest that in 2017 there will have been fewer annual deaths by suicide with less than 10, with 2018 returning to more than 10, although it is likely to be lower than in 2016.

Statistical methods aside, each individual death is a tragic loss to families and to our wider community. Unravelling the complexity of what lies behind suicide statistics is extremely difficult. Despite our Island's low numbers, any suicide is a tragic event, which often occurs as a consequence of complex combined multiple factors rather than one single isolated issue. Suicide is a challenging and sensitive issue in any community, and all the more so in a small one.

### 5.12 DEPUTY J.M. MAÇON OF ST. SAVIOUR OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE BIDS SUBMITTED TO THE INVESTMENT APPRAISAL BOARD: [WQ.138/2019]

#### Question

Will the Minister confirm that all bids that are submitted to the Investment Appraisal Board must now be endorsed by the relevant minister? If so, when was this decided and where is this policy documented?

**Answer**

Previously all bids to be recommended to the Treasury and Resources Minister requested confirmation that the relevant Minister was aware of the bid and that it was to be recommended. This is now required earlier in the process.

The Minister will include this requirement in her forthcoming revision of the policy on the Allocation to Contingency, although the rule is already now operated in practice by Treasury and Exchequer. The Minister expects to publish the revised policy to the Assembly by the end of March.

As well as this change the Minister intends to include a role in the consideration of requests for additional funding for the One Government Political Oversight Group.

To reiterate previous answers on this subject, the final decision on whether to approve additional funding for departments from Contingency lies with the Minister for Treasury and Resources, not any other individual or body.

**5.13 DEPUTY M.R. LE HEGARAT OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE SUSPENSION OF CONSULTANTS AT THE GENERAL HOSPITAL: [WQ.139/2019]**

**Question**

Will the Minister confirm how many Hospital consultants are currently suspended?

Will the Minister explain the reasons why a consultant may be suspended? What is the process for suspending a consultant? For how long may a consultant be suspended; how often is a suspension subject to review before a period of suspension is concluded; and who is given notice that a consultant is suspended?

Will the Minister explain what protections are in place for private patients when a Hospital consultant is suspended but may continue to offer services to such patients?

**Answer**

*Will the Minister confirm how many Hospital consultants are currently suspended?*

A number of consultants are currently under exclusion from practice within Health and Community Services (HCS), but as the number is small – less than five – the exact number cannot be stated as this would risk leading to their identification.

*Will the Minister explain the reasons why a consultant may be suspended?*

A consultant may be excluded in relation to concerns in respect of practice or conduct. Restriction of practice will always be considered as a first measure, however, in order to protect the interest and/or safety of patients, the practitioner and other staff, exclusion may be used in appropriate circumstances. Exclusion is also used in order to assist in an investigative process where there is a clear risk that the practitioner's presence may impede the gathering of evidence.

*What is the process for suspending a consultant? For how long may a consultant be suspended; how often is a suspension subject to review before a period of suspension is concluded; and who is given notice that a consultant is suspended?*

Where a concern about a consultant arises, the approach to be taken by HCS is set out in the *Policy for the Handling of Concerns and Disciplinary Procedures relating to the Conduct and Performance*

*of Doctors and Dentists.* Where exclusion is deemed an essential course of action, this will be for no more than four weeks at a time. The justification for continued exclusion is reviewed on a regular basis and before any further four-week period of exclusion is imposed.

Where a consultant is excluded, the Medical Director will inform the General Medical Council and discuss the case to ensure no additional restrictions or withholding of licence to practice is required. The Minister for Health and Social Services is also informed of any exclusions.

Following a formal meeting with the practitioner, the formal exclusion is confirmed in writing, as soon as is reasonably practicable. This confirmation will state the effective date and time; duration (up to 4 weeks); the content of the allegations; the terms of the exclusion; the need to remain available for work; and that a full investigation (or what other action) will follow. The practitioner will be advised that they may make reasonable representations about the exclusion at any time after receipt of the letter confirming the exclusion.

In cases where disciplinary procedures are being followed, and where a return to work is considered inappropriate, exclusion may be extended for four-week renewable periods. The exclusion will still only last for four weeks at a time and be subject to review. The exclusion will be lifted, and the practitioner allowed to return to work, with or without conditions placed upon their employment, as soon as the original reasons for exclusion no longer apply.

*Will the Minister explain what protections are in place for private patients when a Hospital consultant is suspended but may continue to offer services to such patients?*

HCS has no jurisdiction over a consultant who practises privately outside of their programmed 'public' activity. Individual practitioners are responsible for their indemnity insurance and accountability with their regulatory body. However, in serious circumstances, a referral will be made to the General Medical Council which may impose restrictions on practice or interim suspension orders on a practitioner preventing them from practising if it is considered that there is a risk to patient safety.

#### **5.14 DEPUTY M.R. LE HEGARAT OF ST. HELIER OF THE CHAIRMAN OF THE STATES EMPLOYMENT BOARD REGARDING THE 'ONEGOV' MODERNISATION PROGRAMME: [WQ.140/2019]**

##### **Question**

With reference to his answer to Written Question WQ,157/2018 can the Chairman explain why a full response was not tabled by the end of September 2018, as the original answer stated, and will he please provide the following information -

- (a) how many people (including interim appointments) worked on the 'OneGov' modernisation of the States of Jersey from October 2017 (when the Transition Team arrived) to the end of December 2018, with the breakdown by cost and F.T.E. as follows:
  - i. States of Jersey employees (whether contracted or permanent);
  - ii. people employed through agencies;
  - iii. people paid through a supplier such as KPMG, EY etc.;
- (b) include within this breakdown any costs associated with the above in respect of travel, accommodation and other expenses; and
- (c) state when this work on reviewing and amending the operations of the public service will be complete?

##### **Answer**

A response was inadvertently not tabled to WQ.157/2018 due to a procedural error. A response was provided to the Deputy, however it was incorrectly not provided to the States Greffe for formal dissemination.

The data underpinning this answer has been collated from a variety of independent databases in Treasury, Procurement and HR. We have cross-referenced and validated the information to provide the following:

(a)

- i. 19 FTE were allocated from across the States of Jersey to the transition team from October 17 to March 18 when members returned to their Departments. The cost of these employees was £ 775,200.
- ii. The cost of people employed through agencies is £2,011,388 end of September 2018.
- iii. The cost of contracted services which includes KPMG, Ernst and Young and other suppliers is £934,522 to the end of September 2018.

(b) Hotel and Travel expenses in the period to end of Q3 2018 are £197,000

(c) The forecast for contracted services to the end of 2018 is estimated to be £465,232. The cost of agency is estimated to be £290,000

(d) It is expected that the work on reviewing and determining the outcomes of the proposed TOM will be completed by the end of March 2019. The final outcome will be fully in place by the end of Q3 2019. In respect of this, the precise outcomes and timings will be subject to the results of the relevant consultations.

It is also worth noting that the purpose of these one-off investments is to deliver a public sector that is more responsive, and more efficient. As such, all of the above costs will be recovered from efficiencies which arise as the results of the restructuring begin to take effect.

#### **5.15 DEPUTY C.S. ALVES OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE RECOVERY OF OVERPAYMENTS OF INCOME SUPPORT: [WQ.141/2019]**

##### **Question**

Further to her response to Oral Question 41/2019 and in the light of the statement made by her predecessor in her response to Written Question 52/2018 that “approximately 90% of overpayments are recovered at or above £21 a week” has the Minister assessed whether such recovery rates are likely to cause hardship to income support claimants and will she reconsider departmental practice in the treatment of overpayments?

##### **Answer**

My assessment is that the Department’s policy of recovering overpaid benefit is unlikely to cause hardship. This is because overpayments will be caused by the recovery of money that somebody has been paid over and above their benefit entitlement. They have received a higher amount than they were legally entitled to, and it is only fair that this money is repaid. The Department’s policy of allowing the money to be repaid via a small daily adjustment to ongoing benefit allows for the overpayment to be recovered without causing hardship.

The Departmental practice remains the same as stated in my predecessor’s response to Written Question 52/2018. A claimant who experiences a change of circumstances and is concerned at the ongoing rate of repayment can request that their claim is reviewed.

It is essential for the overall fairness of a tax-funded benefit system that money that is overpaid to a household is paid back. Giving households the flexibility to negotiate a lower rate when their circumstances change protects against hardship, but the best way to prevent significant overpayments is for households to notify the Department of any changes that would affect the rate of benefit. This policy is stated in every letter sent to an Income Support household. Where this policy is followed the levels of overpayment will in most cases be small and the recovery of them will have little impact on the household.

**5.16 DEPUTY C.S. ALVES OF ST. HELIER OF THE MINISTER FOR HOME AFFAIRS REGARDING THE MONITORING OF POLICE C.C.T.V. CAMERAS: [WQ.142/2019]**

**Question**

Further to his answer to WQ.100/2019, will the Minister advise under what circumstances would police officers respond to situations witnessed while CCTV is being monitored?

**Answer**

The police will respond to what is monitored on CCTV depending on what is occurring:-

- Public Disorder – Often linked to the Night Time Economy. Not only after an incident has taken place but often to identify escalating tensions, suspicious behaviour etc.
- To prevent and detect crime – Domestic abuse situations, drug dealing, assaults, fights etc.
- Safeguarding – Highly intoxicated persons who might be incapable of looking after themselves – to check on the welfare of someone who may be considered vulnerable (e.g. child/adult).
- Insecure premises.
- Road Traffic incidents.

It must also be born in mind that CCTV is used to deal with calls from members of the public – very often CCTV is able to give the Police an accurate picture of what is taking place which either supports the attendance of an officer or indeed negates the attendance of an officer.

**5.17 DEPUTY C.S. ALVES OF ST. HELIER OF THE CHAIRMAN OF THE STATES EMPLOYMENT BOARD REGARDING THE PAYMENT OF THE LIVING WAGE TO THE EMPLOYEES OF SUB-CONTRACTORS ENGAGED BY THE STATES OF JERSEY: [WQ.143/2019]**

**Question**

Following the adoption of ‘States Employment Board: Living Wage’ (P.122/2017), will the Chairman advise what checks, if any, are currently in place to ensure sub-contractors, such as cleaning companies, are paying their employees the hourly rate of the living wage while they are carrying out work for the States of Jersey?

**Answer**

All Government tendered contracts that have been awarded to contractors since the adoption of the Living Wage contain a contractual requirement that all Relevant Staff employed or engaged by the contractor are paid the equivalent hourly wage which is equal to or exceeds the Jersey Living wage. All extensions to existing Relevant Contracts (as defined by Caritas) will also include this requirement. There are some existing contracts which are currently under review and due for re tender

or extension and these will move on to new contracts, at the appropriate time, which will contain the living wage in addition to other revised Terms and conditions.

In respect of the process, checks are conducted prior to the award of contracts and form part of the commercial evaluation process. It is a requirement for departments to review contracts against key performance indicators and key terms and conditions.

Internal Audit have planned reviews of contracts on a sample basis in 2019, which will include a review of confirmation of living wage. All Internal Audit findings are reported to the independent Risk and Audit Committee.

Furthermore, any request that is made to the Housing and Work Advisory Group relating to a States contract, will not be supported where the Living Wage is not paid.

**5.18 DEPUTY R.J. WARD OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE GRANT TO THE JERSEY COLLEGE FOR GIRLS TO ENABLE CHINESE STUDENTS TO ATTEND THE SCHOOL: [WQ.144/2019]**

**Question**

Can the Minister confirm if there are specific plans for the £100,000 passed to Jersey College for Girls to enable Chinese students to attend the school to be repaid in future?

**Answer**

The funding was allocated to Children, Young People, Education and Skills to be allocated, in turn, to the JCG Foundation.

The assessment of the business case carried out by the Government's Economic Unit states that "£100k could be repaid to Treasury in 2020, if that was a necessary condition of funding. This would be on the condition that the programme achieves the levels of success envisaged. The EPGDP Officer Group will need to work with the Education Department to develop a clear set of criteria to govern the proposed repayment."

The grant is payable by the department to which the funding was allocated (Children, Young People, Education and Skills). It is for that department to work with the grant recipients to consider whether repayment is possible and appropriate. Repayment is not a condition of the allocation of funding to the department. If the grant is repaid in the future the expectation is that it will be returned to central Contingency funding for reallocation.

**5.19 THE CONNÉTABLE OF ST. HELIER OF THE MINISTER FOR THE ENVIRONMENT REGARDING THE TIMETABLE FOR DEVELOPMENT OF THE NEW ISLAND PLAN: [WQ.145/2019]**

**Question**

Would the Minister set out the timetable for the development of the new Island Plan?

**Answer**

The Planning and Building (Jersey) Law 2002 requires that the Minister for the Environment prepares and presents to the States for approval a draft revision of the Island Plan within 10 years of the approval of the previous Plan. The current Island Plan was adopted in June 2011, with an interim review of parts of the plan in July 2014 and, therefore, a new draft Island Plan must be lodged during 2021.

The Island Plan is one of the most important documents in shaping the future of the Island and it is my intention to ensure that the processes of its development involve effective public engagement throughout. Consultation and wide public engagement will, therefore, be a critical part of the Island Plan Review process and a detailed programme for this element of the plan is being developed and will be publicised by the late Spring of 2019.

It is envisaged that initially, public consultation about strategic issues and potential options will take place towards the end of 2019; with a further phase of public consultation on a draft detailed plan likely to take place in Q3 of 2020.

It is proposed the draft plan will be lodged in late 2020, allowing the States to debate and adopt the new Island Plan during Q1 2021.

## **5.20 THE CONNÉTABLE OF ST. HELIER OF THE MINISTER FOR INFRASTRUCTURE REGARDING TRAFFIC SAFETY IN MIDVALE ROAD AND ST. JOHN'S ROAD: [WQ.146/2019]**

### **Question**

Would the Minister indicate when his Department will carry out traffic safety and road improvement works in Midvale Road and St. John's Road?

### **Answer**

#### Midvale Road

The Department for Infrastructure wrote to the Connétable of St Helier on the 23 January 2018 to request how he might wish to proceed, given.

*"...Following a structured prioritisation of the road safety improvement requests for 2018, the DfI have been able to provide the scheme with a provisional budget of £120,000 to work within.*

*You will note that while the proposed scheme addresses the immediate road safety concerns for pedestrians, calms traffic and improves cycle access in and out of town, however it does not necessarily fulfil all the criteria of the vision for 'Future St Helier':*

*"St. Helier is a liveable town, with a range of good quality residential accommodation and pleasant and stimulating public streets and spaces for people to pass through and visit, with inclusive places for community activities and for people to meet".*

*It is recognised that proposed bollard solution may be perceived as a compromise in quality and not be considered a visual improvement on the existing streetscape. However, Future St Helier is currently unfunded and a scheme extending the existing footpaths (with associated drainage and utility works) would cost circa £560,000 and cannot be reasonably afforded within DfI's budgets.*

*The options remain of either waiting until further funding becomes available for Future St Helier, through the proposed Jersey Infrastructure Levy, or to consider this scheme as an interim measure. However, it is not clear when, if ever, full funding would become available to extend the existing footpaths.*

*Alternatively, given Proposition P81/2017 has been agreed by the States of Jersey, the scheme could be supplemented through the Parish of St Helier's allocation. A further development of this approach would be for the Minister to transfer the road to the Parish as a by-road, along with the available £120,000 funding, allowing the Parish to take forward the scheme its self.*

*I would be grateful if you could advise me of the Parish's views and how you would like to proceed..."*

As no response was received from the Parish of St Helier to this letter, the Minister for Infrastructure then wrote to again 1 May 2018 to the Connétable to reiterate the options as to how the scheme might be progressed and ask his opinion, as follows:

*“...Further to our various meetings and correspondence on this matter, we write to update you upon the funding position for this work.*

*As you are aware, DfI have undertaken a considerable amount of work to understand how this scheme could be delivered, developing options that range from a full footpath widening scheme (with associated drainage and utility works) costing £540,000 to a simple bollard solution costing £120,000.*

*While we continue to support ‘Future St Helier’, as demonstrated by our work funding and constructing the Conway St and Charring Cross public realm schemes, along with a number of other crossing and junction improvements in St Helier. Without significant dedicated funding for ‘Future Helier’ the full Midvale Rd scheme is not affordable from within DfI’s necessarily limited budgets.*

*Due to this funding position we wrote to you on 23 January 2018, outlining our proposals for delivering a viable scheme for Midvale Rd. These proposals were summarised in the following options:*

- Place the project on hold and continue to work together through Future St Helier group towards dedicated funding, via the then proposed infrastructure levy or other means. Of course, as you are aware, the infrastructure levy was in the event rejected by the States.*
- Implement the bollard scheme as an interim measure using the £120,000 funding proposed by DfI, notwithstanding when, if ever, full funding would become available. This would address the immediate road safety concerns for pedestrians, calms traffic and improves cycle access in and out of town, but maybe considered a compromise in quality.*
- Supplement DfI’s £120,000 funding with the Parish’s allocation of States Rates money to provide for the full scheme to be constructed.*
- Have the Parish adopt the road and transfer the £120,000 DfI funding offered, to allow the Parish to take the project forward itself.*

*While we have since discussed other potential sources of funding at ‘Future St Helier’, regrettably none has yet been realised. Neither has there been a formal response from the Parish to the options suggested, to allow a way forward to be agreed.*

*It is important that the DfI is able to deliver its road safety works programme each year, both in terms of finance and resource planning as well as improving road safety. DfI has now undertaken a quarterly review of its funding and resource allocation for the remainder of 2018 and the forward programme for 2019.*

*Given the uncertainty that remains around this project, the review concluded that this scheme cannot be now realistically delivered within the programme. Consequently, the funding has now been reallocated to other priority road safety projects for delivery this year and 2019.*

*Should the funding situation change the project will re-included for prioritisation in future years’ programmes. Whilst we regret this situation, we hope DfI is be able to progress the scheme with you at some point in the future...”*

While the Connétable did not respond to select any of the options offered, the funding and delivery position described in the letters has not changed.

St John’s Road



As previously advised to and agreed with the Parish of St Helier, work to take forward a consultation on St John's Road will be taken forward once the consultation work and scheme development for First Tower has been completed.

At present this is projected to be during Q3 2019, it is only after the consultation process has been completed and options developed that it will be known whether there is a viable and publically acceptable scheme available to proceed with. Any scheme resulting from the consultation work will need to then be prioritised and incorporated into the Department's forward programme.

## **5.21 THE CONNÉTABLE OF ST. HELIER OF THE MINISTER FOR EDUCATION REGARDING THE EXTENSION OF ROUGE BOUILLON SCHOOL: [WQ. 147/2019]**

### **Question**

Would the Minister explain what steps she is taking to extend the footprint of Rouge Bouillon School now the States of Jersey Police has been relocated?

### **Answer**

Officers of the former Education Department have held exploratory talks with Jersey Property Holdings regarding the potential benefit of Rouge Bouillon School expanding on to the site of the former States of Jersey Police headquarters. Similar discussions have taken place with the Connétable and local Deputies with the school's leadership.

Separately, last year I requested a strategic review of the property portfolio held by schools, education and children's services, which is linked to the Department's growth and long term Capital programme.

I see the extension and future development of Rouge Bouillon School as a key part of this review. Initial meetings have taken place to agree the terms of reference of the property review and once complete, dependant on funding, work will be prioritised accordingly.

In the meantime, I endorse the position of my colleague, the Infrastructure Minister, in so far as there are a range of considerations for this site, including that part of the site is in use by our Fire and Rescue Service, and a building on the land is listed, and this also needs to be taken into account.

## **5.22 THE CONNÉTABLE OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE PROPOSED MERGING OF LIBERATION SQUARE AND WEIGHBRIDGE PLACE: [WQ.148/2019]**

### **Question**

Would the Minister explain how the proposed changes to Liberation Square and the Weighbridge are to be funded?

### **Answer**

The Connétable will remember that as part of the Budget 2019 Liberation 75 works was to be funded utilising unspent capital sums. There was sufficient budget returned as part of this process to fund the potential extra costs of this scheme.

The Connétable will also be aware that an alternative funding mechanism has also been identified, through an in-specie dividend from SoJDC. The Board of SoJDC are in agreement to this proposal and are working on the assumption of costs up to £3 million.

**5.23 THE CONNÉTABLE OF ST. HELIER OF THE MINISTER FOR INFRASTRUCTURE REGARDING THE FUTURE OF PIQUET HOUSE: [WQ.149/2019]**

**Question**

Would the Minister explain the current proposals for the future of Piquet House in the Royal Square?

**Answer**

The Bailiff's Office is making a capital bid to the Treasury for adapting Piquet House for use as Family Courts, along with an arrangement for annual funding to cover the maintenance of the building.

**5.24 DEPUTY M. TADIER OF ST. BRELADE OF THE MINISTER FOR EDUCATION REGARDING THE 14+ TRANSFER: [WQ.150/2019]**

**Question**

Is it the Minister's assessment that the 14+ transfer system has the support of the majority of headteachers of non-fee paying schools in Jersey? If not, why not?

Does the Minister have any plans to review the 14+ model in operation in Jersey during this term in office? If not, why not? If so, can she provide a timeline and the nature of any such review?

**Answer**

I have not discussed the question of the 14+ transfer system directly with head teachers. However, I am aware of the many challenges the transfer to Hautlieu School at 14 has for the four 11-16 non-fee paying schools. I am also aware of the opportunities the transfer has for those students who wish to move to Hautlieu for their GCSEs.

I am committed during my term of office to begin the process of reviewing the structure of secondary education in Jersey, to ensure it is fit for purpose for the next twenty years. This will include a review of the 14+ transfer as well as the delivery of vocational education and the wider curriculum and sixth form provision.

Once I have developed the planning for this I will inform Members of this Assembly. The work will take place in full consultation with the range of stakeholders, including teachers and head teachers, and the wider community.

With regards to the vocational offering, I have instructed the officers to review and devise a provision of flexible and adaptable learning opportunities that will be available to all 14+ students. Currently work is being carried out collaboratively between the four 11-18 schools, Hautlieu, private schools, Highlands College and alternative provision to build a suitable offer.

Officers are also working to create stronger links with primary schools to develop a vocational experience at a much earlier age for children and young people.

**5.25 DEPUTY S.M. WICKENDEN OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING VARIOUS TRANSFERS OF HEADS OF EXPENDITURE LISTED IN THE 'TRANSITION REPORT' (R.155/2018): [WQ.151/2019]**

**Question**

Further to the publication of the Transition Report (R.155/2018) would the Minister provide a detailed breakdown of the actual amounts which have been transferred between the various

Departments' 'heads of expenditure' in accordance with the provisions of the Public Finances (Jersey) Law 2005?

**Answer**

The following breakdown shows the transfers from previous departments to new departments. These were effected by public Ministerial Decision MD-TR-2018-0148.

Ministry to Department	Budget 2019
<b>G05 - Chief Minister's Department -</b>	<b>48,267,423</b>
D00 - Office of the Chief Executive	8,827,268
D05 - Chief Operating Officer	17,711,100
D10 - Children, Young People, Educat	20,158,755
D20 - Growth, Housing and Environmen	52,000
D40 - Strategic Policy, Performance	545,900
D65 - States Assembly	972,400
<b>G10 - Economic Development</b>	<b>18,102,900</b>
D20 - Growth, Housing and Environmen	18,130,348
D30 - Justice and Home Affairs	-27,448
<b>G15 - Education Department</b>	<b>111,252,676</b>
D00 - Office of the Chief Executive	61,043
D10 - Children, Young People, Educat	109,249,334
D15 - Customer and Local Services	1,546,801
D20 - Growth, Housing and Environmen	-77,940
D35 - States Treasury and Exchequer	473,438
<b>G20 - Health &amp; Social Services</b>	<b>212,502,395</b>
D00 - Office of the Chief Executive	164,698
D05 - Chief Operating Officer	3,329,112
D10 - Children, Young People, Educat	1,539,391
D25 - Health and Community Services	198,095,080
D30 - Justice and Home Affairs	5,719,499
D35 - States Treasury and Exchequer	3,081,431
D40 - Strategic Policy, Performance	573,184
<b>G25 - Comm and Const Affairs (CCA)</b>	<b>51,204,179</b>
D05 - Chief Operating Officer	1,236,000
D15 - Customer and Local Services	7,800
D30 - Justice and Home Affairs	46,795,848
D40 - Strategic Policy, Performance	3,164,531
<b>G35 - Department of the Environment</b>	<b>5,135,382</b>
D00 - Office of the Chief Executive	5,000
D05 - Chief Operating Officer	107,000
D20 - Growth, Housing and Environmen	4,435,320
D40 - Strategic Policy, Performance	588,062

Ministry to Department	Budget 2019
<b>G40 - Social Security</b>	<b>189,745,200</b>
D00 - Office of the Chief Executive	1,220,800
D05 - Chief Operating Officer	83,000
D15 - Customer and Local Services	88,541,000
D20 - Growth, Housing and Environmen	185,200
D25 - Health and Community Services	3,000,000
D30 - Justice and Home Affairs	548,000
D35 - States Treasury and Exchequer	94,842,300
D40 - Strategic Policy, Performance	1,324,900
<b>G45 - Department for Infrastructure</b>	<b>79,596,624</b>
D00 - Office of the Chief Executive	1,700
D05 - Chief Operating Officer	780,984
D20 - Growth, Housing and Environmen	77,998,655
D35 - States Treasury and Exchequer	815,285
<b>G50 - Treasury and Resources</b>	<b>20,933,881</b>
D00 - Office of the Chief Executive	10,700
D05 - Chief Operating Officer	667,300
D15 - Customer and Local Services	67,491
D20 - Growth, Housing and Environmen	81,131
D35 - States Treasury and Exchequer	20,107,259
<b>G55 - States Assembly</b>	<b>4,936,342</b>
D65 - States Assembly	4,936,342
<b>G60 - Non Ministerial States Funded</b>	<b>21,999,514</b>
D30 - Justice and Home Affairs	639,489
D60 - Non Ministerial	21,360,025
<b>G61 - Non Min SFB-Overseas Aid</b>	<b>10,340,500</b>
D55 - Jersey Overseas Aid	10,340,500
<b>G75 - External Relations</b>	<b>1,771,103</b>
D00 - Office of the Chief Executive	1,771,103
<b>Grand Total</b>	<b>775,788,119</b>

**5.26 DEPUTY C.S. ALVES OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING INCOME SUPPORT PAYMENTS: [WQ.152/2019]**

**Question**

Will the Minister, with reference to pages 50, 53, 59 and 61 of the Annual Report and Accounts for 2012 and 2017, also provide an explanation for the reduction, of approximately 25%, from 2012 to 2017 in the numbers of claimants for the clinical cost components in income support and for the reduction, of almost one third, over the same time period in the numbers of those claiming Personal Care components; and will she also explain why, at the same time, there has been a large reduction in both the number and size of claims for medical expenses under special payments?

**Answer**

For the benefit of Members, the figures referred to in the question are reproduced below.

category	2012	2017

Total number of income support claimants	11,908	10,472
Number of claimants receiving clinical cost component	2,088	1,594
Number of claimants receiving personal care components	1,381 (adults and children)	1238 (adults)
Number of children receiving child personal care component	Not applicable	173 (children)
Total number of personal care components	1,382	1,411

Between 2012 and 2017 there has been a drop of 12% in the number of income support claimants, reflecting the general improvement in the economy since 2017 and the very significant drop in the level of unemployment.

At the same time, there have been a series of changes to the Income Support benefit.

When Income Support was first introduced there were a number of people receiving legacy health related benefits who did not qualify for Income Support due to a high household income. In order to manage the transition into a single means-tested benefit system, these households were tapered off their previous benefits over a number of years. In 2012 there were still significant numbers of these ‘transition’ claims.

At the same time, in order to facilitate the introduction of Income Support, many households who were in receipt of legacy health related benefits were transferred to the new income support system and automatically allocated personal care and clinical cost components based on their previous entitlement. The criteria for these historic benefits were not as well-targeted as the criteria agreed for Income Support’s health related components and as these claims came up for review in subsequent years some entitlement has fallen away. In other cases, extra components have been awarded where a person’s overall medical condition has deteriorated. Wherever a component is reviewed, the household is given the opportunity to request that the decision is reconsidered, and can appeal to an independent tribunal if they still don’t agree with that decision.

The clinical costs component relates to an individual who requires additional support with GP costs. All income support claimants receive some support with GP costs through the weekly adult and child components. The overall change between 2012 and 2017 has been a decrease of 13% in the proportion of claimants receiving a clinical costs component. As noted above, this is primarily a consequence of the improved targeting of health related benefits within the income support system.

The 2012 annual report shows a single value for personal care components including both adults and children. In 2014 a separate Child Personal Care benefit was introduced, which allowed households to claim the higher level Personal Care components in respect of a child outside of the main income support system. These claims are reported separately in the 2017 report (on page 63) and as shown above there has been a small increase (2%) in the overall number of personal care components in payment (adults and children) between 2012 and 2017.

The figures reported for medical expenses under special payments (one-off payments to support specific costs) includes support for GP, dental and optical costs. Special payments in respect of dental treatments have decreased due to policy changes. Initially households could request assistance in the form of an unlimited grant; in response to the requirement to limit the overall budget under the last Medium Term Financial Plan the Department’s policy was changed so that these items were

offered as loans recovered from weekly benefit. There is an exception in that people can still apply for assistance with up to £500 of essential dental treatment as a grant within a two-year period, with any amount in excess of that offered as a loan. People with serious disabilities and people in receipt of an old-age pension can still receive unlimited grants.

Support for GP costs, over and above that provided by the clinical cost component can be provided through special payments. Support for the management of GP costs has been strengthened since 2012 and the need for additional support has decreased. The 2012 figures also include costs associated with low income individuals living in care homes whereas in 2017 these claimants had been transferred to the long-term care scheme.

## **6. Oral Questions**

### **The Bailiff:**

We have a number of oral question and 2 hours to deal with them. Members, I hope, will forgive me if I sometimes bring the time allotted to a particular question, cut it short if necessary. I want to get through as many as we can.

### **6.1 Deputy S.M. Ahier of St. Helier of the Minister for Economic Development, Tourism, Sport and Culture regarding the level of stakes permitted on fixed-odds betting terminals: [OQ.62/2019]**

Will the Minister advise the Assembly whether he will propose that the reduction in stakes on fixed-odds betting terminals, which becomes law in all U.K. (United Kingdom) betting shops from next month, should be similarly introduced in Jersey?

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

The gaming machine operations covering fixed-odd betting terminals is governed by the Gambling (Jersey) Law 2012 and licensed and overseen by the Jersey Gambling Commission. I meet regularly with the Commission and we are monitoring developments closely. The reality is, though, that as the content of these machines is driven by U.K. manufacturers, the changes will be rolled out covering machines in Jersey without a change in local legislation. Having said that, the Commission will be issuing a consultation with stakeholders locally, upon completion of which a change in our policy will be considered.

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

Under the gambling commission law that you were mentioning, the Commission must give advice to the Minister on the evidence of gambling and the manner in which gambling is carried on and the effects of gambling. Will the Minister enquire of the Gambling Commission the effects that fixed-odd betting terminals have had on the gambling population and whether these results are comparable with those found in the U.K.?

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

I have enquired and, as I have said, I am in regular contact with the Gambling Commission over such issues. There is little evidence that there has been problematic gambling related to these machines locally. I am not saying there has not been but there is little evidence to date. But, in my opinion, there are far greater risks for gambling. What goes on in regulated betting shops could be seen to pale into insignificance compared to the risk with online gambling now, which is extremely prevalent. These are some of the challenges, which we face.

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

I raised the issue of this when the proposals were first made in the United Kingdom and was told it would be monitored. If, for example, the Gaming Board have not been monitoring it, because I do not believe they have, and I would like the Minister to come back and say. But, anyway, coming to my question. Will the Minister try and get changes to existing machines - rather than waiting for new machines to come to the Island, which have been modified - during their maintenance cycle within the Island, will he have the changes brought in to mirror the U.K., because it is causing a desperate gambling addiction problem in the U.K.?

**Senator L.J. Farnham:**

Yes, we have somewhere in the region of 19 machines currently licensed and permitted on the Island and they will change relatively quickly as the machines are rolled out in the U.K. That will happen automatically, but I will ask the Gambling Commission to monitor the situation closely and keep me updated as to the progress of that.

**6.1.3 Deputy S.M. Ahier:**

Obviously, with 90 machines and roughly £4,000 per machine, that is a huge amount of money that the Gambling Commission are receiving from these machines. Is it not true that the Gambling Commission are dependent upon the licence fees they receive from the F.O.B.T.s (fixed-odd betting terminals) and they have no intention of following the U.K. model of reducing the stakes to £2 a spin?

**Senator L.J. Farnham:**

Yes, it will have an impact on the funds that the Gambling Commission raise. Of course, a significant amount of the funds raised go into a social responsibility fund, which works to protect people with gambling addictions. That is an issue which they are looking at, at the moment. There might have to be changes in other fees as a result of this, but we are not sure yet.

**6.2 Senator S.Y. Mézec of the Chairman of the Privileges and Procedures Committee regarding the timetable for development of a proposition by the Committee to establish the office of elected Speaker: [OQ.61/2019]**

Will the Chairman provide a timetable for the States debating a proposition brought by the Committee to establish an elected Speaker?

**Deputy R. Labey of St. Helier (Chairman, Privileges and Procedures Committee)**

The working party on the future role of the Bailiff finished its deliberations at 9.00 a.m. yesterday morning and produced a draft report and proposition. I convened a meeting of P.P.C. (Privileges and Procedures Committee) at 2.00 p.m. yesterday afternoon, because the path for this proposition was always to be from the working party to P.P.C. to the Assembly. Unfortunately, I was unable to gain consensus on P.P.C. in support of my Committee bringing that proposition, which is disappointing for those of us who worked on the working party. I am sure the Chief Minister would join with me in thanking Deputy Ash, Deputy Martin and Deputy Truscott for working so harmoniously over the course of the last few months on this issue, which can be divisive. We believe we have unearthed some interesting points. I think the plan is for the Committee, obviously, to reassess after that challenge from members of P.P.C. We would like to publish our report and hold a meeting of States Members to discuss it, because it may inform a future debate.

**6.2.1 Deputy S.Y. Mézec:**

Of course, the clock is ticking for us to be able to enact this change upon the retirement of the current Bailiff. Would the Chairman of P.P.C. be able to tell the Assembly, when is the latest point that this

Assembly can make an in principle decision and us still have time to put the legislation together and get it through Privy Council in time for later this year?

**Deputy R. Labey:**

It is extremely tight, but I believe the advice is that it could just be done if we were to debate, in this Assembly, a proposition by the end of April, I think, or beginning of May. It is very tight, but I understand that it is not impossible that it might be done. But the timeframe is challenging. The Senator will know that I agree with him on the timing and the sensible conclusion by the time there is a handover of Bailiffs. It is why I informed him, yesterday, of how things had gone on P.P.C.

**6.2.2 Senator S.C. Ferguson:**

This is all very well, but where does the public interest and the public concern on this come into the whole consideration? As far as I know, unless something has escaped me, the public have not been asked about this. Where do they fit into all this wonderful scheme of things?

**Deputy R. Labey:**

The proper time to consult the public is when there was something tangible that was going to come before the Assembly, with regards to the role.

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

Is the Chairman of P.P.C. essentially saying that this whole exercise has been another waste of time and energy and was he not told this by more experienced Members at the very onset not to go down this route, because there was already a simple proposition waiting to go and it is a political decision that needs to be taken by this Assembly? That no amount of deliberations around committee would resolve this issue. Does he regret not taking that advice in hindsight?

[10:00]

**Deputy R. Labey:**

I understood that advice. There is a certain amount of *mea culpa* to my representations to the Assembly today. I wanted to give the Chief Minister a chance to have this forum. I do not think it has been a complete waste of time. I think that it unearthed some very interesting conundrums and it might have found some solutions. It certainly found some interesting debating points. We would like to publish those before the Assembly, as some issues might be helpful and inform a future debate.

**6.2.4 Deputy M. Tadier:**

Is the Chairman in a position to give more information as to what the nature of the proposition put forward by the subcommittee was? Was it the fact that the subcommittee's proposal lacked in quality and therefore could not get consensus from P.P.C., or is it something other than that?

**Deputy R. Labey:**

It could well be that members of P.P.C. found it lacking in quality. I cannot remember exactly any of them saying that specifically. But, yes, it was rejected by P.P.C. It was brought to P.P.C., not for us to have a debate about the future role of the Bailiff, but for me to get their consensus in bringing this - what I would describe to the Deputy as a compromise proposition - to the Assembly. The 6 members of P.P.C., not including myself, probably can be regarded as a bellwether for opinion within the Assembly. It was quite clear that this proposition was a non-starter, as far as they were concerned.

**6.2.5 Senator I.J. Gorst:**

The Chairman is a master with words. I wonder if he could just clarify for us that the subgroup had a proposal, which would require a change. My understanding is that there was a reasonable compromise on the table. Is he saying that the subcommittee agreed to bring that forward, presented

it to P.P.C. and P.P.C. have rejected it and said they do not want to lodge that proposal before the Assembly? I wonder if he could just give us that clarity on both of those 2 assertions?

**Deputy R. Labey:**

Yes, the Senator is absolutely correct on both assertions.

#### **6.2.6 Deputy S.Y. Mézec:**

I am grateful for the answers from the Chairman of P.P.C. There were comments that were made at the start of this process that the more you try to compromise on this matter, the more you would end up upsetting everybody and nobody would end up being happy with a compromise proposition. Does the Chairman of P.P.C. agree that, since we are almost out of time on this matter, a full proposition, for establishing an elected speaker, should be put on the table and members of this Assembly can pass the verdict? If they do not like it, they do not have to accept it and if they do then we get the full business here, rather than a compromise, which would leave nobody happy.

**Deputy R. Labey:**

Yes, I think the Senator is probably right. I thought it was, obviously, a worthwhile exercise otherwise I would not have undertaken it. I think the general feeling might be summarised as: if it were done, when 'tis done, then 'twere well it were done not only quickly but cleanly.

### **6.3 Deputy I. Gardiner of St. Helier of the Minister for Infrastructure regarding the maintenance and improvement of community facilities at the former La Pouquelaye Primary School: [OQ.66/2019]**

Will the Minister explain what plans, if any, are in place to maintain and improve the community facilities at the former La Pouquelaye Primary School?

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

This property is set out on a 21-year lease to the Jersey Society for the Provision of a Children's Resource Centre, or Centre Point, under a fully repairing and insurant lease, which commenced in 2010. So, any questions regarding these facilities, in these properties, would therefore need to be directed to the tenant.

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

Does the Minister think this is ethical to saddle such an enormous repair obligation to a charity? What if any, future plans do Property Holdings, which is the States-owned property management, have to improve the site, or he is expecting the charity, Centre Point Trust, to continue to invest in such an outdated structure themselves?

**Deputy K.C. Lewis:**

When the contract was passed, the rent was £10, and each party met their own fees in connection with the lease; the public's fee being £4,500. So, they are getting a fantastic deal at the moment. The Department for Infrastructure is not able to sponsor, directly, other premises of this nature and would be down to some other department.

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

Would the Minister like to tell us when he will be bringing forward a States property plan on the basis, perhaps, of need rather than just ... he is gesticulating. If he would bring it forward on the basis of need, rather than just maximising income?

**Deputy K.C. Lewis:**



It is a bit wide of the mark, so I was gesticulating. Yes, I would be more than happy to get that to States Members as soon as possible. I will speak to the Property Holdings officers regarding that.

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

Does the current arrangement contain a break clause and, if so, when does that trigger?

**Deputy K.C. Lewis:**

Yes, it does contain a break clause. There is an option to break the lease by giving 12 months' written notice, if the property is required for redevelopment. But Property Holdings would undertake to replace the premises with a like for like. So, similar premises would be found for the lessee.

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

I accept that this is not entirely the Minister's portfolio, but does he not agree that, as a Minister, and as a member of the Council of Ministers, it is incumbent upon him to make sure the Property Holdings Department is properly resourced in order to make sure that community facilities, not only in St. Helier, but across the Island, are fit for purpose and meet the needs of the community?

**Deputy K.C. Lewis:**

Yes, I would agree with the Constable. But, as this is basically rent free, I think it is incumbent upon the tenant to make suitable repairs. I will ask my department to inspect the premises, once more, to make sure everything is together.

**6.3.5 Deputy M.R. Higgins:**

Will the Minister confirm that when Centre Point were given the use of that particular building, it was of great benefit to the States, because they were moved out of the Jersey College for Girls, so it could be developed for housing? So, really, the benefit to the States was greater than the benefit to the body. So, to talk about peppercorn rents is misleading, considering the benefit that came to the States.

**Deputy K.C. Lewis:**

Not misleading at all. We have given the premises on a peppercorn rent. If some other departments, or some private individuals, wish to sponsor the organisation then, I would say, congratulations to them.

**6.3.6 Deputy M.R. Higgins:**

I did ask the question: would he confirm that they got the premises because they were moved from Jersey College for Girls and that is why they got the cheap rent? Because it was beneficial to the States.

**Deputy K.C. Lewis:**

They do perform an excellent service, I am not sure I can add to that.

**5.3.7 Deputy I. Gardiner:**

My concern that hundreds of young people use this building every week and given the state of this primary school was a replacement 2 decades ago, would the Minister agree to a long-term strategy for the site needs to be developed as a matter of urgency? Will he agree to undertake such a study?

**Deputy K.C. Lewis:**

I do not believe we have been contacted by the tenant to that effect, but I am more than happy to check with officers.

**6.4 Deputy M. Tadier of the Minister for Health and Social Services regarding the issues recently highlighted by Les Amis in relation to staff shortages and their consequential effects: [OQ.73/2019]**

Will the Minister explain what steps he is taking to resolve the issues highlighted by Les Amis in relation to staff shortages and the consequential effects of them ceasing their community outreach and short breaks services from 31st March 2019?

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

Health and Community Services is aware of the situation with Les Amis and the 12 adults, who are affected following the decision of Les Amis to cease its community outreach and short breaks service. Multi-agency procedures were implemented immediately upon notice being received from Les Amis. All agencies came together quickly and are presently working together to ensure the best outcomes for service users and their families, in transitioning to other arrangements. Those service users, who did not already have a case co-ordinator, have been allocated one and the agencies involved are meeting on a weekly basis, for the foreseeable future, to monitor progress and address any issues. It is my understanding that other providers can step into the place of Les Amis and no adult client of Les Amis need be left without alternative arrangements for outreach, or short breaks being put in place with as little disruption as possible.

**6.4.1 Deputy M. Tadier:**

The last sentence, I think, was key. The Minister said that other organisations can step in and that no client need to be left without respite care. But, can he give an assurance that this will be the case? Will the Minister also give an added reassurance - he will know some of my constituents, who have used and struggled finding sustainable and stable respite in the past, he will know that through his time on the Scrutiny Panel - will he give all those families the reassurance that, if necessary, his department will step in to ensure sufficient respite care?

**The Deputy of St. Ouen:**

At the moment, there are assessments being carried out by the agencies concerned. So, I cannot predict the results of those assessments and therefore I, as Minister, cannot give a categorical assurance that all the required procedures would be met, but I do not anticipate difficulties. It is my understanding that there is capacity in other providers and subject to those assessments, which are a very necessary part of the service, there is no need for adult clients to be left without their respite.

**6.4.2 Deputy G.P. Southern:**

Does the Minister consider that the position we have got to today is a direct consequence to his predecessor's privatisation of the care industry and introduction of competition? We were always going to find a shortage of care workers in this particular area and this has manifested itself as a result of the policy.

**The Deputy of St. Ouen:**

That is an extremely wide-ranging question. Jersey decided long ago to introduce a long-term care scheme, which clearly envisaged that independent providers would be providing care to the vulnerable in the Island and did not envisage government provision. That was not a decision of my department, or my predecessor. That was a decision of this Assembly. The system works well. We have a good care system and a thriving commercial market, which has grown over recent years in order to put into place care for our community. There are always pressures in a market and there is competition amongst care providers, but I think Jersey can be proud of the fact that it has produced a care system and we can look across the water at the U.K. and see the struggles they are encountering. We are not in that position.

**6.4.3 Deputy G.P. Southern:**

Does the Minister not accept that we are endangering the level of the service we can provide? What measures does the Minister have in place to ensure that all care workers, in this particular area, are fully trained?

**The Deputy of St. Ouen:**

What has happened here is that the managing director of one charity has said that he cannot continue to provide part of a service that they have previously provided and the Deputy seems to think that this means that the whole of the care sector is endangered. I do not believe there is any evidence of that. As to what steps I take to ensure that carers are trained; that is a matter for regulation of care and the Jersey Care Commission. It is a requirement that carers are properly trained and qualified.

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

While the Minister is not directly responsible for rates of pay at the organisation in question, Les Amis, does he accept that in a sector where long-term relationships between staff and their patients are critical, that a race to the bottom on wages is only going to result in Jersey shooting itself in the foot and losing care workers from across the sector?

[10:15]

**The Deputy of St. Ouen:**

I wonder to what extent that question is hypothetical, because I have seen no evidence on wage levels and whether there is a race to the bottom. In fact, I think in many cases, because of the competition involved, care workers are in a good position to move between providers for better wages. I note that we have not had, it does not appear, I am not aware of any industry representations, concerning pressures on the care sector. Merely the announcement from this one provider.

**6.4.5 Senator S.C. Ferguson:**

Given that the lessons learned in the Children's Department of Health and Community Services are not being communicated to the complementary adult section, is this not a cultural defect, which his department needs to address?

**The Deputy of St. Ouen:**

I am not sure what the Senator is alluding to. First of all, the Health and Community Services does not, any longer, have a Children's Department. That is managed under the aegis of the Minister for Children and Housing, as the Senator will now know. If the Senator is asking about transitions and communications, then that is a process that has been addressed and we always attempt to ensure proper transition when people are moving between children's and adult services.

**6.4.6 Senator S.C. Ferguson:**

The lessons that have been learned by the Children's Department, or the children's section, are not being communicated to the complementary adult areas that are contiguous to the treatment dealing with the disadvantaged adults and so on, the lessons are not being communicated within the working sections. Is this not something the Minister will investigate and just get to work, rather than just saying: "Oh well, I do not know"?

**The Deputy of St. Ouen:**

I have not been advised of any failure to learn lessons. If the Senator wishes to help me with that, I would very willingly meet with her and I will investigate, I will ask questions of the department, as she requests.

**Senator S.C. Ferguson:**

I would recommend that he also reads the Auditor General's report.

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

The Minister talked about a thriving commercial sector within the care industry, which will no doubt be of little solace to Les Amis and their clients, who are affected by the service cuts. Does the Minister agree that for care workers generally who do some of the most worthwhile and perhaps hardest work in our society, they often get paid the lowest wages still with precarious work conditions where they are often not even paid, for example, for travel time? Hence the more general issue that we and he need to get to grips with is making sure that care workers are valued and want to do the job valued, both philosophically, but also in monetary terms for the work they do. Will he take steps to make sure that issue is resolved and not simply leave it to the thriving free market?

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

I concur with much of what the Deputy has said. We need to value care workers. These are people who are looking after very vulnerable people, sometimes people who are doubly incontinent, who are unable to communicate, they really have a tough task and we must commend them and thank them for all their work. Yes, there have been issues and there may be issues around the use of vehicles and not being paid for travel time, *et cetera*. Some carers may feel underpaid, but these are private operators and it is not for government to intervene beyond setting the minimum wage and beyond ensuring that there is proper regulation of this sector, which there is.

#### **6.5 Deputy G.P. Southern of the Chief Minister regarding the development of a productivity plan to assist low-paid sectors of the economy: [OQ.72/2019]**

Given that the recommendations of the Jersey Employment Forum on a significant staged increase in the minimum wage were made on the basis of the imminent development, by the Council of Ministers, of a productivity plan to assist low-paid sectors of the economy, will the Chief Minister inform Members when this plan will be published, and what he expects its principal recommendations to be?

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

As a new Government, we are focused on developing a new economic framework for Jersey. This is the responsibility of the Minister for Economic Development, Tourism, Sport and Culture, who will have the details surrounding the Deputy's question. However, we do not have any predetermined measures. The framework and its underlying strategies will pull together a full range of actions to improve performance, especially in productivity and, as I am sure the Deputy also knows, that forms an important element of the C.S.P. (Common Strategic Policy). That will include policy to help lower-paid industries to be more productive and to pay more. In terms of the timescale, senior officers are meeting, as we speak, to consider the framework, including timescales, and Ministers will consider this on Friday. I am sure the Minister for Economic Development, Tourism, Sport and Culture will be delighted to update Members in due course.

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

Can the Chief Minister say whether he expects to have a plan in place - not a policy - a plan in place, before we see the first stage of the rise in the minimum wage this year?

#### **Senator J.A.N. Le Fondré:**

My understanding of the position at the moment and I am just trying to think, the rise has been split, so the report that is being produced - so that is the plan - is in the final stages of drafting and I said there is a bit of liaising with the States economist team to finalise a report. But, as I said, I believe Members, or Ministers, will be considering this on Friday, or certainly considering the framework and timescales on Friday. What comes out of that, we will update Members as soon as we have got

it. The report, as I understand it, will make recommendations; one might be the key elements of a programme of productivity improvement.

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

The sectors that the Deputy refers to, mainly hospitality, retail, but most especially agricultural, are going to be heavily affected by these increases in the minimum wage. However, those sectors do realise that by increasing the minimum wage, it can make their jobs more attractive and help to get over their major staffing issues. The agricultural sector, in particular, said that the local vegetable production would be devastated, which was not addressed. I have to say to the Chief Minister, over the last 9 months we have lost 25 different lines of local vegetables, with another 10 to come. Is the Chief Minister aware that by the time this economic framework is published, we probably will not have a local vegetable sector?

#### **Senator J.A.N. Le Fondré:**

I note the Deputy's concerns. My difficulty is that it is the responsibility of the Minister for Economic Development, Tourism, Sport and Culture and he has the detail and is the one who is working on producing the productivity plan. My understanding is that it was this Assembly that approved the various wage rises and they will have taken that into account when that was done. If I can add, I notice that there was a report about conditional but, equally, as I understand matters, the forum has stated: "It is satisfied that the recommended increase relative to the mean weekly figure by October 2019 demonstrates a willingness to reach the 45 per cent relatively quickly, without being excessive in the absence of a productivity plan." I hope the Assistant Minister can refer that back, because, obviously, as the Assistant Minister for Social Security, he can follow that up with the Employment Forum.

#### **6.5.3 Deputy J.M. Maçon of St. Saviour:**

Looking at the plan and the recommendations of the plan, does the Chief Minister agree with me that he would expect that part of that plan would look at the promotion and protection of budgets regarding skills, particularly for those students, who may not be able to engage in the education system?

#### **Senator J.A.N. Le Fondré:**

I am not going to comment on any details because, as I have said, we do not have any predetermined measures and we will know more on Friday.

#### **6.5.4 Deputy J.H. Perchard of St. Saviour:**

Would the Chief Minister tell the Assembly whether the new economic framework will be taking account of the second invisible economy, which is a widely discussed, demanding phenomenon in 21st century economics?

#### **Senator J.A.N. Le Fondré:**

I am sure if the Deputy wishes to take that up with the Minister for Economic Development, Tourism, Sport and Culture, he will be able to enlighten her.

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

Back to the basic question: does the Chief Minister have a date by which he expects his Minister for Economic Development, Tourism, Sport and Culture to be putting this report on our desks?

#### **Senator J.A.N. Le Fondré:**

As I said, it is being considered on Friday and we will have an update from there; it will be later in this year.

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

Is it possible, maybe, before this year?

**6.6 Deputy K.F. Morel of the Chief Minister regarding the action taken in response to cross-party amendments to the Financial Services (Implementation of Legislation) Bill in the U.K. House of Commons: [OQ.68/2019]**

Will the Chief Minister advise what action was taken once the cross-party amendments to the Financial Services (Implementation of Legislation) Bill, which sought to legislate for the Crown Dependencies, and which were originally due to be debated on Monday, 4th March 2019, had been tabled?

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

That has taken a fair amount of my attention over the last few days and weeks. Ministers were made aware as soon as the amendment to the Financial Services Bill was published on Friday, 1st March. That lunchtime I met with the Minister for External Relations and the Group Director for Financial Services, to agree our position and strategy. That afternoon I held a conference to all the Chief Ministers of Guernsey and the Isle of Man; it was agreed that the Chief Ministers would meet in London on Monday, 4th March, in order to engage with U.K. Ministers and parliamentarians on the progress of the Bill and the amendments. The purposes of those meetings were threefold: firstly, to clarify the constitutional position between the U.K. and the Crown Dependencies; secondly, to emphasise the existing measures in place in all Crown Dependencies to combat financial crime and tax evasion; and, thirdly, to reiterate our commitment to a global standard on registers of beneficial ownership. At the same time, briefings and letters were issued to parliamentarians, clearly setting out our leading approach to beneficial ownership and the constitutional position. It is important to remember that this activity builds on the programme of engagement between Jersey and U.K. parliamentarians over a number of years on this issue and other matters of interest to the Island. I will be making a statement later today on the matter.

**6.6.1 Deputy K.F. Morel:**

There is a feeling, a sense, a perception, that the Government was taken somewhat by surprise by these amendments. Could the Chief Minister confirm whether that was the case and whether he believes that Jersey, having officers in London, having representatives in the capital, should perhaps have been better prepared and expecting such amendments?

**Senator J.A.N. Le Fondré:**

We have known this has been coming for some time. It was anticipated it would be attached to a different Bill. Basically, the U.K. Government, the Financial Services Bill came out of committee on the Wednesday and they took the opportunity to lodge, I believe, on the Thursday and amendments were, therefore, lodged on the Friday. In terms of that timing, that was unexpected, but the principle of an amendment coming down, bearing in mind we have had the visits from the 2 particular U.K. M.P.s (Members of Parliament) before Christmas, was known and anticipated. In terms of the Jersey Office, I will say that they worked and have been working and continue to work very, very hard on this matter. In terms of the meetings in the Jersey Office in London, with all the Crown Dependencies, it was an excellent example of us coming together very quickly, working well and achieving an outcome.

**6.6.2 Deputy K.F. Morel:**

Beyond firefighting, could the Chief Minister explain what measures he is taking to ensure such ill-advised amendments cease to be tabled by M.P.s in Westminster?

**Senator J.A.N. Le Fondré:**

I still do not like the word “firefighting” because, as we have said, it has been anticipated for quite some time. We continue to engage with the U.K. Government and with the signatories we engage with and will continue to engage with the signatories of those particular amendments.

[10:30]

The difficulty we all face, obviously, is, as we are a separate legislature, so is the U.K. Parliament. Therefore, although we can persuade and use rational argument, which, of course, in this Assembly would always take precedent, it does not always necessarily happen in other parliaments around the world. We are well placed, we know our constitutional position; no doubt I will be questioned more on that when I do get to the statement and we are defending that constitutional position. That is the position of this Government and I hope this Assembly will endorse that.

## **6.7 Senator K.L. Moore of the Minister for Education regarding the provision of funding for a Policy Development Board: [OQ.56/2019]**

Will the Minister explain to the Assembly the rationale behind requesting £200,000 for a Policy Development Board when the department has access to the policy officers at Strategic Policy, Performance and Population, whose role it is to help develop policy for Ministers?

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

We need to make greater strides in progressing this work and the resources are quite simply not there in my department, or the new Policy Department. We need to better assess our provision and needs, examining and consulting on policy options, considering other jurisdictions and exploring funding methods, including the interaction of our tax and benefit system. This is complex work, much of it is specialist work and it needs to be done properly, in consultation with stakeholders. A board will help in bringing more people into this process. This is why I am grateful to the Minister for Treasury and Resources that this money has been allocated, so that we can start delivering.

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

Given the Minister’s answer, does this mean that the S.P.P.P. (Strategic Policy, Performance and Population) Department, as they are known, who have one policy officer and 5 senior officers, dedicated to working in the children arena, are not fully up to complement?

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

I would have to speak to who is in charge of it, the Strategic Policy Department. But my understanding is those people, who have been moved over into this particular sphere, are concentrating on the work around the Children’s Plan, the Care Inquiry. A lot of the health work that is going on, there is a great deal of policy work being carried out within other areas trying to bring them together. The capacity, with regards to those officers, is nil when it comes to work with regards to education and early years.

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

Can the Minister explain how it can possibly be right to spend £200,000 on a Policy Development Board when school libraries are being closed across our Island schools and some schools are even forced to put out buckets when it rains?

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

The reason why the £200,000 is needed, is to move forward with the Early Years work and to support proper policy and co-ordination between that work for supporting early education and, of course, the nursery education funding issue that we had last time to try and resolve. I understand that there is no closure of school libraries; I will check on that and come back to the Constable. But, I am just as

frustrated as the Constable when I see schools not properly supported and funded with regards to not just their properties, but actual resources to support the education of our children.

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

If I could follow that up? If the Minister shares my frustration over schools that are inadequately resourced, why are we spending all this money on policy development when there are other posts? One thinks of the well-staffed Communications Department, there are other posts that could be drawn upon to provide the head count, so why are we not spending money on making sure that our students in Island schools are being properly looked after at school?

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

Because that is another stream of work that we are looking into with regards to school funding, which, of course, this Assembly will know is also a priority in the Common Strategic Policy, thanks to the amendment from Deputy Ward. That is another stream of work that is being carried out. We need to recognise that, without policy development, the co-ordination in bringing these important and required services all together, especially with regards to early intervention, without the policy development and the specialist work that is required, especially around the tax and the Early Years practitioners, we need to ensure that we have the right development and the right policy in place, so this Assembly can hold me to account, to ensure that we are delivering the right things for our children.

### **6.7.4 Deputy S.M. Wickenden of St. Helier:**

Seeing as we have put in very strongly in our Strategic Plan that children should come first, and we are going to work harder for children, does the Minister believe that she is being properly resourced and prioritised within the Education Department?

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

Quite simply, no.

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

Given what the Minister has said about the department being under-resourced, does she not think that it would be more appropriate to fund an increase in the number of policy officers within that department, rather than use that money to put together a Policy Development Board, which will have a finite lifespan, given the fact that it is made up of politicians?

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

No, because this will be a specific piece of work, that will only be time period in terms of developing the policy; there will be no requirement for permanency. Like I referred to, we require specialist support in terms of policy; that is in tax, finance, Education and Early Years, to ensure that we are looking at from conception all the way up to 5 years. This is a specific piece of work, so there would not be a requirement for the permanency in that particular policy support officer.

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

Point of clarification, was the Minister suggesting that specialism cannot be found in the policy officers within department but, rather, can only be found in her political colleagues and that is why there is a need to set up the Policy Development Board?

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

As I understand, Education previously had no policy officer support, before the development of the central department was created. A lot of the policy work was done off the side of a Chief Officer, Deputy Chief Officer's desk and the relevant areas, which are also not just developing policy, but delivering on the policy as well. Of course, there is a great deal of work being carried out within the



States, the public service, or should I say the Government of Jersey, whichever one we want to call it these days? There is a great deal of work that is being carried out within those areas and there is lot of lost capacity of which we would have seen previously. From my point of view, if I am trying to push forward, particularly the Common Strategic Policy and ensure that I deliver on behalf of this Assembly that holds me to account to do that, the requirement for this funding is absolutely crucial.

**6.7.7 Senator K.L. Moore:**

Given the paucity of resource that is being dedicated to this absolutely essential strategic priority of this current Government, does the Minister, therefore, hold any confidence that any policy that is put forward by her department, following this Policy Development Board's work, will be supported by her ministerial colleagues?

**Senator T.A. Vallois:**

Sorry, can I just ask the Senator just to repeat the question?

**Senator K.L. Moore:**

It may not be verbatim but, essentially, I was asking the Minister whether she had any confidence, given her experience to date in relation to resourcing of her department, that any suggestions put forward by her Policy Development Board will meet with approval and support from her ministerial colleagues, in order to be resourced going forward.

**Senator T.A. Vallois:**

With regards to confidence and with regards to my fellow Council of Minister colleagues, they all agreed to the Strategic Policy, which specifically refers to an Early Years Policy Development Board and a concentration on Early Years. With regards to any options put forward by the Policy Development Board, that will be a decision taken by myself, as Minister for Education, particularly in the realm of nursery education funding, which, of course, will highly likely mean a proposition having to come to the Assembly, in any case, which will require the support and, of course, scrutinising and holding to account of this Assembly, to ensure that we deliver the correct option.

**The Bailiff:**

We come to question 8, which Deputy Wickenden will ask of the Attorney General.

**Deputy S.M. Wickenden:**

Before I ask the question, could I just quickly ask a challenge on the written question I asked to the Treasury Department? I asked for a breakdown of ...

**The Bailiff:**

Which question is this?

**Deputy S.M. Wickenden:**

It is question 151.

**The Bailiff:**

Would you like to raise that at the end of the question time?

**6.8 Deputy S.M. Wickenden of the Attorney General regarding the legal responsibilities of the Minister for Home Affairs in relation to the appointment of the Chief Officer and Deputy Chief Officer of the States of Jersey Police: [OQ.57/2019]**

Certainly, Sir, OK. Will Her Majesty's Attorney General advise whether the Minister for Home Affairs has a legal duty, under the States of Jersey Police Force (Jersey) Law 2012, and Regulations

made thereunder, to appoint a Chief Officer and Deputy Chief Officer of the States of Jersey Police Force within a reasonable time of those offices becoming vacant and, if so, whether a period of 7 months exceeds a reasonable time?

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

Article 8 of the States of Jersey Police Force 2012, says: “There shall be a Chief Officer and a Deputy Chief Officer.” The States of Jersey Police Force (Chief Officer and Deputy Chief Officer) (Jersey) Regulations 2012, Regulation 6, says: “The Minister shall appoint a Chief Officer and a Deputy Chief Officer.” The word ‘shall’ means these provisions are mandatory and, therefore, in my view, in the absence of there being, unless there is no appointable candidate, that is one that is so suitably qualified for the post under Regulation 6(2), then the first part of the question must be answered, yes. That is to say, the Minister must appoint to the posts within a reasonable time of them falling vacant. As to whether or not the period of 7 months exceeds a reasonable time, this is a question of fact, rather than law and would depend on a full assessment of the circumstances, which I cannot carry out, as I am not privy to the factors which may explain the delay.

**The Bailiff:**

Supplementary?

**Deputy S.M. Wickenden:**

No, thank you, Sir, I think that was very clear.

**6.8.1 Deputy M. Tadier:**

Under the law would the Attorney General just state who it would be that would decide whether, or not, to pursue any consequence for the Minister, in the absence of an appointment having been made?

**The Attorney General:**

There are no specific appeal rights, to any third party, in relation to a refusal, or failure, to appoint. But that decision would be subject to judicial review at the behest of any affected person with *locus* to pursue an application.

**6.8.2 Deputy R. Labey:**

Has the Attorney General’s office been in contact with the Home Affairs Department on this issue yet, or will his office be doing so?

**The Attorney General:**

I regret to say that, of course, as is well known, the clear convention is that any advice that the Attorney may give, or could give, is privileged, as is the fact of the giving of any such advice.

**6.8.3 Deputy M. Tadier:**

Is it ultimately up to the Attorney General to decide whether, or not, an offence has been committed by this Minister, or any Minister and is it up to the Attorney General to decide whether to prosecute, if that is appropriate under this law, the said Minister, who he is also giving advice to?

**The Attorney General:**

Perhaps we are at cross-purposes here, but there is no suggestion that a failure to appoint an officer would give rise to a criminal offence under statute, but it could be subject to judicial review, which would be determined by the courts and not by the Attorney General.

**6.8.4 Deputy M. Tadier:**

In the case of a judicial review, what would the role of the Attorney General, or the Solicitor General, be in that judicial review, with regard to this decision?

**The Attorney General:**

The Attorney would, obviously, have no role as applicant, or determiner, of the process. The Attorney might be convened to the court to express a view as *amicus*, or might be invited to represent the respondent, depending upon who the respondent to the application was. It may be, as the Deputy suggests, that my department would provide legal advice and representation to the Minister in the event of there being a challenge; that does not prevent me from giving independent advice to this Assembly, as I hope is clear what I have said today to the Assembly.

[10:45]

**6.8.5 Deputy M.R. Higgins:**

With what the Attorney General has just told us, does he not think that the mixed relationships he has with Ministers, the Assembly and so on - and also if it does go to judicial review - that his department, or his position, is totally conflicted?

**The Bailiff:**

That does not arise out of the question; that is disallowed. Final supplementary, Deputy Wickenden?

**Deputy S.M. Wickenden:**

Sir, I am fine, thank you.

**6.9 Deputy R. Labey of the Minister for Infrastructure regarding the hemp-growing contract at Warwick Farm: [OQ.59/2019]**

Has the hemp-growing contract in respect of Warwick Farm been extended from 9 years and, if so, what break clause applies to the contract?

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

The 9-year lease on Warwick Farm to I.H.P. (Industrial Hemp Partnership) Limited commenced on January 2018 and has not been varied.

**Deputy R. Labey:**

Is there a break clause in the contract?

**Deputy K.C. Lewis:**

There is a break clause. The lease is a fully repairing and insuring lease and there is a break in January 2023, subject to a 6-month written notification.

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

For a few years now, the Environment Department has prioritised the growing of a diversity of new crops in the Island and we have goji berries, we are growing tea in fields now, but by far the outstanding and most prevalent one is the growing of hemp in many of our potato fields. Is the Minister aware that this is just the sort of initiative that we need to diversify our countryside and keep some business in our fields?

**Deputy K.C. Lewis:**

Indeed and I fully support the diversification of crops here.

**6.9.2 Deputy M. Tadier:**

Does the Minister believe that there is a lack of joined-up policy that would underpin such decisions as to whether, or not, to extend such contracts when it comes to the hemp industry in Jersey and what it can be used for across the piece?

**Deputy K.C. Lewis:**

I am in regular contact, obviously, with colleagues but, as I say, I am all in favour of diversity of crops growing. I am not sure if the Deputy could be a little more specific.

**Deputy M. Tadier:**

I am happy to. I think I am possibly testing the bounds of this question, but I think that ...

**The Bailiff:**

I think you might be, yes.

**Deputy M. Tadier:**

... the first supplementary seemed to get a welcome answer from the Minister. Is it a contradiction that we are pushing ahead with the production of hemp, some of which will be for medicinal cannabis export, no doubt? Yet, when it comes to Jersey, we passed laws that allow G.P.s (General Practitioners) in the Island to prescribe cannabis, but locals cannot seem to get their hands on effective remedies. Does there need to be some joined-up thinking when it comes to the administration of such contracts and leases given for the growing of hemp?

**Deputy K.C. Lewis:**

I think that ...

**The Bailiff:**

Sorry, Minister. Can you just explain how that relates to the Minister for Infrastructure?

**Deputy M. Tadier:**

Yes, Sir. Because I think that, in order for, obviously, hemp to be grown in the Island, and Warwick Farm is the place where it is grown on States land, I think there needs to be a joined-up policy with our new One Gov programme, to make sure that when we are allowing our land to be used, it is used for joined-up purposes and that this policy underlies the administration and the granting of those leases.

**The Bailiff:**

Deputy, you have made your point and it is definitely not in order. Thank you. [Laughter]

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

May I ask the Minister whether there is any clause in the contract that may cause a break, if there is damage to the health of the soil, which, with any form of monoculture, can be adversely affected?

**Deputy K.C. Lewis:**

I would need to take advice on that, but I have mentioned previously, there is a 6-month break clause from 2023. The soil up there is in very good condition and, if I may add, it is not for exports. I believe the hemp, itself, is extremely low in T.H.C. (tetrahydrocannabinol), so there is no cannabis element to this; it is purely a hemp product.

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

Starting up a business from scratch is always challenging and never more so in the agricultural industry, where premises are very difficult to come by. Does the Minister appreciate the need for long leases for some of these start-up agricultural businesses, in order to borrow money and service debt?

**Deputy K.C. Lewis:**

Yes, I agree with the Deputy. I think it is extremely brave of people to take on a relatively new product; gaining leases is quite difficult, suitable premises are quite difficult, also getting loans for specialist machinery. It is usual to have a 9-year lease, as you are aware, so I wish them well.

**The Bailiff:**

Final supplementary? No? Thank you very much.

**6.10 Deputy K.G. Pamplin of St. Saviour of the Minister for Health and Social Services regarding the action taken to combat staff shortages in the care sector: [OQ.70/2019]**

As we have been hearing and following the news that the charity, Les Amis, says it has been trying to meet healthcare demands with limited staff resources for a long time, will the Minister advise what he is doing to address this situation, in order to combat care staff shortages across all sectors?

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

The provision of care to the elderly and vulnerable in the Island is an issue affecting our whole community and economy and over recent years a growing home-care market has emerged, with many businesses being established and offering their services to users of home care. These are independent businesses and the role of Government is to ensure that they are regulated, to provide care of a high standard. From time to time, providers have withdrawn from the market and others have stepped in to take on clients no longer serviced by those withdrawing. In the instance of Les Amis, the role of my department has been to co-ordinate agencies, to ensure continued provision and I do believe that other providers are ready to step in and take on Les Amis' clients. My department will work with all parties concerned, to ensure a smooth transition. It should be noted that Jersey trains care professionals at Highlands College. There is a government skills programme, which supports entry-level training of new recruits to the home care sector. These can be school leavers, but they can also be retirees, or career-changers.

**6.10.1 Deputy K.G. Pamplin:**

I thank the Minister for his answer. Just focusing on charities, will the Minister call together the group of collective care responsibility charities, who for many years now have - for example, Les Amis and Jersey Cheshire Home - to ensure that they have been properly taken through the process of regulation coming through in what has been a trying year for charities, with the introduction of G.D.P.R. (General Data Protection Regulation) and the Charities Commissioner, to ensure that they are supported through this transitional period?

**The Deputy of St. Ouen:**

To the Deputy, that is a question about the regulation of care requirements that are coming into force, which is a matter for the Jersey Care Commission. I do not have any influence over how those regulations might be put in place, or enforced in the future. But, of course, if charities wish to approach me and think I am in a position to assist them, I am very willing to hear from them. Les Amis did not approach us, in this instance, before making their announcement and I am not aware of any other charities, who have asked to do so.

**6.10.2 Deputy G.P. Southern:**

The Minister mentioned local training, does he expect that to meet the shortfall of trained workers in this area and whether, or not, he does, what conversations has he had with H.A.W.A.G. (Housing and Work Advisory Group) in terms of improving the situation for care workers?

**The Deputy of St. Ouen:**

The Deputy refers to a shortfall and that begs the question as to whether there is a shortfall; that is yet, I think, to be proved. We cannot say that merely because one provider has chosen to change its way it delivers its care, it means that the whole sector is suffering. But, my understanding of the use of carers, who might come in from outside of Jersey is that the providers, typically, might have a number of registered posts, which they can recruit into, but that it is rare that a care assistant is recruited on a licensed basis. If care providers feel that there is a need for more flexibility, I know they would approach H.A.W.A.G. and seek that latitude. I am not aware whether that is happening at the moment. There is, I understand, the Jersey Care Federation, which represents all providers, whose purpose is to support the recruitment and training of new carers, among other things and they would be best placed to bring forward any representations.

**6.10.3 Deputy M. Tadier:**

The Director of Les Amis has said, on record, that due to a lack of available and qualified staff, they will cease to operate their community outreach and short break services from the end of the month. Does the Minister believe that statement? Does he take that statement at face value? Why does he understand that they are having difficulty in finding staff?

**The Deputy of St. Ouen:**

I accept that Les Amis have had difficulty, because they have said so. I do not know how Les Amis have recruited, or what specific difficulties they might have encountered, because they have not come to meet with me or, I believe, others in the department to discuss that. They have chosen the path they have announced and that is a matter for them, as an independent charity, not any body under my jurisdiction.

**6.10.4 Deputy R.J. Ward:**

May I ask the Minister: is he at ease with the use of the word “market” in the context of the care sector, given that in any market there is competition, where you inevitably have winners, but you will also have losers?

**The Deputy of St. Ouen:**

This whole question has been about the provision of carers, to service the vulnerable in the Island, to meet their care needs. That necessary provision is safeguarded by the requirements of the Jersey Care Commission for carers to be trained and have adequate qualifications and around the working conditions that they are employed on and that is the means by which we ensure delivery of care services. I do not believe it is right to talk about losers in this context.

**6.10.5 Deputy K.G. Pamplin:**

My focus here is on charities; charities have a model where the money that they bring in to do the services that we are so thankful that they do, is reliant on the goodwill of the Island in fundraising and long-term planning, looking for grants and sponsorship. With that matter that Les Amis have announced that they do not have the funds to provide one service, is he as concerned as I am that other charities may be in similar positions and, in that case, will he urge to meet with all health-based charities, providing care services, to ensure they are not in trouble and can talk to them about long-term funding?

**The Deputy of St. Ouen:**

Yes, I would support consultation and regular contact with all charities. I believe there is a need for charities to have a central forum which can bring issues to Government. This is played, in part, by the Jersey Disability Partnership thus far, but that does not really fit all charities. I think, maybe, Government has a role to help charities to get together and set up their forum, which can then speak to Government about strategic issues and I would try and give every support to that.

**6.11 Senator S.C. Ferguson of the Minister for Treasury and Resources regarding the steps which had been taken to prevent any further episodes of contaminated soil being flushed out by excavations for the Horizon development: [OQ.65/2019]**

Will the Minister, as shareholder representative, advise what steps the States of Jersey Development Company is taking to prevent any further episodes of contaminated soil being flushed out of excavations for the Horizon development and the resultant risk of polluting the Elizabeth Marina and, potentially, the sea beyond?

**The Bailiff:**

Would you like the Assistant Minister to answer?

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

Thank you, Sir. The Assistant Minister will take this question.

**Deputy L.B.E. Ash of St. Clement (Assistant Minister for Treasury and Resources - rapporteur):**

Obviously, any possible pollution of our coastline has to be taken extremely seriously and I have met with S.o.J.D.C. (States of Jersey Development Company) to discuss this. There is an ongoing investigation by the Environment Department as to what occurred at the Horizon development and whether and to what extent contaminants were released from the site.

[11:00]

The construction of Horizon is being carried out by Legendre Contractors Limited, they are the main contractor. As their responsibility, they have initiated the following steps: they have installed a geotextile membrane on the area, where the deep excavations are taking place, in order to access a filter that will prevent silt from exiting the site on the fall of large tides. They have increased the frequency of the water testing in the Elizabeth Marina from once per month to once per week during this period of works. They have committed to not carrying out works in the area concerned during high tides, so as to not further disturb the soil.

**6.11.1 Senator S.C. Ferguson:**

Given that, ultimately, the States will carry the risk resulting from such pollution, which is clearly visible in the marina, what actions will Treasury, as shareholders, take to reduce any risks to the States and the taxpayer?

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

Under the contract, it would come down to a negotiation between the States, I have enquired on this, and the contractor as to who would foot any possible bill should there be any contamination. What I can say is: the main contractor is committed to complying with their obligations.

**6.11.2 Deputy R. Labey:**

The Assembly was informed that toxicology tests were being carried out on this discharge, what were the results of those tests?

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

As yet, we are still waiting the results of those tests to be returned to us. As soon as they do, I will advise this Assembly.

**6.11.3 Deputy K.F. Morel:**

Given, as Senator Ferguson has suggested, the States of Jersey would be liable in the event of negligence being found, is the shareholders' representative, the Minister for Treasury and Resources, content that there is no independent environmental regulator in the Island and, instead, it is the Minister for the Environment as regulator? Let me rephrase that. Would the Minister for Treasury and Resources feel that it would be a better situation if Jersey had an independent environmental regulator, rather than the Minister for the Environment, who, by nature of being a Member of the States of Jersey, is conflicted?

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

I cannot say I have given that an awful lot of thought. I have always felt the Minister for the Environment does a fine job and I am happy with him overseeing anything that we do in that area.

**6.11.4 Senator S.C. Ferguson:**

Given that investigations are on, will the Assistant Minister, as soon as he gets knowledge of the results of the tests, come back to the States with that information? I know that there are talks between the Save our Shoreline Jersey and - I really do not know which part of the department he is - [The Group Director Regulation, Growth Housing and Environment]. But, as soon as these results are available, or the official results, will the Assistant Minister come back to the States with those and they can be compared with the Save our Shoreline Jersey results as well?

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

As I have said previously, I am more than happy to come back to the Assembly as soon as we get the results and indeed to compare them with any other results from any other body.

**6.12 Deputy R.J. Ward of the Minister for Treasury and Resources regarding Supply Jersey: [OQ.63/2019]**

Given the provision of a further £100,000 to Supply Jersey, what success criteria have been used to justify continued use of this provider?

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

This is not funding for additional services, it is for an existing contractual commitment to pay for annual support and licence costs for the government's procure-to-pay solution, called Supply Jersey. The government is required to make these annual payments for the duration of the contract. The contract for Supply Jersey commenced in June 2015 when the solution was accepted, following a pilot and has a maximum term of up to 8 years. The implementation to all government departments was completed in December 2018. Contingency funds and underspends have previously been used to fund the annual cost of maintenance and licences. The provider has given significant support to the Government of Jersey throughout the implementation of Supply Jersey, ensuring that there is access to key technical personnel at all times. The system provides a modern procure-to-pay solution and is used across all departments for ordering of goods and services that support the delivery of frontline public services to Islanders. The use of this provider will be considered as part of a wider review of States systems during 2019.

**6.12.1 Deputy R.J. Ward:**

I am pleased to see the review will come up. Just one second, there is a question at the end of this, I promise. I took some time just to put on social media about views of Supply Jersey that I have worked with myself; the vast majority were not positive. I will read one to you and perhaps you could comment: "It is one of the most ridiculous and convoluted processing systems I have ever had to work with; long-winded and time-consuming to use. The system was promoted as an Amazon of



the States. It has created unnecessary stress levels, increased workload and restricted choice. We can no longer guarantee the best price for our purchases and some local suppliers have found it difficult to use, therefore, losing custom.” Can I ask the Minister, please, as a matter of urgency to review the use of this system, as it may well be costing the States money that it can ill afford?

**Deputy S.J. Pinel:**

I realise that Supply Jersey was piloted at Le Rocquier School, so, hence, possibly, the Deputy’s involvement with it. We are reviewing it, as I said in my opening remarks, in line with the Government Plan. The contract has a minimum term of 5 years and will automatically continue for a further 3 years. During the 3-year period, the Government can terminate the contract, providing one year’s notice of termination is given.

**6.12.2 Deputy K.F. Morel:**

I, similarly, have received representations from members of the public and, in this case, the business community constantly criticising Supply Jersey and their lack of understanding of the way businesses operate. Will the Minister for Treasury and Resources take measures to ensure that the people working in Supply Jersey gain a better understanding of the environment in which businesses operate and the deadlines, *et cetera*, that they need to work to?

**Deputy S.J. Pinel:**

Of course, much involved with this expenditure is the annual maintenance costs, which are £73,254 and the annual licence cost, which is £33,395. I have already explained the terms of the contract and the benefits that, to date, have been identified, clearly not from the people that the 2 Deputies have spoken to. But, the days to pay suppliers has been reduced from an average of 31 days to 27 in 2018; they are paid far quicker on the BACS run, improved governance and accountability. I could go on but, clearly, across social media there have been some complaints, but I have explained the terms of the contract and until the Government Plan comes into base where it is reviewed I cannot really say much more.

**6.12.3 Deputy K.F. Morel:**

The Minister for Treasury and Resources said many interesting things, none of them answered my question, which was whether she would ensure that people behind Supply Jersey acquaint themselves with the way businesses operate and the environment in which they work.

**Deputy S.J. Pinel:**

Yes, I can go back to them but, as I say, it is being reviewed - I have said it 3 times now - with a view to incorporating it in the Government Plan, which will be this year.

**6.12.4 Deputy J.H. Perchard:**

My question is along the same vein as Deputy Morel’s but, in short, will the Minister commit to ensuring that those users of Supply Jersey, such as those with a purchase card in schools, for example, are asked for their opinion on the service, before we renew the contract, or take any steps to improve it?

**Deputy S.J. Pinel:**

Yes.

**Deputy J.M. Maçon:**

Deputy Perchard has asked my question.

**6.12.5 Deputy R.J. Ward:**

May I ask the Minister to please consult again with the users, as was suggested there, because the information I am getting - and it is not just from schools, and obviously other Deputies are - is that it is really not providing the service that we want and it could be costing us more and limiting sales to local companies, which is exactly what we do not want at the present time.

**Deputy S.J. Pinel:**

Yes, and I thank the Deputy and reiterate the commitment made to Deputy Perchard that we will, of course, look into this and I realise it is not just the schools.

**6.13 Deputy G.P. Southern of the Minister for Treasury and Resources regarding the funding of Jersey Finance: [OQ.75/2019]**

In the light of the grant of £250,000 to Jersey Finance, to assist with the setting up of an office in the U.S.A. (United States of America), will the Minister advise the Assembly whether the model, by which Jersey Finance is funded, is due to be changed, or reviewed?

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

The responsibility for the grant arrangement to Jersey Finance Limited sits with the Minister for External Relations. There are no plans, at present, to change the current funding model, but I understand that an increase in future funding for Jersey Finance will be put forward for consideration, as part of the Government Plan process. This will require careful consideration, alongside what I expect will be a number of competing requests. I can, however, say that such a request would be consistent with the Common Strategic Policy of the Council of Ministers, as approved by this Assembly on 4th December 2018. I believe strongly that we must effectively promote the well-being of Jersey's primary economic sector in future years against a challenging external environment and I hope that Members of this Assembly will share that view when we come to vote on budget allocations later this year.

**6.13.1 Deputy G.P. Southern:**

Given that we appear to be launching a new decade of austerity, it seems to me that competition between various good causes is likely to dominate. So, can the Minister state clearly for Members what the balance of funding for Jersey Finance currently is, between government spending and the industry's spend?

**Deputy S.J. Pinel:**

Members of Jersey Finance contributed more than £800,000 to the budget of Jersey Finance in 2018 and, furthermore, the finance sector contributes substantially to the income tax and corporate tax of our government, plus the fact that the government grant to Jersey Finance is approximately £5 million per year.

**6.13.2 Deputy M. Tadier:**

Would the Minister confirm whether Jersey Finance is strapped for cash and furthermore how does she, as the Minister for Treasury and Resources, decide between competing bids, for example when the Arts Centre and the Opera House repeatedly ask for money and are turned down in the first tranche of I.A.B. (Investment Appraisal Board) bids and in the second tranche and threatening to close their doors, not as an idle threat, but because they have perhaps little alternative? Yet, when a relatively wealthy, presumably, consortium, that represents finance, asks for money they are given that to set up completely new ventures. Is there a rationale behind this approach?

**Deputy S.J. Pinel:**

I do not think the Deputy is comparing like with like. Jersey Finance have a great reputation of working internationally and has been adept at building connections in international markets. This is very different from what the Deputy is talking about with a cultural aspect of bids in the Investment Appraisal Board, which are ongoing and they have not been refused. So, I do not think the like with like comparison is suitable to answer.

**Deputy M. Tadier:**

Sir, may I have a supplementary?

**The Bailiff:**

I am sorry, Deputy, we have 4 Members wishing to ask questions and time is marching.

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

Is this not just another example of Treasury and Resources' *largesse* to organisations with handouts from unspent contingency, does it not make a mockery of our Budget debate last December? Why do we not agree a Budget in December and, if there is unspent money, allow States Members to be involved in the allocation of extra money that comes in?

**Deputy S.J. Pinel:**

As the Members will be aware, the audited accounts of the Treasury and Resources will be published in April, 2 months earlier than normal, and then we will see what the underspends for 2018 are and what can be further allocated to future contingency. But there is not an underspend in contingency, as the Connétable suggests, at the moment and certainly there is no *largesse* dispensed by Treasury and Resources.

[11:15]

**6.13.4 Senator S.C. Ferguson:**

When Jersey Finance was set up - some of us remember that - the original arrangement was that the funding should be on a 50/50 basis between government and the industry. Will the Minister supply a clearer analysis, well not just clearer, a clear analysis of the split of funding between government and industry, so that when the question of the Budget comes up later in the year, States Members can make an informed decision?

**Deputy S.J. Pinel:**

As I mentioned in answer to the last question, the audited accounts will be produced at the end of April, which should give the Senator an answer to her questions and many other States Members, including myself, as to what is available from underspends, what can be allocated in future times. But, comparing Jersey Finance with other industries is not necessarily a reasonable way to go forward. They have made huge input into our international development with other countries, which probably now, with Brexit in mind, is more important than ever.

**Senator S.C. Ferguson:**

That was not an answer to my question. I asked for a clear analysis of the split of funding between government and industry, not the audited accounts.

**The Bailiff:**

I think the answer was that the audited accounts will reveal an analysis, which then will be open to Members to examine. I am sorry, I have refused Deputy Tadier a supplementary and I refuse yours as well.

**6.13.5 Deputy J.M. Maçon:**

Notwithstanding the good work of Jersey Finance, and exactly following on from the point of Senator Ferguson, that it was a pound-for-pound funding when it was sold to the States, but also at the same time we did not have the function of a Minister for External Relations, which now produces things like global market strategies, for example. So, does the Minister agree that the funding model for Jersey Finance should be completely reviewed, root and branch?

**Deputy S.J. Pinel:**

Yes, in the light of the Deputy's question, with the establishment of a department - if one can call it that these days - of External Relations, then, yes, one could review what Jersey Finance are doing. But, I do not think it an appropriate time to do it at this moment, until we have received the audited accounts and produced the Government Plan, which will see where we go forward into 2020.

**6.13.6 Deputy K.F. Morel:**

Apologies if you answered this at the very beginning and I did not hear it, but given that £250,000 is being spent on the setup of an office in New York, that will obviously incur ongoing operational costs and, as a result of that, does the Minister for Treasury and Resources envisage having to increase the grant to Jersey Finance, in order to cope with those ongoing operational costs?

**Deputy S.J. Pinel:**

That is a very good question. This is for the set-up and a Director - or whatever their title will be - to run it. Whether it is ongoing costs, again I hate to keep repeating it, but it does depend on how this feeds into the Government Plan.

**6.13.7 Deputy G.P. Southern:**

The Minister has just revealed a 6-to-1 ratio in the amount of funding, the proportion that is funded by the taxpayer and the proportion funded by the industry; does she have figures to show that the return to the States and the industry are in the same proportion, 6-to-1?

**Deputy S.J. Pinel:**

That is somewhat along the lines of what Senator Ferguson was asking and if we can wait until the accounts come through, then we will be able to provide the information further to the Assembly as to exactly what is going to be provided, what feeds into the Government Plan, what is available from contingencies, which I cannot say at the moment.

**6.14 Deputy S.M. Wickenden of the Chief Minister regarding publication of the consolidated list of ministerial responsibilities under Article 30A of the States of Jersey Law 2005: [OQ.58/2019]**

When will the Chief Minister publish the consolidated list showing the functions discharged by him, those discharged by each Minister and those which have been delegated to other Ministers, as required under Article 30A of the States of Jersey Law 2005?

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

The Deputy will have seen that we have moved political responsibilities in a number of areas in the last few weeks so now that has been done, the full list of responsibilities will be published before the end of next month.

**6.14.1 Deputy S.M. Wickenden:**

I know that things are moving around, but let us go back where the Attorney General earlier stated, the law states "the Chief Minister shall", it does not say "may", "could", it says "shall" and that is a definitive, which means that we are already 6 months in and we do not have these lists. Now, they should be fluid, as things are moving, but it is not fair on anyone, certainly Back-Benchers, to not

know who is responsible for what, because it hinders our work. Will the Chief Minister get this list done earlier? We have a new Member in the Assembly, who would like to know who is in charge of what so the Member can ask questions. Waiting until the end of the month is not good enough anymore, we have waited long enough.

**Senator J.A.N. Le Fondré:**

I just said “will” be published; that is the same as “shall”.

**6.14.2 Deputy S.M. Wickenden:**

“Will” is great that you are saying it will be a definitive, but it should have already been done because the law says “shall”, which means it already should have happened.

**Senator J.A.N. Le Fondré:**

I am not an English teacher and there are other people far more qualified than me to discuss this. As far as I understand it, “will” and “shall” are interchangeable, give or take. “Should” is different and, as the Member will understand, there have been some changes that we needed to consider properly; that is about aligning priorities and getting responsibilities in the right place and, as I said, there are decisions that were signed to achieve all that over the last few weeks. That means now the list can be updated and will be with Members by the end of next month.

**6.15 Deputy R. Labey of the Minister for Infrastructure regarding registration documents accepted by the Driver and Vehicle Standards department: [OQ.60/2019]**

Will the Minister advise whether the Driver and Vehicle Standards Department in Jersey insists solely on receiving paper V55 certificates, the manufacturer’s sales registration document, when registering new vehicles; and, if so, why they are not accepted in electronic format?

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

V55 forms are only available in paper format and so there is no electronic route currently open to Driver and Vehicle Standards. V55 forms are intended for a pre-completion by vehicle manufacturers and are considered secure forms by the D.V.L.A. (Driver and Vehicle Licensing Agency) in the United Kingdom.

**6.15.1 Deputy R. Labey:**

I understand that it is only Jersey and our sister island in Guernsey that do not allow V55 forms to be submitted and exchanged electronically, as compared with the rest of Europe, where this is standard. Will the Minister confirm that and outline any steps that he might - and his department might - be taking to change this anomaly?

**Deputy K.C. Lewis:**

Indeed, there are strict guidelines to the access and use of the forms by vehicle manufacturers and dealers to prevent vehicle fraud. D.V.S. (Driver and Vehicle Standards) in Jersey has a fantastic working relationship with the D.V.L.A. in the United Kingdom. Should a secure, electronic, option become available, in the future, D.V.S. will work to ensure that this route is open to local dealers.

**6.15.2 Deputy R. Labey:**

Has this ever been tried; that this be done electronically? Surely, if it is done throughout Europe, in every other country apart from Jersey and Guernsey, it must be possible, so why can we not do it?

**Deputy K.C. Lewis:**

It is possible, but as we get quite a lot of our vehicles from the United Kingdom, the United Kingdom do not have this facility, as yet. If and when this comes online in the United Kingdom, then Driver and Vehicle Standards would be more than happy to follow suit.

**Deputy R. Labey:**

I did ask if it had been attempted here in the department.

**Deputy K.C. Lewis:**

Not to my knowledge.

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

Would the Minister confirm that the department has, in fact, got the electronic capability to be able to address this issue?

**Deputy K.C. Lewis:**

I believe that is the case, but, as I have said previously, the United Kingdom, the Driver and Vehicle Licensing Authority in the United Kingdom, who we are very closely aligned to, do not do it as yet. If and when they pursue this line, then we will be more than happy to follow.

**6.15.4 Deputy S.M. Wickenden:**

Could the Minister not just confirm that there was a project to sort out the D.V.S. into a more digital format over the last 3 years?

**Deputy K.C. Lewis:**

Could the Deputy repeat the question?

**Deputy S.M. Wickenden:**

There was a project to digitise this programme that ran through with the Minister's department over the previous 3 years. Could he look into that please?

**Deputy K.C. Lewis:**

Yes. As I say, if and when the United Kingdom come online, we will be more than happy to follow, but most of our cars come from the United Kingdom, so we are not able, as yet, to do a paperless route. If and when they come online, we will be more than happy to follow.

**The Bailiff:**

Final supplementary? No?

**6.16 Deputy K.F. Morel of the Assistant Chief Minister regarding the licences issued in respect of non-qualified staff: [OQ.69/2019]**

How many licences to work for non-qualified staff were removed from the wholesale and retail sector in 2018 and which business sector had the most such licences removed last year?

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

114 licences for non-qualified staff were removed from the wholesale and retail sector in 2018. The hospitality business sector - hotels, restaurants and bars - had the most licences removed. This question is very similar to that of question one in the written questions and, on it, it has a reference to a website, in which quarterly updates are given and will probably answer all the questions the Deputy may have, including any supplementaries.

**6.16.1 Deputy K.F. Morel:**

Thank you, Assistant Chief Minister. Could you let me know what criteria are used for deciding whether to remove licences from the retail sector?

**The Connétable of St. John:**

We do not remove a valid licence; it is after 5 years, when the licence itself has expired, it is for the business to reapply for the licence to be renewed and, in those circumstances, it is looked at by a delegation of officers.

**6.16.2 Deputy K.F. Morel:**

Given the enormous challenges faced by the wholesale and retail sector, as described in the Scrutiny report - the retail review that was undertaken by the Economic Affairs Scrutiny Panel - do you think it is time to give the sector a break and cease the removal of licences that, perhaps, are not in use and therefore remove the need for them to reapply, so that they can maintain that flexibility within their business?

**The Connétable of St. John:**

The population on the Island has grown some 1,200 to 1,500 in numbers over the last few years, being some 4 or 5 times the projected target figure and so we are not singling out the retail above, or below, any other industry; we are trying to take an even hand right across all the industries.

**6.17 Deputy M. Tadier of the Minister for Education regarding a review of the provision of sixth-form education in the Island: [OQ.74/2019]**

Does the Minister have any plans to review the provision of sixth-form education during this term of office; and if not, why not?

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

I am committed, during my term of office, to reviewing the structure of our secondary education system, to ensure it is fit for purpose for the next 20 years and beyond. This review will include the 14-plus, the curriculum, including our approach to vocational training and sixth-form education. Once I have further details on when and how this review will take place, I will make Members aware, as I am sure they will wish to contribute to the debate. We, of course, await, in anticipation, the work of the Scrutiny Panel, who are currently reviewing the 16-plus offering.

**6.17.1 Deputy M. Tadier:**

What does the Minister understand is the pressing concerns for the 14-plus transfer system in particular?

**Senator T.A. Vallois:**

Of course, the Deputy has asked me a written question with regards to 14-plus in which I have stated that I am aware of the challenges, the transfer of the Hautlieu School at 14 has, particularly on the 11 to 16 schools. There is also an issue of what we would call double funding with regards to year 10 and 11 children going into a separate schooling system, so then having to provide the extra teachers and classrooms required for those 2 years at Hautlieu School.

[11:30]

So, recognising also the impact that that transfer has on the cohort of students that are within that year group, that have worked together in the previous 3 years and the effect that it has, as a whole, on the school in terms of results and ensuring the dynamics between children learning within their environment.

**6.17.2 Deputy M. Tadier:**

Notwithstanding the result of any future consultation, or review, does the Minister have any particular vision for the future of the sixth-form model in Jersey, that she could share with the Assembly?

**Senator T.A. Vallois:**

I thank the Deputy for his question, because my plan this term is to look at the foundations with regards to education, but particularly in terms of the needs of the children that we serve as representatives. For me, one of the big issues that we have to tackle, and I say “we” because Deputy Maçon, of course, is delegated further higher education and skills under the education remit, but one of the biggest issues is recognising the importance of both vocational and academic and how they are both equally important, looking at areas that are shown to prove some great outcomes for children, such as the vocational offering in Germany, and other areas, Singapore, but also recognising that a result on a piece of paper does not give you the value as an individual. So, we have to recognise what kind of system we need to put in place for the next 20 years and recognise our economy could look very different to what we see it now and it may not just be particularly careers, but a lot of different types of jobs and flexible working. We need to prepare our children with the necessary skills to support that future.

**6.18 Deputy K.G. Pamplin of the Minister for Health and Social Services regarding the action to be taken in response to ‘Assessment of Mental Health Services’ (S.R.4/2019): [OQ.71/2019]**

Further to the report of the Health and Social Security Scrutiny Panel’s work into mental health, presented this week, will the Minister assure the Assembly that improvements to mental health services will be made as a matter of urgency; and will he provide the timetable for such improvements to be made?

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

As the Deputy has pointed out, the Scrutiny Panel’s excellent report was only published last week, and he will be aware that it is normal to allow up to 6 weeks for a response to a Scrutiny report and, therefore, I wonder if the Deputy is seeking a quick preview. But, nonetheless, I very much welcomed the report, it was a thorough, hard-hitting, report. I will be working closely with clinicians and officers over the coming weeks to carefully reflect on the numerous findings and recommendations and to prepare, with them, a full and detailed response. But I can assure the Assembly today that improvements to mental health services are being made and will continue to be made. Many of the issues identified in the report are part of a current Mental Health Improvement Plan, which is being driven by a Mental Health Improvement Board, which covers a number of agencies. The key priorities for that board and the executive team are a strategy to improve our mental health facilities; a recruitment campaign to fill vacancies; a focus on crisis prevention and intervention and investment in clinical and professional leadership roles. We started addressing many of the issues raised in the report and I can say we have a plan under development to replace Orchard House within 18 months and by this summer we will have a new place of safety, in the hospital, to assess patients in crisis. Further detail on that and all other recommendations will be provided in response to the panel’s findings and recommendations.

**6.18.1 Deputy K.G. Pamplin:**

I thank the Minister for responding. I am fully aware of the rules of engagement as a new politician here, but I stand on my feet as a matter of urgency. In 2014, the then Minister for Health and Social Services said Jersey would build a new mental health unit for young people; it never happened. The former Minister for Health and Social Services last March said that plans for a mental health facility at Overdale was coming; it has not happened. So, will he go one step further to ensure that absolutely



there will not be a need for another report this damning, that is causing so much damage to our loved ones and Islanders in 3 years, 6 years, or 30 years' time?

**The Deputy of St. Ouen:**

I absolutely share the Deputy's concerns and, not just me, but it is the resolve of the whole Council of Ministers, which has placed greater emphasis on mental health in its Strategic Policy; all of us are determined to achieve a parity of esteem, demonstrating that we value mental health equally with physical health and provide equal access to effective safe treatment and care. I see things happening and I see leadership coming forward from within the clinical and professions. That is inspiring workers. We have independent advocacy organised and we are addressing those estate-related issues and, as I have said, we have an 18-month plan. There has also been good investment in the first months of this year. I understand there are new digital services available to those seeking assistance and we are constantly working trying to improve the offering of Jersey Talking Therapies. There is much going on. We absolutely recognise the importance of improving services, getting this right for our people in this Island and I look forward to working with the Scrutiny Panel and reporting to it and this Assembly in the coming weeks.

**6.18.2 Deputy K.G. Pamplin:**

I thank the Minister for that. During our report and, as our report alludes to, there are many interim roles still in place, and I refer to Deputy Le Hegarat's question about this in the written questions. But, can he confirm and will he be able to provide, maybe, in a written response to all Members, and especially us today, the status of those interim roles, including the Interim Director of Quality Governance and Nursing in mental health?

**The Deputy of St. Ouen:**

All that is being addressed under the target operating model. As to interims, or delivery of services by *locums*, I can say that we have recently recruited 4 new psychiatrists, on a permanent basis, into the service. They are already beginning to make a huge difference and encouraging the workforce who work with them.

**6.19 Deputy R.J. Ward of the Chief Minister regarding measures to assist Islanders on low incomes with preparations for the impact of Brexit: [OQ.64/2019]**

Following the comments of the Minister for External Relations, on BBC Radio Jersey, that families can add a few extra items to their weekly shop to stock up for Brexit, what plans, if any, does the Government have to assist those on low incomes, who may struggle financially to do this?

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

Yes, as the Deputy is aware, we already look after low income and vulnerable people through a range of benefits. The Minister for Social Security is kept updated by officers, to ensure that these benefits provide an adequate safety net to Islanders, who would otherwise struggle to support themselves. This will continue, regardless of what happens with Brexit. Benefits are updated annually. We can respond more quickly, if we need to, including to respond to any effects from a potential no-deal scenario that necessitate additional support for low-income households.

**6.19.1 Deputy R.J. Ward:**

I am pleased to hear. Can you confirm what I heard from that is that there will be the possibility of additional income for those on low incomes to, perhaps, stock up on a little extra, as a response to Brexit and, if so, how will that be decided upon?

**Senator J.A.N. Le Fondré:**

I did not say that. I said we obviously have systems in place to look after vulnerable people. At the moment we do not believe there is a significant risk to the Island's supply chain and so adding additional items to the weekly shop is purely a precautionary approach. Obviously, the position is being monitored, on a daily basis, and we can move quickly if changes need to be made to provide that additional support for low-income families, but that is not on the agenda at the moment.

**6.19.2 Deputy M. Tadier:**

Does the issue of having to stock up on food, in this case for Brexit, but for any potential doomsday scenario, bring into question Jersey's food security plan and, if so, would the Minister expand on whether he thinks that is sufficiently robust, particularly in terms of the agricultural land, or former greenhouse sites, that may be going into non-agricultural use?

**Senator J.A.N. Le Fondré:**

That is certainly taking the limits of the question to an interesting level. The point is there is not a suggestion that we are going to run out of food as a result of Brexit; what we are saying is there could be some implications, it depends what happens over the next, possibly even today, tomorrow, and the next few weeks. What we are saying is, just take a slightly precautionary approach, if you are able to. But the crucial thing is, in terms of level of severity at this stage, it is the equivalent of if we get hit by a couple of days of storms, or something along those lines. That is the view at present. The position is being monitored on a daily basis; should that change, obviously, we will advise the Islanders and Members accordingly.

**6.19.3 Deputy K.F. Morel:**

The Chief Minister said that the item was not on the Council of Ministers' agenda at the moment. What concerns me is that, given Brexit is potentially just 2, or 3 weeks, away and therefore the effects, which are most likely to be felt more keenly at the beginning of it, no matter how quickly the Government moves, if it is just planning to give hard-up Islanders a few extra pounds in their pocket, that is very likely to miss the point where Brexit happens and where the shortages happen. Does the Minister have a plan as to how to help needy Islanders should there be food shortages?

**Senator J.A.N. Le Fondré:**

Yes, but what we are saying is: at the present we do not think we need to enact that plan. What we are saying is, to Islanders, we are just saying take a precautionary approach, if you are able to. We do not believe we need to enact that plan.

**6.19.4 Deputy R.J. Ward:**

Having been involved in the Brexit Review Panel, I believe that there is a plan in action, but the point of the question was that those who are unable to take those precautions, because of their income - and there are significant numbers who use food banks on this Island regularly, because they simply come across hard times due to life situations - some reassurance from the Minister that there is a plan in the background that will support those members of our community, who are the most vulnerable, would be very advisable and certainly appreciated.

**Senator J.A.N. Le Fondré:**

Absolutely. All Islanders need not worry and those who are in what we call the vulnerable elements of society will be looked after. At the moment, we believe we are well prepared. We do not believe there is any need to enact such a plan that the Deputy is referring to. If we need to, we will do, and they should not be concerned about it and they will be looked after.

**The Bailiff:**

No final final supplementary, Deputy?

**Deputy R.J. Ward:**

Just to say that the reassurance is what is wanted and I thank you for that.

**6.20 Deputy I. Gardiner of the Minister for the Environment regarding the plans to combat the threat of the Asian Hornet to the Island's bees and pollinators: [OQ.67/2019]**

Further to Written Question 173/2018, will the Minister update the Assembly on his department's plans to combat the threat of the Asian Hornet to the Island's bees and pollinators?

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

I am grateful for the opportunity to update the Assembly on commitments since last October. An Asian Hornet management plan has recently been agreed, a very comprehensive one, it will be published this week and it is intended to be implemented from the start of April to the end of October this year. The plan, this detailed plan, content and implementation dates have all been agreed by the Jersey Beekeepers Association, the Jersey Asian Hornet Group - which is a new group from the Beekeepers - and the Natural Environment scientific team. In particular, a co-ordinator has been appointed, who will be taking up that position on 18th March. It is appropriate to recognise the work of the Jersey Asian Hornet Group, they are a group of volunteers, predominantly beekeepers, who have dedicated many hundreds of hours to developing methods to track live hornets and locate nests and help us deal with them and they need to be commended for that effort and commitment for the last 2 years and I am very grateful they have agreed for their continued commitment in 2019. They give us a manpower resource that the department does not have. We are able to provide support, logistics, some modest infrastructure and very limited funding.

**6.20.1 Deputy I. Gardiner:**

What actions are your team taking to ensure that members of the public can recognise the Asian Hornet, in order to be able to report it? I am asking this question because I have seen lots of photos and pictures over the year but only last week I saw the Asian Hornet – a dry one - and I realised now I know how I can recognise it.

[11:45]

**Deputy J.H. Young:**

That is absolutely a good question; there is no substitute for looking at a specimen in a little jar and seeing; once you have seen it, they are quite big, so that is the first thing and, of course, they are pretty lethal creatures, but we will manage them and work with our programme of invasive species but we are going to have to learn to adapt to them and find out and increase our ways of dealing with them. Publicity: you will be pleased to know this is a task that our communications unit have agreed to take on, because the Asian Hornet Group, they have just got so much expertise, so much photographic material and, particularly, we have worked hard to make sure the schools and the staff in the schools and the teachers are aware of those risks because, obviously, that is where people are particularly vulnerable. So, that is part of the plan. I am happy to release it now to the Deputy, but, of course, it will be on the website in a few days.

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

I am grateful to the Minister for acknowledging the great work that the beekeepers and unpaid people have done on the Island to combat Asian Hornets; it is one of those things we are going to have to accept as climates change and some of these diseases and threats work their way up from southern Europe. Does the Minister also accept that we are now the leaders, at the forefront of the fight against Asian Hornets in Britain and that people come now to the Island to see the work that we have done to go back to other parts of Britain and to carry on that work?

**Deputy J.H. Young:**

Yes, the Deputy is spot on. Maybe it might be an accident of geography, because, obviously, Asian Hornets were brought into France and then they have migrated from France into us and, of course, the U.K. are interested because, obviously, they are not very keen on having them as visitors over there. They are learning from us and we have been able to benefit from the work of South Coast University people who have come, so there is co-operative working. Part of my frustration is, obviously, we spend derisory amounts of money on our environment, less than half a per cent of our budget, and one is scraping the barrel to try to find resources. But this year I am pleased that we were at least able to repeat the £35,000 that we put into this, to build up this work, but, frankly, what we have had to do, I am afraid, is use all our budget for invasive species on the Asian Hornets and I am afraid it is not leaving us with anything for other invasive species. So, we may have to come to the Minister for Treasury and Resources, if more emergencies occur.

**6.20.3 Deputy R.J. Ward:**

Some of the points I want to make have been covered. I would like to reiterate the fantastic work of our beekeepers and the Jersey Asian Hornet Group, who have really been on the frontline. This year is such a crucial year in the fight against Asian Hornets, because, if they take hold this year, we are not going to get rid of them. So, could I suggest that, perhaps, some of the contingency funding can be used to support this group and to really go all out in order to take on this growing issue? You are absolutely right about further invasive species that will come with climate change.

**Deputy J.H. Young:**

I am afraid that having an ambition of eradication is probably practically not possible, but there are a number of principles. Firstly, there is no question, I have met with the Asian Hornet Group and these are passionate people, incredible knowledge, who have dedicated unbelievable commitment. But, what we have tried to avoid doing is sending out the public, if you like, on a mission to find these, because there are dangers and so working with that group and trying to build up that training and knowledge and extending that is the best way forward. So, we are going to have to work with the expert resources we have and try and build that gradually, but I am afraid eradication is not a prospect. As the Deputy says, climate change is changing the world; we are seeing all sorts of disease patterns moving around the world, species patterns and, of course, new disease vectors come into the Island, and that can affect us and human beings in all sorts of ways. It does come back to the issue of whether, or not, sufficient priority is given to environment generally and Members know my view and I am probably boring Members that we just have not done so and we need to do so more.

**The Bailiff:**

Final supplementary? No?

**7. Questions to Ministers without notice - The Minister for Social Security**

**The Bailiff:**

That brings that part of question time to an end. We now come to questions to Ministers without notice. The first Minister is the Minister for Social Security.

**7.1 Deputy K.F. Morel:**

Could the Minister please give an overview of her priorities for the next 3 years?

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

Some were published in the Transition Plan. I am working with my Assistant Ministers, we are working across health and we are looking at the whole reviews that were done on the Social Security

Fund, how we deliver L.T.I.A. (Long Term Incapacity Allowance) and short-term incapacity benefit and long-term incapacity benefit. There is a lot of work to be done over the next 4 years; it is planning everything. Top of the list is work-based pensions - we have already met with Treasury - we know there is a lot of work to be done to make sure they are even suitable. So, that is just an overview on the brief time I get to answer that very, very large question.

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

Would the Minister advise the Assembly whether she is considering increasing, or removing, the social security cap for high earners?

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

At the moment, obviously we know we need to pay for a lot of the things that are in the C.S.P. and there is going to be, for the first time ever, income as well as what we want to spend, so there is nothing ruled out; this will be looked at. You have to take into consideration who you are trying to help and who you are trying to get money off of and make sure that middle people are not hit too much. But, nothing is ruled out at this stage, looking at income into the Government and the States Assembly.

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

Further to questions this morning about the increases in the minimum wage, will the Minister further consider some sort of reduction in social security payments, to help the retail, hospitality and agricultural sectors through these particular challenges?

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

That has not been on my radar. The minimum wage is set by consultation with industry and I know there is a big part, which is the productivity review, that has not delivered on time. Until I see that; until I see where there are effects ... I know there are effects on farmers, the farmers tell me it is not so much the money, sometimes, as getting the people. I know the Minister for Home Affairs has allowed 150 work permits for that area and the retail area. So, we will have to look into that as a whole, but massive, again, do you increase in one and take away from another, you end up with a net and nobody wins.

## **7.4 Deputy G.J. Truscott of St. Brelade:**

The Back to Work team does a tremendous job locally. We do, as a Government, invest £6 million a year in that department and, as I say, they have done a great job over the years. Now, while we have the lowest unemployment and the highest employment figures in the Island, there is a hard core of long-term unemployed, could we spend that money in a more imaginative way, to help these people find work?

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

I would not expect anything less from the Deputy, who used to have responsibility for Back to Work, but it is a complicated figure; the last manpower report was 890 people, 500 women and made up by men. But most of these people are working, they just are not doing the amount of hours that Social Security, depending on age of children, where you are ... it might be a mum, whose children have now gone to secondary school, she was doing 20 hours, she now needs to do 25 and she is looking for that. So, these are all different. There are people, who have been out of work so long, for different reasons, you can spend as much money as you want; unfortunately, we did not get in there early enough and we are not going to solve that problem, so we need to evaluate all the time. We are helping people quickly get back into work. We have the lowest figures across the last few years in quarterly returns that we have had for many years, which is really good.

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

Just breaking down the answers given to me in written question 133, I see that 34 members of staff have had over 3 days in a row medically certified off work for mental health and well-being. It is not the highest number of total breakdown, it is not the lowest, but can the Minister just reassure us and Members today what practices are in place for the mental health and well-being for some of the staff, who work at Customer and Local Services, who will be confronted with some very complex and upsetting situations I am sure and, if she cannot do that in full detail, will she put it in writing to all Members?

**Deputy J.A. Martin:**

Yes, and I will endeavour to find out more<sup>1</sup>, but the Deputy is obviously asking these questions, the written and the oral, on the back of their very good report on mental health and I have gone through the recommendations and I do not necessarily disagree. But, I am costing them as I go along: free G.P.s for mental health, early intervention for mental health, new Orchard House, costing them, I am only up to about recommendation 16 and we are talking a few million pounds. Again, this has all got to be discussed and funded, so I will do what the questioner asked me in the first place, if it is there and in writing.

**7.6 Deputy R.J. Ward:**

I have been dealing with a number of constituents' cases with Social Security and one of the blocks I have found is the help available to complete forms initially and I have to confess, when I am helping, I am struggling to help fill in the forms myself. Some of them can be quite complex and the people, who are making the decisions, cannot help with the forms. So, can you confirm what help is available and if there are any plans to try to increase that help for people, who are applying for the different benefits?

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<sup>1</sup> The Minister for Social Security has since circulated the following information to Members of the States, in relation to the question by Deputy K.G. Pamplin of St. Saviour:

Customer and Local Services takes the mental health and wellbeing of its colleagues very seriously. Of the 34 employees who reported sick with a mental health reason in the 14 months since January 2018, it is important to note that these are not specifically work-related absences but cover absence for a range of conditions such as depression, bereavement, stress and anxiety. We are committed to supporting our employees at all points, and our Health, Safety and Wellbeing Committee work closely with the Government wide Wellbeing team to offer support both when colleagues are unwell, but also preventative to ensure ongoing good health.

Initiatives on offer include:

- An open and supportive line management culture with frequent 1 to 1 meetings and the opportunity to discuss personal situations. Recognition is also an important part of making people feel valued at work and CLS have a strong culture of recognition including 'Boost Boards' and monthly 'Living our Values' awards
- 'Be Supported' service providing easy, fast and confidential access to information and resources on a wide range of work-related or domestic topics. The 24/7 helpline offers practical, impartial information and support on everyday matters ranging from health issues, financial and legal matters (such as dealing with debt) to home and family issues. Colleagues can call the service as many times as they need to - the service is 24/7 to take their call.
- As well as the self-referred helpline, employees can be referred for up to 6 sessions of counselling (free) and bespoke support can be arranged in individual circumstances
- Team building wellbeing activities include: Weekly running club, in house fitness classes, annual walking and cycling challenges, mindfulness training and tapping/meditation classes, vegetable growing competition, board game evenings, book club, team sporting events (eg marathon relay, swimathon), charity fundraising initiatives)
- 'Know your Numbers' health sessions with AXA Wellbeing physiologist and 'Know your Financial Numbers' for people wanting to talk through finance questions
- Ongoing communications through MyStates Intranet and CLS Weekly Newsletter promoting initiatives, including things such as 'its good to talk' month.
- A Government wide Mental Health First Aider initiative is soon to be introduced and CLS will be training colleagues up to take on this role to support their peers and signpost where appropriate.
- Acceptable Behaviour and Safeguarding committee to support individuals who face challenging situations in the workplace

**Deputy J.A. Martin:**

I am sorry, I have been dealing with this department for the last 19 years and if I have ever needed help with a constituent, the officers made themselves available. Across the board, what we are trying to do, people who understand technology find it much easier to do these things online, do it so it will free up more time for the trained people in the Customer and Local Services, or Social Security benefits, to sit down with these vulnerable people, make sure they are filling in the forms, because then we can make sure they are receiving everything that they are entitled to. I want that to happen and it is happening.

**7.7 Deputy M.R. Le Hegarat of St. Helier:**

The Minister mentioned various reviews. Will there be any consideration, in her term of office, to review the self-employed contributions?

**Deputy J.A. Martin:**

The last Minister did bring in, for start-up businesses, small businesses. It is a very small amount a week and off the top of my head, we did look at it across the board as Assistant Ministers. We did not know how much further we could take it, because they are self-employed. Very good companies and doing very well and there are people who are start-up. As I say, the start-up is very reasonable and obviously if it is not successful I do not think it is even clawed back. But, after a year, or 2, the company is assessed and then it is taken up to what everyone else is paying.

**7.8 Senator K.L. Moore:**

Following on from the previous question, in relation to those who are self-employed, has the Minister given any consideration to implementing a scheme that would assist people, who are self-employed, to have access to critical illness cover?

**Deputy J.A. Martin:**

I have not and I have not discussed this. It is something I will look into as the Senator brings it up but, obviously, there are self-employed - sorry, I was going to say there are companies that give you critical health cover - but I imagine that cost per person, if it is not in a big scheme, would probably be very expensive for the person.

**7.9 Deputy R. Labey:**

On the family friendly new parental leave arrangements, which are to be welcomed, of course, is the Minister not a little concerned that 52 weeks, over 3 years, could prove troublesome for some employers?

**Deputy J.A. Martin:**

Sorry, just for information this has been called in by a Scrutiny and I think things like this will be looked at. It was brought up at the States Members' briefing on Thursday, or Friday. I think the pure understanding is that people can pop up and down when they want to; they cannot. You have to discuss, obviously first with your partner and then your employer and tell them 15 weeks before your due date, which is signed by the doctor. You have to arrange your 3 years' leave, or if it is one year, you can only take it in up to 4 blocks. If you have 2, 2, 2, you have to take the rest in the last, or you lose it. So it could be 2, 2, 2 and 2. It is very flexible, and I am just trying to tell people but, again, this will all come out in the Scrutiny review, things that probably were not understood by some people and understood by some, who still do not like it.

**7.10 Deputy K.F. Morel:**

The Minister mentioned workplace pensions and I was wondering whether she has any plans for compelling, or doing similar to the U.K., where businesses and employees are forced - I do not like that word - to enrol in workplace pensions.

[12:00]

**Deputy J.A. Martin:**

We are looking at the U.K. and we are looking at Guernsey. In the U.K. it is not compelled. It is compelled for the employer when an employee starts work. Then, when the employee is asked, it is a locked-out system in the U.K. and I think Guernsey is following exactly the same example. It is sort of working; it is very low. Obviously if you start it when you are 16, it is great. I have got people in the U.K., who I have known for years, going in at 55; it is not much help to them. So, we have to get it right for all ages and, as I say, U.K. is opt out, they are not compelled to do it.

**7.11 Deputy G.J. Truscott:**

The government actuaries were in at Social Security, I think, when we were there, or when I was the Assistant Minister, looking at the resilience of the Social Security Investment Funds. The Minister for Treasury and Resources alluded to the fact, last Assembly, that the funds had been hit by the financial markets to a certain degree. Is the Minister confident going forward, that the resilience of the funds is in good shape? We have, plainly, an ageing demographic issue coming at us quite rapidly; when will she consider putting up the Social Security contributions and, if she is considering doing that, would she also consider small increments, rather than large increments, which would help everybody with that particular increase?

**Deputy J.A. Martin:**

I thank the Deputy for his question. Social Security contributions are, as you say, at the moment the fund is doing well. It has been doing well, it has invested great. All these are doing well. They only have so much, and I am so thankful for the other fund, which is a very new fund, the Long-Term Care Fund. We know that was the last actuaries' report and to keep that fund, as the Deputy has said, to deal with the ageing population it will probably only go one way: very small increases, possibly 0.5 per cent, 1 per cent, whenever we set it, so we let the public know. Do you just put up contributions? You need to know, say, like the Chamber want people to pay. In their letter they want to be able to claim back money for small businesses, but the contribution rate in the U.K. is around about 13 to 14 per cent and we are nowhere near that. That is why they have a very healthy fund. The workers do not get much more, but some employees do, but it is only small employers of a certain size. So it is all around. If you want to do this you might have to put it up and it is a big political discussion.

**7.12 Deputy K.F. Morel:**

Questions just keep on coming. Regarding the Long-Term Care Fund, I do recall that we had a briefing on the possibility of raising that rate in the near future. The birth rate for last year was the lowest since 2002 and this obviously means, as Deputy Truscott said, that there are going to be problems funding pensions and long-term care into the future. This puts the onus on the young; it puts a huge burden on the young to pay for the elderly. Are you looking at any ways in which to help? Perhaps wealthier elderly, or help ensure that they perhaps pay more, so that the burden does not rest purely on the younger generation?

**Deputy J.A. Martin:**

Well, somebody was very surprised that somebody who is now out of the Long-Term Care Fund is still paying tax on the Long-Term Care Fund, so it is broad; it is across the board and people have to pay. Yes, there were less babies. A lady was on the radio today and I can tell you the favourite name for a girl in Jersey is Sienna and for boys is Leo. But these are facts that we are discovering - not



about the names I was being flippant - because it is just where is the question coming from. But the Superintendent Registrar is gathering some fantastic statistics and information so we can plan. The lady said for the next 20 years obviously that is where you go. Being born today means they are going to be working in 20 years to service - well, I will probably be gone - but it will probably be servicing some of the Deputies here who will be retiring then.

**The Bailiff:**

Well, Minister, I do not know if you have ever appeared on “*Just a Minute*” but with Leo and Sienna’s help you have talked out your time. [Laughter]

**8. Question to Ministers without notice - The Minister for Home Affairs**

**8.1 The Connétable of St. Helier:**

Will the Minister join me in thanking St. Helier’s Honorary Police for the nearly 300 hours they have spent in the first quarter of this year in their duties and the Honorary Police of all Parishes who play such a vital and unique role in the policing of the Island? [Approbation] Will he, therefore, distance himself from the comments reported in yesterday’s newspaper: “The States of Jersey Police cannot be held responsible for the fact that St. Helier are some 20-plus Honorary Officers short and are finding it difficult to recruit.” A comment, which if correctly reported, is hardly conducive to good partnership working.

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

I commend, to the highest level, the work and the individuals, who are part of our Honorary Police throughout all of the Parishes. I cannot speak too highly of them all. As a Constable I know, probably more than most, what they do, and I endorse and support the comments of the Constable of St. Helier. My remarks in the *Evening Post* were reported accurately. They were as a result of a question I had from the reporter, before I had seen the article, obviously and therefore I cannot disassociate myself from my own remarks.

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

Can I just have a supplementary? I did say that the comments, if correctly reported, were not conducive to good partnership working, because they suggest that key functions of the States of Jersey Police should be discharged by Honorary Officers and that is clearly impossible.

**The Connétable of St. Clement:**

Absolutely right. I think the point I was trying to make was that the Honorary Police do support the law enforcement agencies of this Island and thank goodness they do; they do tremendous work in the town and in the country Parishes and they have my undying and unswerving support.

**8.2 Deputy S.M. Wickenden:**

Following on from my answer to question 8 from the Attorney General, could the Minister please explain what the delay has been in appointing a Chief of Police and a Deputy Chief of Police, as required under Article 8(1) of the law?

**The Connétable of St. Clement:**

Yes. That is fairly simple and I would have thought pretty obvious. Along with other departments of the States, the Justice and Home Affairs Department is working on introducing a new target operating model that could include combining Customs and Excise, for example, with the States of Jersey Police and, therefore, the head of that department would have a different role from that required under the Police Law and the police force, as it currently stands. Therefore, we decided that it would not be terribly wise to try and make an appointment now, only to have to change it, perhaps,

a few months into the appointment of a new officer. The target operating model has been out for consultation. That consultation finished on 6th March. We have had over 200 submissions as a result of that. I have had a series of meetings with staff at all levels, from senior officers to more junior officers. All those responses have been collated. As for me and my Assistant Minister, we are going to be examining them and then coming back with the amendments that will be needed, undoubtedly, to the draft target operating model, which everyone has seen and having further talks with our officers and deciding how we are going to proceed.

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

Can the Minister inform the Assembly whether any Parish-owned areas of land, or public land, have been registered since the law change as to outdoor wedding locations?

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

I believe there probably are some, but I would not necessarily be aware of them; that would be a matter for the Registrar. But I think, certainly, Gorey Castle and places like that are registered. I do not think, so far, any beaches have been registered, but, certainly, I think there is some public land which allows weddings to take place. But, of course, it really is up to the people who wish to avail themselves of using a beach, or common, or public land to make application to the Registrar, who will then consult with the Constable in which that land is situated.

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

Supplementary, please, Sir?

#### **The Bailiff:**

I am sorry, Deputy, I have got, at the moment, 10 Members wishing to ask questions.

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

Would the Minister advise the Assembly, as there is a shortage of agricultural workers, whether he would consider the possibility of allowing prisoners to work on the land, under supervision, thereby enabling them to learn new skills to assist in their rehabilitation?

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

I have to say that rehabilitation is a major function of the Prison Service these days. **[Approbation]** A main priority of the Prison Service these days it is not about punishment and incarceration. Certainly, there are plans afoot to develop this further, to enable prisoners to gain skills within the prison and, as things develop, possibly to go out into the community. But, there is a lot of work to be done in that area, before we can arrange everything. It is not simply the agricultural industry; there are prisoners who are gaining skills in the hospitality industry, in carpentry and other work as well. The important thing is not to use them to support our industries, but for us to support them to gain the skills, so they can become worthwhile members of society when their sentences are finished. **[Approbation]**

### **8.5 Deputy J.M. Maçon:**

Will the Minister please update us, as we are 12th March, on the Jersey settled status scheme with Brexit looming at the end of the month? How many people have registered in that scheme and is the Minister's assessment that the scheme is going well; does it need to be more proactive?

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

I can confirm the scheme is going extremely well. Up to a few days ago some 1,700 individuals had made applications, so that is approaching 10 per cent of what we believe to be the number who could do it. Four hundred of those, their applications have been completed and not one single one has been required to go into more detailed vetting checks for criminality. So, it is going extremely well. Of

course, we are continuing to communicate with the E.U. (European Union) nationals through social media, through the standard media, through partner agencies like Caritas. We are having a pop-up centre for people to attend and, perhaps most importantly, through the consuls, who are being extremely supportive and helpful. We do expect this level of application to continue. Remember, they have got until the end of 2020 to make application, so there is no particular rush and we do expect that to maintain at this sort of level. Then it will die off and then it will build up again towards the end of the second half of 2020. But, to answer the question simply, yes, it is going extremely well.

#### **8.6 Deputy R.E. Huelin of St. Peter:**

I would like to applaud the Minister for the awarding of 150 seasonal licences for the hospitality industry; I am sure not as much as the hospitality industry would like to applaud him. However, may I ask, how was that number derived? What specific skills are required? Where are they going to live, and will that be enough?

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

I will try and remember all that. We had the representations from the Hospitality Association and they made a very compelling case to me and the Assistant Minister and to our officers and we agreed that it would be quite reasonable for us to allow them a certain number of licences, to employ people from outside the European Union on a trial basis, as we did with the agricultural sector. The number they requested was, if I recall correctly, 150 and we have allowed them that number. As with the agricultural workers, the employer, which will be the hotel, guesthouse, or restaurant, will need to provide them with accommodation. They will only grant a licence to these individuals if they can show they have got 2 years' experience in the hospitality, or catering, industry and they complete the police vetting check satisfactorily. I think I have got it all there.

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

In written evidence to our Scrutiny report 6 months ago, which we published, the States of Jersey Police highlighted there was a lack of appropriate secure facilities and suitably qualified staff to restrain and manage problematic patients; meaning young people and adults were often ending up in police cells, due to their mental health. The whole experience, as quoted, for this mental health problem is for somebody that has not broken the law. This is inherently wrong. Does he concur and does he agree with me that this needs to be urgently reviewed?

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

I concur with the Deputy 100 per cent, absolutely. It is one of the frustrations of the police force that they are spending far too long dealing with things that perhaps they should not be doing and perhaps they are not totally qualified to do. They are dealing with people, who are in crisis, where there is a lack of options of how effectively to manage these individuals. Dealing with people, who are suffering from these problems, is now a part of policing, but the lack of options available to the police is really causing them some concern. Just a few months ago, a working group looked at a number of options, which, on the face of it, would have worked in Jersey and significantly reduced the demand on the Emergency Department, as well as the States of Jersey Police.

[12:15]

These included street triage, listening lounges and a member of the mental health team sitting within the combined control room. These things need to be developed; they need to be achieved for the benefit of the individuals, who are suffering these problems, but also for the police themselves, who are having to deal with things that they really should not be.

#### **8.8 Deputy M.R. Le Hegarat:**

The States Assembly has heard much about the target operating model. How does a new target operating model change what is required by the States of Jersey Police Force (Jersey) Law in relation to the recruitment of a police chief? Please explain to the Assembly how this changes what is, in fact, in the law?

**The Connétable of St. Clement:**

I thought I had explained that. The delay in appointing a Police Chief is simply because we do not know what that role is going to look like until we have agreed a final target operating model. When we know that, we will advertise and make the appointment as soon as practicable.

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

My question follows on nicely, because I want the Minister to confirm that, in fact, there is a business case for the target operating model and to give us a brief *résumé* of it.

**The Connétable of St. Clement:**

I am quite happy to provide the Constable with the full business case. But the business case is about improving the services that our departments: our police, our fire service, our ambulance, our customs and excise, improve the services that we provide to our Island; to share intelligence, to share resources, to understand what each other do, so everybody can interact with each other. I will tell you, in the last ... you know, we have been working on this target operating model for a little while; it started off as a draft one, it is still the draft one. But I have been having meetings with staff at all levels, from senior officers to more junior officers, over the last few weeks and what I am delighted about is how they are up for change. They are up for improvement. They are up to improve the services that they offer. But also, I understand some of their concerns about the resilience of their services; the independence of the police, which I know Deputy Wickenden has been speaking about a lot. There are concerns about those areas. All of which, over the next few weeks, now that we have got all the responses, we can look at, collate and decide what we are going to do. But the business case is improving the services that we offer to the Island and to the Island's people.

**The Connétable of St. Lawrence:**

May I just ask that that business case is shared with all Members, please?

**The Connétable of St. Clement:**

There is no reason why not.

**The Bailiff:**

I think that means yes.

**8.10 Senator K.L. Moore:**

Following the comments of the recently appointed Chief Probation Officer, to whom I offer my congratulations, would the Minister confirm whether he has shelved plans to develop a fully integrated offender management system?

**The Connétable of St. Clement:**

I am afraid not, absolutely not. I have had a meeting with the Bailiff and the immediate past Chairman of the Probation Board and we have reached a number of areas of agreement that we shall start work on a memorandum of understanding between the relevant bodies and the Probation Service. We have agreed that we will jointly commission an independent external review of the Probation Service and the integrated offender management system. We did agree that myself, as Minister for Home Affairs, and an Assistant Minister to the Chief Minister would be invited to become full members of the Probation Board, which is, to me, a logical step. Unfortunately, that offer has now been withdrawn, so, currently, there is no democratic oversight, no political oversight of the Probation Service and

that, basically, is wrong. But, the matter is still ongoing. We are going to do that work, because we want to have a clear, co-ordinated and working offender management system, of which the Probation Board should be a vital and important part in the rehabilitation of people who have to go through the criminal justice system. I think that is so important that we support these people as best we can and we do that by integrating the services that we offer, so we are working together much more than we ever have done in the past.

**The Bailiff:**

Deputy Morel, you probably have time for a question, but not an answer.

**8.11 Deputy K.F. Morel:**

With regard to our borders and the transport of animals across them, in the event of a no deal Brexit scenario, will Islanders be able to transport their animals out of Jersey to France on 30th March 2019?

**The Connétable of St. Clement:**

That does not come within my remit, but I do believe that the Minister for the Environment has made a statement to the effect that it is going to be somewhat more challenging than it has been in the past. But, readdress the question to the Minister for the Environment.

**The Bailiff:**

Thank you very much, Minister. The time for questions to Ministers has now come to an end, so that ends question time. There is nothing under J for Personal Statements.

**Deputy S.M. Wickenden:**

Sir, I did raise earlier that I wanted to ask a question about my written question, the answer to my written question earlier.

**The Bailiff:**

Which question and answer was it?

**Deputy S.M. Wickenden:**

It was question 151, on page 25. I have been through the figures and unfortunately they do not match up with the document they are supposed to match up with; the figures do not align. Could I ask the Minister for Treasury and Resources to go away and relook at the answer to this question, so they do in fact align up with the transition document, which is the legal document under Article 18(1)(b) of the Public Finances Law?

**The Bailiff:**

If you will look at that, Minister for Treasury and Resources?

**Deputy S.J. Pinel:**

I can answer what I think is the Deputy's question, inasmuch as the transfers totalled in the transition report, to which the Deputy is referring, came to £775.8 million, as explained in the answer to his question. The total in the transition report is £787.8 million, because the difference is the sum of money allocated to contingency. It is not a department head of expenditure, therefore did not require to be noted as a transfer. So, that results in £12,056,800-and something, which is the allocation to contingency, the difference between those 2 sums. But, the question that the Deputy asked was the transfer of heads of expenditure, not the allocation to contingency. If the Deputy wants a fuller answer I can get him one, but I think that was the question inasmuch as the 2 figures did not total.

**The Bailiff:**

I think the straightforward question, Deputy Wickenden, does that answer satisfy you, because if it does not I am sure the Minister will give a fuller answer as she has commented.

**Deputy S.M. Wickenden:**

No. When you add up the overall transfers and total them to the new department, it does not add up to the same amount as the transition report says that it should do.

**The Bailiff:**

Minister, in the light of your answer, perhaps you would review and give a written answer to the Deputy and he can take that further if he wants to.

**Deputy S.J. Pinel:**

Yes, Sir.

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

### **9. The Chief Minister will make a statement regarding cooperation between the Government of Jersey and the Crown Dependencies of Guernsey and the Isle of Man**

**The Bailiff:**

We now come to statements on matters of official responsibility. The first is from the Chief Minister.

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

As the Assembly will be aware, on Monday, 4th March, several amendments to the U.K.'s Financial Services (Implementation of Legislation) Bill were due for debate in the House of Commons. Those amendments, if passed, would have attempted to legislate directly for Jersey and the other Crown Dependencies in an area of domestic competence and contrary to our centuries' old constitutional relationship with the United Kingdom. In response I, and the Chief Ministers of Guernsey and the Isle of Man, met in our Jersey London Office to engage with U.K. Ministers and parliamentarians on the progress of the Bill and to challenge those amendments. While I am aware that the Minister for External Relations will be addressing the Assembly separately on this matter, I want to emphasise the value I saw in working with our Crown Dependency colleagues, when facing this threat to our domestic autonomy. When the representatives of the Crown Dependencies met on Monday in London, we had already agreed a common position and developed a clear strategy and were then able to issue a joint statement. Our arguments were made stronger and our reasons clearer, by speaking with one voice. We were able to cover more ground than we would have as one Island meeting with senior U.K. Ministers and representatives of parties across the political spectrum and we were able to make our constitutional position clear: we are not represented in the U.K. Parliament and it is a constitutional rule that the U.K. does not legislate for the Crown Dependencies on domestic matters without our consent. Equally, we were able to demonstrate that all the Crown Dependencies are committed to the highest standards of financial services regulation and transparency. Our jurisdictions are parties to the exchange of notes for beneficial ownership with the U.K. and are committed to the aim of exchanging adequate, accurate and current information on beneficial ownership, to help combat tax evasion, money laundering and corruption. This collaborative approach, between our 3 Islands, reflects a position that has developed exponentially in the last 5 years. While all 3 Crown Dependencies are represented in the British- Irish Council and have worked collaboratively on discrete projects, our co-operation has deepened and broadened as we face common external threats. The value of that co-operation has been demonstrated, when dealing with the E.U. Code of Conduct Group on Business Taxation, in Brexit preparations and in facing calls for public registers on beneficial ownership. As we develop our international identity, I see increased value in greater structure to that co-operation. With Guernsey, it began with the establishment of the

Channel Islands Brussels office and the Bureau des Îles Anglo-Normandes. We now have in place a clear pathway to pan-Channel Island co-operation, following the establishment of the Channel Islands Political Oversight Board in June 2018. That board was established on the joint chairmanship of both Islands' Chief Ministers, to support ongoing co-operation between our public administrations and to find and support new partnership opportunities, to improve our public services and reduce costs to taxpayers. It would be naïve to deny that our 2 Islands have not always worked effectively towards a common goal in the past. This is because we have not put political weight behind our partnership and officials have defaulted to their respective silos. This new initiative is different, as it will set specific targets against both Islands' Government business plans, financial plans and transformation programmes. It is not only championed by both myself and Deputy St. Pier, but it also has the full commitment of our ministerial colleagues and public service leaders. We are determined to work together, to deliver better services at better value for money for our Islanders. We acknowledged, early in the process, that a silo mentality has existed across and within both Islands on issues such as procurement, I.T. (Information Technology) and policy development. We also acknowledge that a change in mindset is needed, so that both Jersey and Guernsey can look to co-operate, rather than pursue an insular approach. We are already exploring joint working and policy developments, including through joint commissioning of external experts, secondments of policy officials between Islands, joint teams, joint Island community engagement, joint performance measures and the potential for a joint graduate programme of placements in both Islands. We are exploring a formal partnership for public sector procurement, including contract and supplier management, to improve value for money and reduce costs and we have made a commitment to sharing data and analytics. We are seeing meaningful progress towards our goals. In December 2018, Jersey's Department of Health and Community Services and Guernsey's Committee for Health and Social Care signed a memorandum of understanding, which formalises the Islands' agreement to work together on health issues. A Channel Island Strategic Partnership Board for Health and Care is being established, to maximise opportunities that support our common aims and ambitions. Our 2 health authorities are already working together on procurement and resource management, regulation and professional liaison and mutual support. This has involved visits from the chief nurses, medical directors, safeguarding teams, digital teams, procurement teams, hospital modernisation teams and public health teams. Also in December, a Channel Islands Joint Working Group for law enforcement, emergency services and criminal justice was established, so that representatives from Jersey and Guernsey could identify areas in which the Islands can collaborate. I know that our Islands cannot change entrenched ways of working overnight, nor can we expect to change the public view of joint working, without clear evidence that it is effective in producing the efficiencies promised and this can only come with time. Looking forward, all 3 Crown Dependencies face significant international challenges, whether from Brexit, cybercrime, or threats to our financial services industries. As a key piece of Brexit legislation, the U.K. Financial Services Bill will return to the House of Commons. The Speaker has made clear that he will allow the amendments already tabled to be debated. The Crown Dependencies can face all of these challenges separately and rely on the relative strengths of our individual representations, or we can speak with one voice and one message, consistent and clear.

[12:30]

I believe the choice is obvious. I make a commitment to the Assembly that I will continue to engage proactively with our colleagues in the Crown Dependencies, to meet the collective challenges we face and to pursue further co-operation between our Islands. **[Approbation]**

**The Bailiff:**

There is now 15 minutes for questions.

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

The Chief Minister acknowledges that a change of mindset is needed, so that both Jersey and Guernsey can look to co-operate, rather than pursue an insular approach. Does that approach also apply to fishing?

**Senator J.A.N. Le Fondré:**

The discussions on fishing have been a bone of contention within different parts of the Islands for quite some time and there has been a start to some helpful discussions very recently.

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

Would the Chief Minister confirm that he is open to discussing matters of waste disposal with our sister Island?

**Senator J.A.N. Le Fondré:**

Yes. This is not something that has come up on the agenda at the moment. What we are trying to focus on is, obviously, the high-level things like procurement, I.T. services, health; those areas, but I am sure that could come on to the agenda.

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

Does the Chief Minister accept that inter-Island travel is vital, if we are going to pull off the initiatives that he is proposing?

**Senator J.A.N. Le Fondré:**

Inter-Island travel has been on the agenda and discussed on at least 2 of the occasions that we have met.

**The Bailiff:**

All right, that seems to bring questions to the Chief Minister, on his statement, to an end. We now come to the statement to be made by the Minister for External Relations.

## **10. The Minister for External Relations will make a statement regarding the response to proposed amendments to the United Kingdom Financial Services (Implementation of Legislation) Bill purporting to legislate for Jersey**

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

On Friday, 1st March, a series of amendments were tabled by the United Kingdom Parliamentarians to the U.K. Government Financial Services (Implementation of Legislation) Bill. Among other measures, those proposed amendments sought to impose public registers of beneficial ownership on all Crown Dependencies and Overseas Territories including Jersey. The successful passage of those proposed amendments would be contrary to the established constitutional relationship that exists between the United Kingdom and each of the Crown Dependencies and, if passed, would produce inoperable legislation. It is a clear constitutional rule that the United Kingdom does not legislate for Jersey on domestic matters, without our consent. This is clearly a domestic matter. The authors of the proposed amendments have argued that public registers are now a matter of United Kingdom national security and, therefore, are constitutionally under the jurisdiction of the United Kingdom. This is simply not a viable argument and, in my opinion, is wholly without merit. I want to be very clear that Jersey and our colleagues in Guernsey and the Isle of Man are committed to the highest standards of financial services regulation and transparency. Jersey has a central register of beneficial ownership information since 1989. Tax evasion was included as a predicate offence in anti-money laundering legislation enacted in 1999 and trust and company service providers have been licensed and regulated since 2000. Jersey has enhanced its existing central register of beneficial ownership information, by regular updating by trust and company service providers - T.C.S.P.s - of the



beneficial ownership information held on the register. That information is verified by both T.C.S.P.s and independently by Jersey's Company Registry. This is something that is not replicated in the U.K.'s register. In fact, the movers of the amendments confirmed to me, again, last Monday that they recognised that the quality, process and governance of our register is superior to the U.K.'s own solution. When moving their amendments and in separate discussions we have held, the authors have set 3 reasons: protecting the United Kingdom's national security, combating tax evasion and presenting illicit financial flows. Our existing regime already answered these concerns and I will address each in turn. On the matter of national security and of combating criminal conduct, in 2016 Jersey entered into an Exchange of Notes with the United Kingdom, to enhance the existing provisions to exchange beneficial ownership between law enforcement and tax authorities. That agreement provides for information to be provided, as standard within 24 hours of request, or, in urgent matters, within an hour. This provides law enforcement authorities with adequate, accurate and current information on beneficial ownership of Jersey companies in an extremely short time period and therefore enhances law enforcement and protects against issues of security and criminality in both Jersey and the United Kingdom. In April 2018, the United Kingdom and Jersey Governments carried out a review of the Exchange of Notes agreement. That review was summarised in a report to the States Assembly and in a written ministerial statement to Parliament in the United Kingdom and confirmed. The Exchange of Notes arrangements have, since their coming into effect in July 2017, provided law enforcement officers with enhanced access to company beneficial ownership information, as originally envisaged in 2016 and are being used to facilitate ongoing criminal investigations. The 2019 review of the Exchange of Notes arrangements is currently underway. Turning to combating tax evasion. In November 2016, Jersey also joined with some 50 jurisdictions, including all the E.U. Member States, in a commitment to a proposed new initiative on automatic exchange of beneficial ownership information, to be taken forward by the O.E.C.D. (Organisation for Economic Co-operation and Development). Jersey continues to play an active role in the O.E.C.D. Base Erosion and Profit Shifting programme, although there is no evidence that Jersey has much, if any, involvement in profit shifting. Finally, Jersey has not appeared on any E.U. list of non-co-operative jurisdictions. Jersey made commitments, in December 2017, to address concerns identified by the E.U. Code of Conduct Group on Business Taxation as to economic substance. Today, the members of E.C.O.F.I.N. (The Council of Economics and Finance Ministers of the European Union) will meet to discuss the progress of those commitments. Finally, turning to the matter of preventing illicit financial flows. Jersey has played a role in the financial action task force over a number of years, has been a member of MONEYVAL since 2012 and has been consistently engaged in the world-wide fight against economic crime in all its forms. Jersey has been involved in a number of working groups and peer evaluations in both F.A.T.F. (Financial Action Task Force) and MONEYVAL. This has covered topics, including the availability of beneficial ownership information, the use of intermediaries in money laundering and terrorist financing and, most recently, the use of new technology in the fight against money laundering and terrorist financing. All of this activity demonstrates how Jersey contributes to the global policy agenda on A.M.L. (Anti-Money Laundering) and peer evaluations against the international standard. In relation to A.M.L., the evidence of Jersey's compliance with the international standards is to be found in I.M.F. (International Monetary Fund) assessments and, most recently, in an assessment by MONEYVAL, published in 2016. In this assessment, Jersey was rated as compliant, or largely compliant, with 48 of the 49 financial action task force recommendations. That outcome was the joint highest-rated outcome of any jurisdiction rated in that evaluation round. It is clear from what I have set out and from independent assessment, by super national bodies, that the transparency standards applied by our jurisdictions are equal to, or greater than, those of the United Kingdom. In terms of the beneficial ownership registers operated by both jurisdictions, it is certain that Jersey's register contains information that is significantly more accurate and up to date. Notwithstanding our leading position and the acceptance of that position by the authors of the amendments, they remain ideologically committed to the implementation of public registers of beneficial ownership. We are supportive of

developing standards, to increase the effectiveness of registers of beneficial ownership, not just in Jersey, but around the world. But, this should not be at the demand of a single national parliament. We remain willing to work with the U.K. Government and the relevant international bodies, to achieve this objective and have reached out in this regard to instigate discussions. In the future developments of the Island's own policy, we have committed to the adoption of an inter-connected registry solution with the E.U., which could include the U.K., following the U.K.'s exit from the E.U. This would be consistent with the commitment made to the E.U. in 2018, following the work with the European Commission and the European Council to implement legal substance requirements for certain businesses. Furthermore, as we have indicated, we are supportive of the further exploration of the effectiveness of different models of beneficial ownership registers and the proactive development of an international standard in this regard. Officials are already engaged with a financial action task force initiative designed to identify best practice on beneficial ownership matters. We are keen to work with the authors of the amendments, the U.K. Government and the relevant international bodies, to expedite that work. I want Members to be in no doubt that we will robustly defend Jersey's constitutional position, using all avenues available to us, in the event that the U.K. Parliament seeks to legislate for the Island, in direct conflict with the legislative supremacy of this Assembly. But, we are equally committed to achieving agreement with the United Kingdom Government and the authors of the amendments on a way of moving forward, in a collaborative fashion. An agreement that does not put our jurisdictions in the position of unpleasant and unnecessary constitutional conflict, but one that moves towards the adoption of an international standard on registers of beneficial ownership and furthers the aim of combating global financial crime and tax evasion. **[Approbation]**

**The Bailiff:**

Well, there are 15 minutes for questions available, if Members have questions for the Minister for External Relations.

**10.1.1 Deputy G.P. Southern:**

Could the Minister inform the Assembly what tests have to be passed by any authority, U.K. or otherwise, before information on beneficial ownership is released to them?

**Senator I.J. Gorst:**

The Deputy will be aware that the process for the United Kingdom and the passing of information on beneficial ownership to the United Kingdom is different from other countries. It is governed by the arrangement that I outlined in my opening statement, which is the Exchange of Notes and is available on request, ordinarily within 24 hours, but in emergency situations within an hour. It is also available on request under other mechanisms to other places around the world.

**Deputy G.P. Southern:**

May I simply repeat my question, because the answer was not supplied? What tests, if any, did the U.K. or other authorities, have to pass before we released information about beneficial ownership on our files?

**Senator I.J. Gorst:**

It is given by the agreements that we have signed and those agreements have to be upheld by both parties and are currently on request.

**10.1.2 Deputy M.R. Le Hegarat:**

In the time that the Minister has been negotiating and speaking to our U.K. colleagues, could he indicate, if this law was to be passed, whether we could then find ourselves in a situation where this starts with this piece of legislation and then we see further legislation imposed upon us?

**Senator I.J. Gorst:**

We always have to be mindful of our constitutional position and the autonomy that we enjoy, which has been built on the efforts and decisions of previous Members of this Assembly and previous Crown appointments, before this Assembly existed. Therefore, we have to be mindful of ensuring that we protect and enhance our constitutional position and our autonomy.

[12:45]

It is the case that we often have to start conversations with interlocutors around the globe and in the United Kingdom with a brief explanation about that autonomy and about the institutions that we enjoy here in Jersey and how they relate to other institutions. Therefore, it is important, where something is being promulgated which we firmly believe is in breach of that constitutional position, that we stand firm and we explain why and, to some extent, we explain the actions that we would be forced to take to protect that autonomy. We do not want it to happen in one instance, let alone in more than one instance.

**10.1.3 Deputy M.R. Higgins:**

Can the Minister for External Affairs tell us how the matter is being treated by the Government of the U.K.? These are Back-Benchers, although they are on various Select Committees and so on, bringing forward the measures. Do they have the support of the British Government, in this respect, or are they observing our special relationship?

**Senator I.J. Gorst:**

There are 2 matters. One is the policy matter and the other is the constitutional matter. We know, of course, that our policy diverges from the United Kingdom Government's policy, which is a policy of public central registers of beneficial ownership. Our policy is to continue to support the approach that we have, which we argue meets the policy aims of fighting anti-money laundering and financing of terrorism, because it is vetted, verified and regulated and we regulate trust and company service providers, as well, something which does not happen in the United Kingdom. Our register is not a voluntary register, it is not an unverified register, it is the reverse and we make the point about why we think we better meet the policy aim. So, there is a policy difference, there is not a difference in what we are seeking to deliver with our different registers. The Chief Minister and I met with a Ministry of Justice Minister on Tuesday morning and that Minister was absolutely clear that he supported our interpretation of the constitutional position.

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

The Minister alluded to the adoption of an international standard on the registers of beneficial ownership. Would he be able to give any timescale in which that may be developed?

**Senator I.J. Gorst:**

The Constable raises a very good question, because the movers of the amendments were seeking, not only in the case of Crown Dependencies, but also Overseas Territories, to implement such registers by the end of 2020. We all know that the United Kingdom Foreign and Commonwealth Office has sought for the implementation of such registers in the Overseas Territories by the end of 2023 and that had caused some frustration in the United Kingdom Parliament. When it comes to a broader global international standard, what we are not saying is that we wait for everybody else to implement such registers. We wait, as we do, for an international standard and then we have a policy of what might be referred to as "fast followers". There is no current consensus about what that international standard should be, whether an international standard should be public, or private, registers and that is why we are engaging, as I have said already, with one project, but seek to do further with the U.K., with the international standard setters, to try and deliver a standard that would clarify that. What we do know is that the fifth anti-money laundering directive, emanating from the European Union, seeks

that all Member States should have a public register of beneficial ownership by the end of this year. Some Member States have already said they cannot meet that target and they are asking for an extension. So, we know that the narrative and the conversation about how one holds beneficial ownership information in a register is evolving and is changing.

**The Bailiff:**

Can I just say to Members that I am assuming you wish to continue with questions on this subject until just before 1.00 p.m.? If anyone wishes to take a different view, please say so.

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

The Minister's statement refers to the imposition of measures on all Crown Dependencies and Overseas Territories. Is he of the view that the proponents of the amendment accept there is a distinction between the position of Crown Dependencies and Overseas Territories and, further, is there any dialogue ongoing between Jersey on the one hand and Overseas Territories on the other?

**Senator I.J. Gorst:**

From conversations that I have had with the movers of the amendment, they do recognise that there is a different constitutional position appertaining between the Crown Dependencies and the Crown and the Overseas Territories and the United Kingdom Government. They acknowledge that. The argument they run - and I leave Members to decide what value they will place on such an argument - is an argument around being members of the British family and therefore wanting all members of the British family to have the same approach. Do we communicate with the Overseas Territories? We do on some matters. On other matters, because of the different approach, we find it more difficult.

**10.1.6 Deputy K.F. Morel:**

A few years ago, the Minister's predecessor in this role argued that Jersey needed to prepare for a time when it may be possible that the U.K.'s interests and the Island's interests had diverged so much that Jersey needed to, perhaps, look at new ground. Would the Minister agree that this latest amendment, in the U.K., is further evidence that the U.K.'s interests are diverging from those of Jersey's?

**Senator I.J. Gorst:**

Again, the Deputy asks a good question. This is an argument that has been rehearsed in the United Kingdom Justice Select Committee and the Deputy will know, from reading that in his Scrutiny role, that there are already times when Jersey and the United Kingdom's interests are divergent and it is beholden upon the United Kingdom Government to represent Jersey's interests and its own interests, even where they diverge and find a mechanism of doing so. For my part, we should always ensure where possible, as I say, to protect our constitutional autonomy, to enhance our constitutional autonomy and yet, at the same time, never reach the point of a - what might be referred to and has been referred to in other places as - constitutional crisis. That is my policy, that is the policy of the broader Government. But, as I said in answer to questions on the last States Assembly, some of the challenges that we are facing with regard to codification of where international treaties might refer to us, arising out of Protocol 3, there are challenges in our relationship, even though we are well understood. In any relationship there are areas that we need to work on and we need to continue to work on. Again, for my part, the approach of the United Kingdom Government is extremely important and might be different from the United Kingdom Parliament and Back-Benchers in that place. That is also critically important.

**10.1.7 Deputy M. Tadier:**

There has been a carefully constructed narrative by Ministers and by the Communications Department, no doubt, to make this a constitutional matter, when what is being asked for in the U.K. is one of transparency; it relates to capital and it relates to how English people and U.K. residents

and the Chief Minister, being an Englishman himself. I would ask the question: does he understand the moral imperative and the moral pressure that is underlying the amendments and the desire for his fellow countrymen and women to know whether, or not, offshore structures are being used by their fellow countrymen to avoid, perhaps perfectly legally, paying taxes which might otherwise be due in the United Kingdom were it not for these offshore structures, which, to them, appear to remain secretive?

**Senator J.A.N. Le Fondré:**

Will the Assistant Minister retract his last statement? The Chief Minister is certainly not English.

**Deputy M. Tadier:**

Sorry, I was stuck in a time warp there. I meant the Minister for External Relations, the former Chief Minister. For some reason he still remains ...

**The Bailiff:**

If you want an answer you ought to sit down.

**Senator I.J. Gorst:**

That is not the only point on which the Deputy appears to be very confused and bemused. I am not sure that you are going to allow me sufficient time to correct all of the inaccuracies in his question. We very clearly and in my former role, in this role and we have just heard it from the Chief Minister, the Government's position is to work with the United Kingdom Government in fighting anti-money laundering and countering the financing of terrorism. We believe the policy that we have in place does exactly that, but we are open to continue to work with them, with U.K. Parliamentarians, with the international standard setters as this particular issue and this particular standard evolves and changes. We are not deaf to that. We would argue that if the issues that the Deputy is trying to suggest we are being used for, already right now, should the U.K. law enforcement agencies have a concern, they can quite literally pick up the phone and have the information about the beneficial ownership of a company, that is under the auspices of a Jersey Trust and Company Services provider and have that information within an hour. That cannot be described as anything other than transparent. The question is this: does an open register, that is open to the public, as the United Kingdom is suggesting, enhance that fight against money laundering and against the countering of financing of terrorism? There is no international standard that says it currently does, but we are prepared to come with an open mind and to work with those bodies, to see if there is evidence to the contrary.

**10.1.8 Deputy M. Tadier:**

May I have a supplementary? The Minister for External Relations answers a question which I did not ask and goes on to talk about anti-money laundering and anti-terrorism measures, which were not the question. The question was: does he understand that the mover of the amendments is responding to pressure from U.K. residents and U.K. voters who, themselves, cannot pick up the phone and ask our Treasury Department, or our officials whether, or not, individuals are ... and does he understand that there is a bigger wider argument that needs to be tackled about the involvement of offshore and the much bigger relationships with the U.K. when it comes to how these structures are used?

**The Bailiff:**

No doubt that is a question you can put on another occasion, but the time is up.

**LUNCHEON ADJOURNMENT PROPOSED**

**The Bailiff:**

The States will now stand adjourned until 2.15 p.m. this afternoon.

**Deputy K.C. Lewis:**

May I just remind Members there is a display in the Blampied Room of Liberation 75 and Members are invited to pop in and ask questions of officers. This is a display, not a briefing.

[12:57]

**ADJOURNMENT**

[14:17]

**PUBLIC BUSINESS**

**11. Draft European Union (United Kingdom Exit - Animal Health and Welfare) (Jersey) Regulations 201- (P.9/2019)**

**The Bailiff:**

The first item of Public Business is the Draft European Union (United Kingdom Exit - Animal Health and Welfare) (Jersey) Regulations, P.9/2019, lodged by the Minister for the Environment, and I ask the Greffier to read the citation of the draft.

**The Deputy Greffier of the States:**

Draft European Union (United Kingdom Exit - Animal Health and Welfare) (Jersey) Regulations 201-. The States, in pursuance of Articles 2, 5A and 5B of the European Union Legislation (Implementation) (Jersey) Law 2014, have made the following Regulations.

**The Bailiff:**

Minister, do you wish to propose the principles?

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

Deputy Guida, Assistant Minister, to be rapporteur.

**11.1 Deputy G.C. Guida of St. Lawrence (Assistant Minister for the Environment - rapporteur):**

Animals and agriculture are key to Jersey's cultural economy. The health and well-being of animals are safeguarded by controls implemented by Jersey's authorities with the aim of protecting the high health status of Jersey's livestock, agriculture and pets. This not only protects the health and well-being of animals, it also shows other countries that they can be confident that animals from Jersey will not be carrying unwanted diseases if imported. In fact, when considering whether to permit import of animals from Jersey, importing countries will look to Jersey's legislation and see the permitting authorities to enforce animal health status to required international standards. If the relevant legislation is flawed and standards cannot be ensured, the importing authorities may not allow import of animals, or products made from animals, from Jersey. For example, the E.U. will want to ensure that Jersey has legislation and controls to adequately enforce standards in its agricultural industry in order to allow import of shellfish from Jersey. Brexit will create a number of issues within the relevant legislation that need to be addressed. Jersey animal and agricultural health controls and controls on welfare during transport are integrated with and dependent upon E.U. standards and E.U. legislation. As such, when Jersey's relationship with the E.U. changes after Brexit, much of Jersey's legislation in these areas will develop flaws. Other gaps will arise, for example, controls on animals and products from the U.K. will no longer be captured by the part of our legislation directed at the E.U. Also, E.U. texts that are depended upon will no longer include

Jersey or the U.K. as they did before Brexit. Furthermore, the controls and therefore legislation will need to be able to quickly adjust to any last-minute arrangements that come about during the Brexit process. For example, if a transitional arrangement is agreed in late March, it would need to be incorporated within days in order to be in place for 30th March 2019. We are dependent upon U.K./E.U. actions, that are being determined at the last minute. The proposed European Union (United Kingdom Exit - Animal Health and Welfare) (Jersey) Regulations 2019 will allow the Minister to make amendments necessitated by Brexit by Order in the areas under the powers of the Animal Health (Jersey) Law 2016, the E.U. legislation Aquatic Animal Health (Jersey) Regulations 2016 and the Animal Welfare (Jersey) Law 2004. This power will cease to exist after 2020. As Orders can come into power much more rapidly than other legal instruments, it allows Jersey to be ready for Brexit. A number of these have already been prepared and are ready to make the necessary amendments to effect the legislation when needed. The intention is that the same controls and standards will apply on the day after Brexit as on the day before. There is no intention to introduce new policy and the legislation that is being brought forward is intended to preserve the current animal and fish health and welfare regimes and simply ensure that we continue to operate effectively when the U.K. leaves the European Union. I propose the principles of the Regulations to the House.

**The Bailiff:**

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

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

I believe the proposals being put forward by the Minister seem to be eminently sensible, in the light of the volatility of certainty regarding our relationship with E.U. countries dictated by Brexit negotiations, which are out of our control. I was pleased to note the news release from the department yesterday, outlining the requirements that pet owners will need to consider should they wish to take their animals on the ferry to France. The Assistant Minister may wish to confirm that pet owners will need to make sure that (1) the pet has been microchipped, (2) it has passed a rabies blood test at least 30 days after a rabies vaccination, (3) it has waited at least 3 months since the blood sample was taken before travel and (4) that it has been seen by a vet for a health certificate no more than 10 days before the travel date. I would also ask the Assistant Minister whether vets and ferry operators have been briefed on the potential risks of taking not only pets, but horses, to France. Finally, would the Assistant Minister confirm that those who have not already made these preparations will not be able to take their pets to France after 29th March?

**11.1.2 Deputy S.M. Wickenden:**

I think this is a good piece of work but there is one bit I like most about it, which is that it does allow by Order of the Minister up until the end of 2020. I have always been worried, and I have spoken many times in this Assembly about the move to Orders rather than Regulations. This one has set out a time limit for Orders, which is duly sensible, that it is out for the period for Brexit and then it moves back to this Assembly where any change would have to be by Regulation. I thank the Minister and the Assistant Minister for taking such a prudent step, but also making sure this Assembly is key. They are great, so thank you very much, and I will be supporting.

**The Bailiff:**

Does any other Member wish to speak? Then I call on the Assistant Minister to reply.

**11.1.3 Deputy G.C. Guida:**

Yes, it is unfortunately not linked to this part of the legislation, but we identified long ago that there would be a problem for pet owners wanting to bring their pets to Europe. It seems that the European Union considers that a very low priority issue and for the time being they will consider us and the U.K., of course, as a third country for those requirements, which makes it extremely onerous on pet owners. I will take this opportunity to advertise the fact that it would take a solid 4 months to get

your pet ready to travel to the E.U., unless some other agreement is made. This also extends to horses and again the way that the backstop, if you wish, of Europe considering them again not a huge priority is that they will have to obey, probably, new regulations and go through a border inspection port to enter France, or the European Union, which would also be a huge limitation to transport unless the U.K. can negotiate a different position. In terms of the limitation, this is not the first of these Regulations to be presented before the Chamber. There have been several and each of them is an emergency Regulation, which is supposed to end when we have wrapped up, one hopes, the Brexit ongoing problems, so it is a reasonably common limitation. I can remind the Chamber that they are allowed to pull in any Orders that they do not like by discretion. It is a very important safety point. I maintain the principles.

**The Bailiff:**

Those in favour of adopting the principles, kindly show. Those against? The principles are adopted. Scrutiny, the Connétable of St. Brelade?

**The Connétable of St. Brelade (Chairman, Environment, Housing and Infrastructure Scrutiny Panel):**

Thank you, no; the Scrutiny Panel is satisfied with the proposals.

**The Bailiff:**

Do you wish to propose the Regulations *en bloc*?

**Deputy G.C. Guida:**

Yes, please, I would like to propose the Regulations *en bloc*.

**The Bailiff:**

Seconded? **[Seconded]** Does any Member wish to speak on the Regulations? Those in favour of adopting them, kindly show. Those against? The Regulations are adopted. Do you wish to propose them in Third Reading?

**Deputy G.C. Guida:**

Yes.

**The Bailiff:**

Seconded? **[Seconded]** Does any Member wish to speak in Third Reading. Those in favour of adopting them ... **[Interruption]** **[Laughter]** I did not hear that. The *appel* is called for. I invite Members to return to their seats. The vote is on whether to adopt the Draft European Union (United Kingdom Exit - Animal Health and Welfare) Regulations in Third Reading and I ask the Greffier to open the voting.

<b>POUR: 44</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 0</b>
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator S.C. Ferguson				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. 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 J.A. Martin (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

## **12. Draft European Union (Amendment - Withdrawal Agreement) (Jersey) Regulations 201-(P.10/2019)**

### **The Bailiff:**

We now come to the Draft European Union (Amendment - Withdrawal Agreement) (Jersey) Regulations, P.10/2019, lodged by the Minister for External Relations, and I ask the Greffier to read the citation of the draft.

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

Draft European Union (Amendment - Withdrawal Agreement) (Jersey) Regulations 201-. The States, in pursuance of Articles 5A and 6A of the European Union Legislation (Implementation) (Jersey) Law 2014, have made the following Regulations.

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

This is a technical administrative amendment, in light of the potential acceptance of a Withdrawal Agreement in the United Kingdom. I use the word “potential” advisedly. It amends the interpretation provision of the European Union (Jersey) Law 1973, to add explanatory material about the meaning of the arrangements for the Channel Islands set out in the treaties. Those arrangements determine which part of European Union Law are directly applicable to Jersey under Protocol 3 and the changes, as I say, are resultant of the U.K. leaving the E.U. It makes minor, but essential, amendments to the European Union (Jersey) Law 1973 to ensure that the European Law will continue to apply to Jersey

via Protocol 3 during the transitional period that it forms part of the current Withdrawal Agreement, if that is approved and ratified between the U.K. and the E.U. I maintain the principles.

**The Bailiff:**

Are the principles seconded? [**Seconded**] Does any Member wish to speak on the principles? Those in favour of adopting the principles, kindly show. [**Interruption**] The *appel* is called for. I invite Members to return to their seats. The vote is on whether to adopt the principles of the European Union (Amendment - Withdrawal Agreement) (Jersey) Regulations and I ask the Greffier to open the voting.

[14:30]

<b>POUR: 41</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 0</b>
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator S.C. Ferguson				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of St. John				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Ouen				
Deputy J.A. Martin (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

**The Bailiff:**

Deputy Morel, does your panel wish to scrutinise these Regulations?

**Deputy K.F. Morel (Chairman, Brexit Review Panel):**

Thank you, no.

**The Bailiff:**

Do you propose the Regulations *en bloc*?

**Senator I.J. Gorst:**

If I may, thank you.

**The Bailiff:**

All 2 of them?

**Senator I.J. Gorst:**

Quite.

**The Bailiff:**

Seconded? [**Seconded**] Does any Member wish to speak on the Regulations? Those in favour of adopting the Regulations, kindly show. Those against? The Regulations are adopted. Proposed in Third Reading?

**Senator I.J. Gorst:**

If I may, thank you very much.

**The Bailiff:**

Seconded? [**Seconded**] Does any Member wish to speak? Those in favour of adopting them in Third Reading, kindly show. Those against? The Regulations are adopted in Third Reading.

### **13. Draft European Union (Financial Services - Miscellaneous Amendments) (Jersey) Regulations 201- (P.11/2019)**

**The Bailiff:**

We now come to the Draft European Union (Financial Services - Miscellaneous Amendments) (Jersey) Regulations, P.11/2019, lodged by the Chief Minister, and I ask the Greffier to read the citation of the draft.

**The Deputy Greffier of the States:**

Draft European Union (Financial Services - Miscellaneous Amendments) (Jersey) Regulations 201- . The States, in pursuance of Articles 2 and 5A of the European Union Legislation (Implementation) (Jersey) Law 2014, have made the following Regulations.

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

I am acting as rapporteur of this Bill. The Draft European Union Services amended Regulations are proposed in order to ready Jersey's financial legislation for Brexit. On 29th March of this year, the United Kingdom - and I have got several versions of this word - probably, likely, maybe will leave the European Union. Jersey operates financial services legislation independent to the U.K. and the E.U. but nevertheless certain amendments are needed to ensure the continued functioning of Jersey

legislation. Jersey's financial services legislation in places is designed with the assumption that the U.K. is a Member State of the E.U. This is about to change. The Regulations ensure legislation is amended to account properly for Brexit, including for the way in which U.K. ensures various pieces of E.U. legislation. The proposed amendments do not make policy changes and are merely to ensure the continuing functioning of our legislation post-Brexit. This will ensure the smooth running of our regulatory framework, regardless of the outcome of Brexit. Draft Regulations make miscellaneous amendments to certain financial services laws. They ensure the continued function of some of our most important financial services legislation, including the Banking Business (Jersey) Law, Companies (Jersey) Law and the Financial Services (Jersey) Law. Members will note that the Regulations will be brought into force by Order on a time and date, which the Minister for External Relations may appoint. This provides flexibility to bring the Regulations into force whenever necessary: 29th March in case of no-deal, or later in the case of a delayed no-deal, or Brexit implementation period. In conclusion, I propose the Draft Regulations to this Assembly as a crucial element of our Brexit preparations. These proposals are a result of significant thought and analysis in reaction to a complex event, Brexit, and I recommend them to this Assembly.

**The Bailiff:**

Are the principles seconded? **[Seconded]** Does any Member wish to speak? Those in favour of adopting the principles, kindly show.

**Deputy M. Tadier:**

Could we have the *appel*, please?

**The Bailiff:**

The *appel* is called for. I invite Members to return to their seats. The vote is on whether to adopt the principles of the European Union (Financial Services - Miscellaneous Amendments) (Jersey) Regulations and I ask the Greffier to open the voting. If all Members have had the opportunity of voting ... no, they have not yet. I ask the Greffier to open the voting. Somebody must want to vote.

**The Deputy Greffier of the States:**

No, it is not working.

**The Bailiff:**

Has it crashed?

**The Deputy Greffier of the States:**

Yes, I will just stop it and start it again.

**The Bailiff:**

Let us try again. Can I invite Members to return to their seats ...

**The Deputy Greffier of the States:**

Hang fire, I need to shut it down and start it up again.

**The Bailiff:**

Is that going to help? I can probably talk for a while. **[Laughter]** Are we flummoxed, Greffier?

**The Deputy Greffier of the States:**

No, we are working.

**The Bailiff:**

Then I will ask the Greffier to open the voting.

<b>POUR: 46</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 0</b>
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator S.C. Ferguson				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. 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 J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

**The Bailiff:**

Deputy Morel, do you wish to scrutinise?

**Deputy K.F. Morel (Chairman, Brexit Review Panel):**

We will not call this in, thank you.

**The Bailiff:**

Do you wish to propose these Regulations *en bloc*?

**The Connétable of St. Ouen:**

Yes, if I might, I would like to propose them *en bloc*.

**The Bailiff:**

Seconded? **[Seconded]** Before we do that, I had overlooked the fact there is an amendment. I think, Connétable, perhaps, if you can propose Regulations 1 and 2 and then we will take 3 and 4 and then the amendment.

**13.2 The Connétable of St. Ouen:**

I would like to propose Regulation 1, which amends the Banking Business (Jersey) Law 1991 and I would also like to propose Regulation 2, which amends the Companies (Jersey) Law 1991. If we could take those 2 amendments.

**The Bailiff:**

Which are seconded.

**Senator I.J. Gorst:**

Indeed, they are, already.

**The Bailiff:**

Does any Member wish to speak on those 2 Regulations? Those in favour of adopting those Regulations, kindly show. Those against? The Regulations are adopted. Now we come to Regulations 3 and 4. Connétable, do you wish to propose them as amended? I am getting the feeling that you do. **[Laughter]**

**13.3 The Connétable of St. Ouen:**

Yes, strangely, that feeling had come upon me as well. Yes, please.

**The Bailiff:**

If Members are happy, the Connétable will propose Regulations 3 and 4 as amended. Seconded? **[Seconded]** Does any Member wish to speak? Deputy Morel.

**13.3.1 Deputy K.F. Morel:**

I just wanted to say also for the previous law that we just passed as well that these were scrutinised. We have looked through these Regulations, so I am speaking about all the Regulations 1, 2, 3 and 4 and at the end, and we are content that they are necessary and they are needed for our journey post-Brexit. I would just like to thank the relevant departments for their help in briefings and in our scrutiny process.

**13.3.2 Senator I.J. Gorst:**

I would like to thank the Chairman for their support in what has been a difficult journey and that we are not at the end yet, as Members will know from watching what is happening across the water. Whatever happens today, we still have a large number of Orders for Brexit-related legislation which we will be sharing with the panel and we are extremely grateful for their co-operation which may even go into late evening on 29th March, itself. Members will see from the need to amend the legislation that was lodged that we are - and have been all throughout this period - ahead of the curve

and had our legislation lodged until some other change is delivered and developed elsewhere. That is why we are very grateful for Members understanding the need to amend legislation as we go.

**The Bailiff:**

Does any other Member wish to speak? Do you wish to reply?

**13.3.3 The Connétable of St. Ouen:**

No, other than to repeat my Minister’s thanks to the Scrutiny team, headed by Deputy Morel, whose help has been invaluable and I thank him for his assistance.

**The Bailiff:**

Those Members in favour of adopting Regulations 3 and 4, kindly show. The *appel* is called for, did I hear that? It appears the *appel* is called for - just testing the Greffier - and so I invite Members to return to their seats. The vote is on whether to adopt Regulations 3 and 4 as amended, and I ask the Greffier to open the voting.

<b>POUR: 46</b>	<b>CONTRE: 0</b>	<b>ABSTAIN: 0</b>
Senator I.J. Gorst		
Senator L.J. Farnham		
Senator S.C. Ferguson		
Senator T.A. Vallois		
Senator K.L. Moore		
Senator S.W. Pallett		
Senator S.Y. Mézec		
Connétable of St. 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. Tadier (B)		
Deputy M.R. Higgins (H)		
Deputy J.M. Maçon (S)		
Deputy S.J. Pinel (C)		
Deputy of St. Martin		
Deputy of St. Ouen		
Deputy L.M.C. Doublet (S)		
Deputy R. Labey (H)		
Deputy S.M. Wickenden (H)		
Deputy of St. Mary		
Deputy G.J. Truscott (B)		
Deputy J.H. Young (B)		
Deputy L.B.E. Ash (C)		
Deputy K.F. Morel (L)		
Deputy G.C.U. Guida (L)		
Deputy of St. Peter		

Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

If all Members have had the opportunity of voting, I ask the Greffier to close the voting. She has passed with flying colours.

**The Bailiff:**

Do you propose Regulation 5?

**The Connétable of St. Ouen:**

Yes, I do have a paper here to talk to Regulation 5, which is next on the Order Paper.

**The Bailiff:**

Regulation 5 is the citation and commencement Regulation.

**13.4 The Connétable of St. Ouen:**

Sorry, yes, I beg your pardon, even I am getting confused. Yes, I would like to propose Regulation 5, which is just the citation Regulation.

**The Bailiff:**

Seconded? **[Seconded]** Does any Member wish to speak? Those in favour of adopting the Regulation, kindly show. Those against? The Regulation is adopted. Do you propose the Regulations in Third Reading?

**The Connétable of St. Ouen:**

I do, indeed.

**The Bailiff:**

Seconded? **[Seconded]** Does any Member wish to speak? Those in favour of adopting the Regulations in Third Reading, kindly show. Those against? The Regulations are adopted in Third Reading.

**14. Draft Immigration (Relevant Biometric Information) (Jersey) Regulations 201-(P.12/2019)**

**The Bailiff:**

We now come to the Draft Immigration (Relevant Biometric Information) (Jersey) Regulations, P.12/2019, lodged by the Minister for Home Affairs, and I ask the Greffier to read the citation of the draft.

**The Deputy Greffier of the States:**

Draft Immigration (Relevant Biometric Information) (Jersey) Regulations 201-. The States, in pursuance of section 126 of the Nationality, Immigration and Asylum Act 2002, as extended to



Jersey, with modifications, by the Immigration (Biometric Information) (Jersey) Order 2018, have made the following Regulations.

**14.1 The Connétable of St. Clement (The Minister for Home Affairs):**

Members will recall in November last year we agreed to allow an Order in Council to be made, extending various sections of the Immigration Acts to Jersey. I said at the time that the immediate need for this was in relation to applications made under our E.U. Settlement Scheme. I also confirmed that the intention was to require the furnishing of a photograph by an applicant and that this is a requirement elsewhere in the Common Travel Area in the United Kingdom and the other Crown Dependencies. These Regulations match commitments I gave during that debate in November and it follows that these Regulations provide a legal authority for immigration officers to require applicants, under the E.U. Settlement Scheme, to provide a photograph of their face with the application. In essence, that is it, nothing more, nothing less. No other biometric information can be required as a result of the Assembly passing these Regulations. I propose the principles.

**The Bailiff:**

Are they seconded? [**Seconded**] Does any Member wish to speak on the principles? Those in favour of adopting the principles, kindly show.

**Deputy M. Tadier:**

Can we have the *appel*, please?

**The Bailiff:**

The *appel* is called for. I ask Members to return to their seats. The vote is on whether to adopt the principles of the Immigration (Relevant Biometric Information) (Jersey) Regulations and I ask the Greffier to open the voting.

<b>POUR: 44</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 0</b>
Senator I.J. Gorst				
Senator S.C. Ferguson				
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. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				

Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				

**The Bailiff:**

Deputy Ward, does your panel wish to scrutinise these Regulations.

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

No, thank you, we have looked at it. I will say, at this point, that we are satisfied that it is only a photo and that reassurances that any further biometric information would have to come to the Assembly. I would also point out that there are specific reasons for retaining information and the panel was very happy with that.

**The Bailiff:**

Minister, how do you wish to proceed? Do you want to take them all in one go, or do you wish to break them up?

**The Connétable of St. Clement:**

Well, it seems to me as there is unanimous support for the principles, I would hope the same would be for the Regulations and I would like to propose them *en bloc*.

**The Bailiff:**

Seconded? [**Seconded**] Does any Member wish to speak on any of the Regulations? Those in favour of adopting them, kindly show. Those against? They are adopted. You wish to propose them in Third Reading?

**The Connétable of St. Clement:**

Yes, please.

**The Bailiff:**

Seconded? [**Seconded**] Does any Member wish to speak in Third Reading? Those in favour of adopting them in Third Reading, kindly show. Somebody move. Thank you. Those against? The Regulations are adopted in Third Reading.

## **15. Rental price caps law to limit rental prices to reasonable rents (consideration in committee)**

### **The Bailiff:**

We now are about to go in committee for the rental price caps law to limit rental prices to reasonable rents following the e-petition. Under Standing Orders it is for me to indicate a timetable for that debate and I suggest a maximum of 2 hours for this debate. So, Chairman, do you wish to propose something? Talk to it, at any rate. I am not sure you are proposing, because we are not taking a vote, but you are talking to it; you are introducing it.

### **15.1 Deputy R. Labey (Chairman, Privileges and Procedures Committee):**

Yes, of course, and I think the time limit is a good idea. A moment of history, this Assembly, for the very first time, spending time on consideration of an item that has been brought to its attention by petitioners online with an e-petition gaining more than 5,000 signatures. I think it was 5,200. **[Approbation]** So, that is 5 per cent, or a little bit more, of the population and quite incredible. But that target has been hit again, so it does seem to me, I repeat, that I think Deputy Wickenden, in bringing this forward in the first place, seems to have judged it about right in terms of it moving to this stage and us having to spend this time with an in committee debate, or alternatively a proposition.

[14:45]

We do not have to always have the in committee debate. If the Minister, or any Member of the Assembly, wishes to bring a proposition off the back of the petition, that replaces the in committee debate. It is direct democracy in action. It can only be good that we are responding to this petition in this way and we are reaching out and we are engaging and we are responding and that is what the Assembly should be doing and I think it is a positive step. I would just like to remind Members of the actual wording of the petition which was titled: Rental price caps law to limit rental prices to reasonable rents and the petitioner states: "A law to limit rental prices is required in Jersey in my opinion. Rents are far too high. Rents should be around 30 per cent of people's salaries. The present rents are causing rent distress in individuals and businesses to close." So, perhaps, we can confine our comments and honour this petitioner by sticking to the areas she wants us to address in terms of rental price caps. With that, I will now close and I would hand over to the relevant Minister, Senator Mézec, the Minister for Children and Housing, who will take things from here as far as the structure for the in committee debate is concerned.

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

Can I, of course, echo the words of the Chairman of P.P.C.? This will be, I think, a very interesting innovation for the Assembly and hopefully an important way of the public getting across what is important to them to us for consideration. So, I thank the petitioner for all of her work in raising this issue and highlighting it with the public, to ensure that it does get an airing in this Assembly. I think the fact that over 5,000 people signed it is testament to how important the issue of rent levels is to so many people in Jersey. Let us be honest, that should not be a surprise to anybody who lives in the real world. You would have to really have had your head buried in the sand to not be aware of the real struggles that so many go through, worrying about affording to put a roof over their head, or even for those who are not so badly off and who work hard, but who will just never be in the position to be able to purchase a property and will spend their lives at the mercy of the market. So, here are some facts: 73 per cent of lower-income households in qualified rental accommodation are in rental stress, with 53 per cent of all private renters in rental stress as well. Many of them are paying over half of their income in rents. In 2018, private sector rents advertised were 9 per cent higher than the year before; 9 per cent. How many people got a 9 per cent pay rise last year? The last income distribution survey showed that it is the cost of housing that is the single biggest contributing factor for causing relative poverty on our Island. This is a market, which is neither mature, nor confident,

despite what you might read in the *J.E.P. (Jersey Evening Post)* about what I have said, but in actual fact is a market which is broken and is not working in the interests of ordinary Islanders. That might sound bad enough but here is the backdrop: in the last 10 years, relative earnings have flatlined. When the economy has grown, it has only economically benefited those at the top of the income scale while the rest have seen their economic standard of living fall and the population rise, beyond all predictions, putting even more pressure on housing conditions. So, in thinking of this petition and the context it finds itself in, I am reminded of the quotes from Andrew Jackson, who was the seventh president of the United States, who said: “When the laws undertake to make the rich richer and the potent more powerful, the humble members of society have a right to complain of the injustice to their Government” and that is exactly what these petitioners have done. I stood for election on a manifesto that said that this Government must make a concerted drive to improve the standard of living for all Islanders and the economy must work for all. I am very pleased that this features as one of the top priorities in this Government’s Strategic Plan. One of the great satisfactions that I have had as the Minister for Children and Housing has been to see the work of the Environmental Health Department flourish as they uphold the new minimum standards rules and are tackling, bit by bit, some of the worst rental properties on the Island. Not only does this protect tenants from being exploited in sometimes absolutely appalling conditions, but it will help change the culture of those who are in this business, to encourage better maintenance and relations with tenants and that has got to be a good thing. I was also incredibly pleased that this Assembly agreed to give the green light to Andium Homes to get started with their Ann Court development. I have always said that I do not think that creating more supply is the only solution to the cost of rents, but it is part of it and this will be an important project that helps us provide decent homes to people within the social sector. But, there is so much more to do and in my original response to this petition, which Members have had handed out to them, I laid out just some of my ambitions for particular measures that I wanted to pursue, which I believe will help tenants in the rental sector, both social and private. These include things like reintroducing the Rent Control Tribunal, which I hope to be in a position to update Members on fairly shortly and also looking at measures which will provide tenants with security and stability, including rent stabilisation, which, as we have seen from documents we have been given, is very common place in other parts of the world as well. So, this debate itself is not asking us to pass a clear proposition to introduce rental caps. Even if it was clear that the Assembly was of a majority view that rent caps ought to be introduced, then it would take a reasonable length of time to put such a system together to introduce the actual mechanisms to regulate it and so as an immediate result of this debate, nothing will happen. But, in some ways, I think the debate is quite timely, because we are about to initiate the Housing Policy Development Board and this board will be looking at a new social rent calculation system, affordable purchase schemes and one of the issues at the moment, foreign buy-to-lets. So, in this debate I ask Members to contribute what they can and get on record what their concerns are about housing affordability, what issues they think are pertinent and what solutions they would be prepared to look at, to help deal with the unacceptable, unaffordable, level of housing for people in Jersey. So, in this debate I will be all ears to hear Members’ thoughts and I hope that the Hansard can serve as a record to help us move forward in the work that we will be doing this year. As a final note, I just want to thank the Jersey Policy Forum for the helpful information pack that they presented to States Members and also Professor Christine Whitehead from the L.S.E. (London School of Economics) for her contributions too. I look forward to hearing what Members have got to say on this incredibly important issue. **[Approval]**

**Deputy J.A. Martin:**

Before we start, I think I might have an interest, because I am an Andium tenant. By law, Andium tenants’ rents are already capped at 90 per cent of the market value. I think if I have asked you, I would not feel comfortable contributing to this debate, especially with the outline the Senator - the Minister for Children and Housing - has just given about social rented and there is no vote. But I am going to sit here all afternoon, I need to declare this interest. It is up to you, Sir, if I leave. I will not

be speaking because, as I say, I think I am the only one in the Assembly, who is an Andium tenant, who already has an advantage, I would say, over the rest of the population other than other Andium tenants, but they are not all States Members, so that is my declaration.

**The Bailiff:**

I am grateful to you for making the declaration, Deputy. There is no vote, so I cannot ask you not to vote, so you can stay. It is entirely up to you. It is entirely a matter for you.

**Senator I.J. Gorst:**

I wonder, the Deputy is absolutely right and I have been remiss, I should declare also an interest being a landlord but, as you rightly said, there is no vote, and this is a forum to discuss methodologies to improve the housing situation.

**The Bailiff:**

For ensuring proprietary, can I ask all those who are either landlords, or tenants, to stand up? The Greffier will make a note of it. Better still, you could press the voting button; that would be easier. I will ask the Greffier to open the voting and you press any voting button and we will have a record of those who are landlords, or tenants.

**Senator S.Y. Mézec:**

How do we distinguish who is pressing because they are a landlord and who is a tenant?

**The Bailiff:**

Does it matter?

**Senator S.Y. Mézec:**

I think it does, yes.

**The Bailiff:**

Very well, we will take landlords first. Those who are landlords should press yes, they vote in favour, *pour*. Those who are tenants should vote *contre*. Sounds a bit the wrong way around, does it not?

**Deputy M. Tadier:**

Can I seek some personal advice from the Chair? I have recently updated my Statement of Members' Interests, because I understand I am a quarter reversionary owner of a property which my mother has enjoyment of and that property does have a rental income, which goes to pay for her care. I have declared that anyway, am I a quarter landlord? I am also a tenant, so if you could direct me, I would like to be as transparent as possible.

**The Bailiff:**

Thank you for declaring that. For as long as you are a reversioner and not in receipt of income, you are not a landlord for these purposes.

**Deputy M. Tadier:**

Just for the record, I am the curator as well, so I do not know if that complicates matters further.

**The Bailiff:**

You are the delegate, rather than the curator these days, but you will receive the assets for her and not for yourself and so, again, it is not something that causes a problem. So, I have asked the Greffier to open the voting. Those who are landlords, please press *pour*. Those who are ...

**Senator L.J. Farnham:**

I am sorry, I just wanted to say that while I am not a landlord in a personal capacity, I am involved with businesses that do provide accommodation, so I wanted to make that declaration.

**The Bailiff:**

Jolly good. Those who are landlords, please press *pour*. Those who are tenants, please press *contre*, and those who do not know, press abstain. [Laughter]

**Deputy M.R. Higgins:**

Could we have the figures, by the way, please?

**The Bailiff:**

Well, there are 17 landlords, there are 4 tenants and there are 3 who are not sure. [Laughter] Does any Member now wish to speak?

**15.1.2 Deputy J.H. Young:**

I like this new procedure, it means, as a Minister, I can join in the debate with everybody else on this. I think, in the opening remarks of the Chairman of P.P.C., who brought the proposal, he said that we should address the words of the petitioner. This is right, but, equally, I do not think one can set aside what the Minister for Children and Housing has said, that the issues to me are about affordability, because that is the key issue. We know that we have got a massive supply problem and there is no finer way than approving affordability of homes than to increasing a supply, but I think that is obvious to all of us and we need to do things in the Island Plan and so on. There are other Members, groups working on that and so one would be hopeful that proposals will come from those processes soon. But, in the meantime, I think we are invited here to flag up particular issues and I am going to go straight to the issue of buy-to-let homes. I am concerned when we read that the inflation rate of 5.4 per cent, that 1.1 per cent in the statistics report of that is attributable to rises in rental levels. That is of great concern. Of course, we now know that the majority of homes that are constructed in this Island now are flats. We have moved from houses to flats by necessity and 63 per cent of those flats are sold by a device known as share transfer, which is a legal device which one can see the common sense of it. It allows developers to buy properties, to be able to produce developments and to sell those shares to people, who want to acquire parts of the building. They can do so in advance, they can do that off a plan, they can provide for staged payments and so on and it works successfully. The snag about it, of course, is that share transfers are not part of an open public registry of land transactions, as our public registry is. They are not, of course, subject to stamp duty and we have introduced a mechanism called land transfer tax, which is basically the current policy, that we charge the equivalent amount of what would be a stamp duty on the land transfer tax on those transactions. Of course, the issue arises from time to time about off-Island sales and without an open register, even at the time of the first transaction, it is not possible to be certain about that.

[15:00]

Of course, the whole point about shares is they are easily transferrable, they are easily saleable and they are there to be transacted. Therefore, in terms of onward movements, I think it is pretty impossible to pin that down and I do not think we can ever be certain. But I think the one thing we can be certain is that when we have got a situation where people get derisive rates of interest on their capital savings ... I am not a bank expert, so tell me what they are. I think they are less than 0.25 per cent probably, so people look for alternative investments. So, the world generally has turned to property and property has become now investment. Of course, the experts and estate agents, they talk about rental yields and these are actively promoting different parts of the country, what rental yields, what you can get and so on. So, I asked for some figures on this and I asked our Statistics Unit: "Can you give me some information on what rental levels are, what your statistics say?" What they have told me is that for a one-bedroom flat the average rental is £12,450 per year and for a 2-bedroom flat it is £22,600 per year. Of course, those are based on capital prices. I am not sure if

they are mean, or average, for a one-bedroom flat £243,000 and, of course, we all know many one-bedroom flats are much more than that. That seems to be the kind of the cusp between where you get a converted building and where you get a purpose-built one that meets all the modern building bye-laws with energy conservation and all those things, which are so very desirable for young people buying their first flat. £243,000 is the figure I have given there and for a 2-bedroom, £396,000. So, I have asked what the yields are, in other words, somebody coming along to buy those properties and then are renting them out. The figures I have been given, the yields on the one-bedroom flat are 5.1 per cent and 5.7 per cent for a 2-bedroom, so it is quite an attractive thing. I think there is evidence out there that properties are being marketed off-plan as buy-to-let. Of course, we know that many of them, it is said in this Assembly, most of those are sold to local people and there is an issue there about whether that is good, or bad. But the one thing I feel sure is that if properties are transacted for investments, it is inevitable, to my mind, it is going to drive up rental levels where there is a shortage of supply, because, at the moment, we have got 2 things going on. We have got demand inflation, because the supply is short and we have got cost inflation, because we are running at 4.5 per cent inflation, building costs are going up and we have got a building industry that is overheated and we do not get competitive prices anymore. So, we have got all the worst ingredients, I think, and the next thing that is going to happen it is going to drive up those rental levels. Incidentally, I have been told to exercise caution about this. The Statistics Department have given me a big warning to say: "Be very careful when you quote these figures about comparing them with other places." When I asked for London, I looked at London, and I saw that there is a thing called a London property yield map. In the centre of London we are seeing figures of 2.2 per cent, 2.3 per cent, 2.4 per cent and 2.5 per cent, because, obviously, they are dealing with astronomical property values and in the outer London in the low 4 per cent. You can get tables all over the U.K. of rental value yields. But to me, whatever thickness you cut the cake, it seems to me that we have got high yields on rental properties in Jersey; high yields. I think the question now is: what tools have we got? I am going straight to the issue of a rent cap. I really struggle with this, because all the evidence is ... sadly, we did not get this report and it is a very helpful report from the Jersey Policy Forum. I am not sure who the authors of it were, but I congratulate them with the analysis they have given in here; I have only had a short while to look at it. They talk about various methods and they quote, I think a member of the Fiscal Panel, Christine Whitehead, about what the effects of rental caps are. She talks about primary, secondary, tertiary caps and all that. I have to admit, I do not quite understand. They are all subtle variations of the same thing, I seem to think. But, nonetheless, fundamentally, the message coming across here is if you introduce that regulation, you are in danger of damping off supply. Try as I might to find a way out of that conundrum, I cannot, because it is logic. Also, what the Minister for Children and Housing just said earlier chimes with me. We are pushing hard, improving standards. The new residential public rental dwellings, we are pushing hard. So, I think it is important now that we carry on with driving the standards and out of that will come a registration scheme. That registration scheme, I think, will get us more of a base, because, at the moment, I do not believe we know the number of rental dwellings in the Island and so on. I think that would be a precursor to us looking at the options, so I flag that up. I do not think, myself, that a rental cap in that sort of crude form is an answer. The one thing I would consider doing is changing the rate of land transfer tax on share transfer properties. I really think there is a case differentially for having higher rates of land transaction tax where properties are intended to be tenanted. Maybe double that tax. At the moment there is no disincentives, so I think we ought to recognise that if you want to do that, OK. If you want to earn high yields then that needs to be reflected in the taxes and charges you pay. Now, the other thing I mention, the other area I want to just flag up, and I will not be going into great detail because other Members, I am sure, will, is on the question of affordability, the issue of the land value. When we develop homes on greenfields we start with ... this Assembly, over many years, has made that decision and they have zoned land, which is worth quite modest amounts of money, it is agricultural land and converted it by a public decision in this Assembly, worth millions of pounds. What mechanisms do we have for getting a clawback from that into public goods? Now, people have

tried various devices and full marks to the Parish, because we do not have equity sharing in Jersey. Try as they might, our lawyers have never been able to produce a proper equity sharing basis and so we have had very valiant attempts at hybrid approaches done by the Parishes, but in the end I think they fail. So, for example, when one sees proposals coming forward, for me I think we need to look at ways of making sure that when we make those decisions and we zone land for affordable homes, as the law allows us to do, to zone land for occupation by people, who are unable to access the market, that it should mean that. That does not mean that we parcel up an inflated land value and put it in some loan somewhere, that somebody else has got to pay eventually, but we really do have a situation where houses can be built for the sort of money, *circa* mid-£300,000, that the evidence suggests is the current level of affordability. So, it means ways of taking the land value out of the equation, which I am very hopeful in the policies as we go forward, the Policy Group, the Island Plan and others, we can address this. I cannot give you the mechanics of that now, but I really believe it is an issue that we should concentrate on. So, those 2 things are my contributions and hopefully other Members might find useful.

**The Bailiff:**

Deputy, your speech gives me the opportunity of welcoming members of the Jersey Policy Forum who are up in the gallery. [Approbation]

**15.1.3 Deputy S.M. Wickenden:**

House prices in Jersey are high; they are really high. They are generally out of the ability for young people, who have just come out of school, or come back from university, started work, to be able to get on the property ladder in any meaningful way. That opens it up for all the people, that can afford it, to then go out and buy these properties and rent them out. The supply and demand that we keep talking about, their supply and demand, the demand for most Islanders is that they would like to own their own property, get on the ladder. It brings money into our economy, because they buy furniture and do up their properties, but they do not have the chance, because they are not getting paid enough and the property prices are high. They are being kept artificially high, because there is a whole load of people that do have money that will buy multiple properties. Out of the interest and profits they make out of those multiple properties though, they buy another lot. So, we could build 60 more houses, but if 40 of them are getting bought out by investment and large people with land, or portfolios, then what good is it doing us, because we are just holding people in this rental market. We talked today about our excellent Register of Beneficial Ownership for our financial services, but why do we not set up a Register of Beneficial Ownership for property? Even if it is share transfer, or if you are an investment portfolio, or multiple investment portfolios, who are the beneficial owners at the end of the day for those property portfolios? Because, once we have that data, then we could probably say: “Do you know what, let us restrict how many properties any individual can be a beneficial owner for, so that there are houses on the market for people to buy.” It is not just being swallowed up by the people with available cash. There are challenges on that. Massive challenges. In fact, by doing that, you would have to release out some housing. That would probably bring the prices down on houses, that could put people in negative equity that have spent monies on these crazily high-priced properties that we have got, but we have to do something. We cannot continue to allow all the good buildings that we put up to be bought out by just investment people to rent out to everyone who cannot afford to buy the houses. So, why do we not start with a Register of Beneficial Ownership for housing, for property in this Island, whether it is external, or internal? Then what we can do is with that data, we can say: is it right that somebody owns 100 to 200 properties that they rent out on the Island? Is that not holding it away from our constituents and our Islanders, who dream of being able to own their own property? That would bring the prices down, but we need to get the data and what we are not doing is going out and getting relevant data to be able to go and make these decisions. So, that is what I would say: let us start with a Register of Beneficial Ownership of property and then we can look on from there.



#### 15.1.4 Deputy J.M. Maçon:

It is a very complex subject, I think all Members will agree on that. Just a few points I want to raise. Now, I remember in the elections attending St. Helier No. 1 hustings and I remember a question posed at the Ommaroo Hotel and it was by a young, professional Islander. She said to the panel: “I am a young, professional person, I have educated myself, I have gone off to university. I have come back to the Island, I want to contribute to the Island, but I am a single person and I am looking around and on my wage as a teacher, I am never going to be able to afford a property here in Jersey. Why should I stay, when I can go to other places and when I do the cost-benefit analysis of my earnings versus cost of living in these other places, I am going to leave Jersey” was her conclusion. The issue for that is when we look at rent prices and the housing prices, I think all of us going around on the doorstep when we do that type of canvassing, I do not think any of us would have not heard similar stories. Of course, what does that mean for the Island? It leads in many cases to a brain drain. We have many young people, who do not come back to the homelands, or their families, because they just do not feel that it is worth them doing that. I just want to draw Members’ attention to page 16 of the report from the Jersey Policy Forum, which is very helpful. On that page, it shows the average earnings in the sectors. One of the problems that we have in Jersey is, depending on which sector you work in, can lead to effectively being a second-class citizen on this Island. Depending which sector you work in. If you look at retail and hotels, compared to the financial services, you are looking at doubling the amount you can potentially earn. So, what we have as well is the finance industry being such a dominant sector in Jersey and that has provided many good things, yes, but let us not forget that it has also caused a significant inflationary factor, throughout the economy, so that other sectors, when they try to compete with them, find it very difficult. We had that earlier today in the debate around Les Amis. It is about having those sectors being able to compete with one another, when one of the biggest factors is housing prices, is being able to pay the rent. There are a lot of people working in the finance industry, who absolutely hate working in the finance industry but in order to provide a roof over their heads, in order to look after their children, *et cetera*, they work in that sector because they like to work in Jersey. Now that, of course, does not apply to absolutely everyone, that is absolutely fine, but I think we just need to be realistic about what that means.

[15:15]

What I want to say is it is difficult, particularly for a single person, especially when you think about many constituents whereby one person, their full wage, their full salary goes to pay the rent, or the mortgage and the other partner pays for cost of living, the day-to-day stuff. But again, that is complicated, depending on what sector you work in. If you are both in retail, it is incredibly difficult. So, what could be the solutions? We always tend to talk about cranking up supply; we need more supply. I do not necessarily disagree with that, but also we need to look at demand. We need to look at our immigration system, we need to look at how that affects things. We need to look at Guernsey, we need to look at work permits, we need to look at all of that because it is part of the system. Now, I am not saying it is the answer to absolutely everything, but it has got to be a piece to this puzzle. That means that Members are going to have to be brave, because we know with businesses and their demands and everything, every time the States wants to be a little bit more tight on these types of things, all the issues go out. But what we never tend to hear from people like the Chamber of Commerce, or the I.o.D. (Institute of Directors), is it is their workers that are suffering the consequences of having these types of systems in place. It is their workers that cannot afford to live here, but we never hear that from those institutions, do we, which I think needs to be said. Of course, the other problem, when we are looking at this, is the green zone, the building on greenfields, those types of things. We know time and again when we survey the public, thinking about Imagine Jersey, thinking about the Jersey Annual Social Survey, one of the things that comes back in again ... was it Imagine Jersey? Future Jersey, that is the one. Future Jersey, in that document, what does it always say? It always says how much Islanders value their green space, their natural environment and how much they want it protected. So, in Jersey when you are looking at a small space, we are always

going to push against those types of boundaries, about the land that is available on this Island. So, what are the solutions? Do we go in the Island Plan coming up, do we say: "Well one solution, could we build higher?" Could we build higher in Jersey, is that a potential solution going forward? The issue is: are we prepared for the quaintness of Jersey, the kind of the village feel and some aspects of Jersey? Are we willing, perhaps, to change that and if we do that then what are the aspects around not only the change of character, do the public support that? But also, are we going to be hard enough on the public spaces that need to go with it? If you go up, what you need to do, especially in the urban areas like St. Helier, is provide more public spaces in order for people, if you want them living at higher densities in those types of areas, whether that is homeownership or rental, you need to tackle those types of things. Again, there is a cost for all of that and are Members prepared to support those types of initiatives and these types of questions, which we will need to ask ourselves, when we go through the Island Plan debate. Now, sometimes you will get some people listening into this debate getting very angry and frustrated: "We had to work very hard. We had to deal with this. We never went on holiday. We never did this, that and the other." I do not think any young person - any person on this Island - expects anything on a plate. People expect to work for things, absolutely, but I think the point is when no matter how hard you are working you feel that you can never arrive, never reach that ability that you want to get to. Especially when you are paying high rents in Jersey, the issue is always the ability to save for a deposit and, as I have already talked about, one of the biggest problems that we have is because so much is spent on rentals that being able to save up for a deposit to perhaps move out of the rental sector into the homeownership centre is very difficult and some people will never be able to reach it. So, what is the implication? Well, the implication for the state is ... well, that means that we then have to provide more in the way of social housing. It means we have to provide more in the way of rent rebates, for example. So, it all comes back to us. It will all come back to bite us and what the taxpayer has to pay in order to support this over-inflated system. So, I commend the petitioners coming forward and it is good that they made the point that rents are not just for individuals, but also for businesses that have closed. The amount of times we have said, you know: "Why is our High Street struggling?" and the amount of time that people have said: "Well, it is the rents." That is a huge part of it. There has not been that flexibility. There has not been that review and in some quarters it appears that some business owners, landlords, are happier to see a shop closed and empty instead of do the best deal on the rent that people have to pay, look at the number, perhaps more short-term leases, those types of things, in order to encourage the commercial properties to have that type of work in it and there is not that flexibility. The question around the percentage of 30 per cent of people's salaries and again as you look at page 16 of the Jersey Policy Forum's report, 30 per cent of which sector? Because 30 per cent of hotels, restaurants and bars is going to be very different than 30 per cent of a financial services worker. So, again, if you wanted to go along this policy, 30 per cent is not really workable, so the question is, then you have to get to a figure, an actual sum and you have to update that and you have to work with it and there are so many variables and so many permutations to go around it and also just the facilities of a property. A property is not just a property. Properties come with different things, whether it is with a conservatory, without a conservatory, with a garden, without a garden; all these types of things which, of course, affect the rental price. So, again, how do you have a scheme that can take all of that into account and then deliver something which was workable for landlords, which is not too bureaucratic, which means that you keep landlords in the system? Can I just say, in this place, we often have the criticism about landlords ... and I know I have a few constituents who deal with those and I just want to say that they have had their voice heard in this place today. We have a number of good landlords on this Island as well and they often get a bashing, but there are some landlords who take less than what is in the market, some that prefer to do it that way, in order to keep people in their properties, but, at the same time, we have some jolly awful landlords. Some of the standards that we also have that people have to live through, damp and mould and all those types of things. So, I just want to say that we do have a spectrum and sometimes we just tend to focus on one end of the spectrum, but there is a spectrum in this Island and I just wanted to put that out there.

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

I have been sitting here fuming, if Members want to know the truth. I have spoken to a number of colleagues about a proposition that I was hoping to have to the States today, to deal with some of the things that people have been talking about, buy-to-let. The idea of a property register. Now, these colleagues know this and some of them have expressed their views today, with no mention of the fact where the information came from. Let me give you an example of what will be contained in this proposition you will be getting. First of all, it will be establishing a property register that will be held by the Financial Services Commission. The reason for this is, at the present time if a property goes through the Royal Court, we know who the personal owner is, but we do not know who the ultimate beneficial owners are of the business. The Financial Services Commission has a register of all businesses and knows who the ultimate beneficial owners are. Also, through the law they can get access to who owns the various trusts that have been set up and property that is held by the trusts. So, a natural place for a property register is with the Financial Services Commission. I have gone and had meetings with them. I have been talking with senior officials about this very issue. So, the proposition will be brought to this House and in a few weeks' time, hopefully, you will vote for it. I believe that buy-to-let is an issue and initially my research was based on anecdotal evidence of people buying up both from within the Island and outside the Island and remember there is nothing stopping anyone from outside this Island buying a property in the Island and getting good returns. As my proposition will tell you, people like Dandara, who are one of the most prolific providers of housing in the Island, are advertising on the websites 7 per cent or 8 per cent return, which is far higher than they can get through a bank and is also far more secure than what they can get from many investments. So, the proposition that will be coming to you is for a property register, not a land register. I do not want to get involved in things like measurements of property and all the rest of it. We will be there for ever. I am not asking for a public register, because, again, we would be mired in disputes for a long time. As long as the Financial Services Commission can see who owns what properties and that information can be shared with government, so we can measure the size of the problem and we can come up ... if it is a problem, a major problem and I believe it is, because I have looked at research in London and Vancouver and Australia and elsewhere, then I do not believe we are immune from this. People are buying their properties here, which is adding to the existing demand for properties from the Island and forcing prices up. Now, this register will give us the data, if this is the truth. I believe it is. In fact Deputy Ward, in my proposition, is being complimented for his question on the ... I think it was 26th of February, I cannot remember, when he asked, how many of the Horizon Development were owned by people outside the Island? That is the first time we have got some figures and it is quite a reasonably high percentage. So, what I am trying to say is you are going to be given the opportunity ... and I really thank the Members who have raised these issues before, because it really is galling to think you have been spending a lot of time doing research and then others are coming up with the idea as if it is their own. What I will say is that you will have the choice to bring forward a register, it can be done very cost effectively by the best organisation possible, the Financial Services Commission. It will give us the data to see if there is a problem and it will then enable us to decide whether we do, as other people do, either tax buy-to-let from outside the Island, or even in the Island, or we ban it, as some other countries have done, or we come up with other remedies that they have done as well. Now, let me just say, buy-to-let in one sense can be a problem. It can also be a benefit. If the buy-to-let is because people are building properties, that would not otherwise be built, then that is not bad. I cannot criticise that. On the other hand, if they are simply going into developments that were going to go ahead and taking properties from people who would like to buy for residential use, their own use, then they are depriving them of it. Also, buy-to-let is having an impact on rentals, because if they are paying ... if they are supposed to be getting a return of 8 per cent or 9 per cent on the property that they have bought from the developer, then they are going to add that on to the price of the rent and probably other margins for maintenance and everything else, so we find that rents are being driven up. Remember also that we, this States,

maybe not this particular one, the previous one, made the mistake of tying social housing rentals to 90 per cent of the market rate and we have caused rents to go up, because of our own stupidity. So, as I say, I will not spend any more time on it. I am still seething from some of the comments that were made. What I will say is when you ... hopefully the proposition will be with you tomorrow, or the next day, or so, please read it, please support it and maybe we can do something to help the very people that we claim we all want to help.

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

First of all, we all know the theory of a representative democracy, but I think it is healthy and it is also obviously required by Standing Orders for us to make these declarations. I think that society is obviously broad and it is wide, which is the same thing, but repeated in a different way and, clearly, there are people out there who are both tenants and landlords. When you look at the figures and it has been historically the case in this Assembly - while we might like to think we are becoming more diverse and in certain ways we are - there were 49 Members of this Assembly and 17 have recorded an interest of being landlords, which equates to 34 per cent of the Assembly and if the figures are accurate, there are only 4 Members of the Assembly, who consider themselves as tenants, out of 49, which is only 8 per cent of this Assembly. If we compare that to figures in wider civil society, and admittedly we have to go back to 2011 to do so, for the last census, we find that about 42 per cent of the population are renters *versus* some 54 per cent, who are homeowners and owner occupiers. We do not know, of course, what percentage of the Island are landlords, but I can presume it is not going to be 35 per cent of the population. That is the starting point. It is no surprise if we do not get to grips with the issue and if there has been a lack of political will in the past and certainly even nowadays; that is the level of the challenge we have got. I think it is quite a high bar to achieve 5,000 signatures in such a petition. We know it is not easy, because often people do not want to put their names to things publicly, even though you could argue that is strange. We live in a small Island. Not everybody is willing to sign a petition online in which their name will be recorded publicly for, but this is clearly an issue which people feel strongly about. Now, let us put this again into context. We still have a very disengaged system politically whereby in the last election there were less than 20 per cent who decided to come out and record their vote. We know that 100 years ago, women throughout Britain - and Jersey was no different - were fighting for the vote, yet 100 years on there is a disconnect clearly, but that does not mean people are not passionate about politics, because when it comes to the issues that affect them, they are quite willing to get involved, but they expect to see an Assembly which represents their need.

[15:30]

So, it is interesting today that we have needed a petition, if you like, in order to force the issue of the big elephant in the room in Jersey society, which I think is the biggest single issue, if you like, facing the Island, which is that of affordable housing, particularly rental costs. When somebody is working very hard, perhaps in 2 jobs, they may have young children and they are having to pay something in the order of 50 per cent of their earnings for a property that they will never own, perhaps over a long period of time, you can see how that might be quite deflating, especially if the conditions that they are living in and the conditions they are working in are not necessarily optimal. So, it is very easy to talk about these properties, these assets, which people want to sweat and say: "Well, you know, the economy is getting a lot tougher and since the crash we have got to look around and find investments that are going to guarantee us 8 per cent, or 9 per cent", and that kind of talk is instantly going to switch people off, I think, because it is the wrong end of the stick. So, the first question I would ask is, how much of a crisis is there in terms of housing and how radical are we prepared to be in our solutions to that crisis? Because, of course, the counterarguments will be that housing touches on issues of human rights and it does so first of all in terms of property ownership, because we know that there is a basic assumption out there that you have the right to enjoyment of your property and nobody should be telling you what you do with your property. So, you could leave your property

empty, you can rent it out, and the free market will, of course, dictate for how much you rent your property out if you want to. We know that that is limited and it is a qualified human right and it is also putting into the context that there is a counter human right, that is recognised by the Universal Declaration of Human Rights, that housing is a basic need and it is a basic human right. It is up to governments to enforce that and to honour that basic human right. So, it is valid that we have this question, so we should not presume that rent caps (a) do not work, or they cannot work as part of a bigger system, and (b) that we should not even go there, because I think it is quite right that governments do take action for something which is so core and so fundamental to their remit. Also, I do not think we should be talking about commodities when it comes to housing. We should be talking about people's lives. That is why I also do not like to talk about supply and demand, because these are not ordinary commodities like any others. These are people's lives that we are dealing with and it is fundamental to our constituents. So, I propose the following. They can be taken at face value, some of them may need more thought and some may have objections that they wish to raise, but how about this, taken as part of package - which I think has been recognised including by the paper that was put out by the Policy Forum, for which I also thank them - a package in order to get rents down which may include rent caps. The first thing we do ... and it has been raised that there is an issue with buy-to-lets. We have a broken housing system, because we do already restrict who can own property and who can rent property in the Island. You have to, theoretically, live in Jersey for 10 years before you can even rent on the open market, but certainly before you can buy a property, but certainly there also seems to be mechanisms by which properties can be owned by people, ultimately, who do not live in Jersey and they can then rent property to people, who either have qualifications, or who may not even have qualifications. This is clearly a very muddled system. We have a certain percentage of the population who live in Jersey, who may have sufficient money to take out mortgages to buy their own properties, but who cannot buy their own homes, because they are not allowed to by the system. So, we already have a very restrictive system. We, as a government, historically as the States Assembly, have agreed that we can put certain housing restrictions on there for a certain purpose. Now, the question is, do those restrictions work? I would say invariably they do not work and they do not work as effectively as they could, so let us look at other options, which may include rent caps. The first thing to do is to allow only natural persons to be able to own residential property. So do not get fixated about whether it is a buy-to-let, because I would argue what is the difference between a buy-to-let and an already bought, which is being let? There is no fundamental difference to that, apart from one of motivation. So, if you are a resident, who comes from a long line of Jersey property owners and you have, therefore, real estate which you let out, that is no different to somebody else who then buys that property and rents it out and hopefully those 2 could be done in equally professionally ways. So, I would say, first of all, because there is a housing shortage and we are in a situation of crisis, it is right to impose some basic measures. So, the first point is to only allow natural persons to be able to own residential properties. The second would be to then limit the number of properties that any individual person can own, because, of course, like Deputy Wickenden said: "If you have got somebody in the Island who owns 200 properties, that is 199 properties which somebody else, other people, cannot own." Even good Conservatives should aspire to the policy of homeownership for our constituents and give them the right to be able to own their own homes. That is good solid Tory policy. So, there are very good reasons for going down that route. If somebody owns all of the properties then, obviously, nobody can own the rest of them; if taken to the extreme. The third point would be to insist that only social landlords can let homes and, to put that another way, you could insist that all landlords become social landlords. That may sound slightly less radical and you do that by having a system of regulation and we are already going down that route anyway. So, you say: "In order to be a landlord, you have to sign up, so you have to become registered, you have to meet minimum standards and we would expect you to meet these standards." On top of that, once you have done that, there is absolutely no reason why you cannot, therefore, have a rent cap and you can say: "By the way, because we are in the business of looking after people ..." and this can be ... obviously it is not exclusive. It does not have to be included with

the idea that people cannot rent out their properties. You could say: “If you want to be a landlord, you sign up to be a social landlord and then we will let you rent out your property.” You will have security of income. The tenants will have security of tenure and everybody is happy. Of course, on top of that, you might wish to have a system, which has already been recommended, of an empty property tax, to stop people sitting on property that is not being used and I think those are the solutions that you could employ in order to do that and you could include a rent cap, of course. So say: “Because you are a social tenant, the new way that we measure the rents that are fair, it is pegged not to the market value any more, it is pegged to what people earn.” So, you have it linked to median earnings. I think, by implementing those measures, you solve the problem. The disheartening thing that I fear is that even though if you follow these through, you will not have a solution. I do not think there is the political appetite in this Assembly, or from the very many vested interests we have got in the Island to pursue this. I think I may have said it in the past, but I was told by a former senior Member of the Assembly, when he asked me what my interest was and I said it was to do with housing, he said: “We are never going to be able to introduce affordable housing because it is just a myth. People who own their houses do not want to see the cost of their properties going down. They want to see them always going up. We are not going to be able to resolve those issues.” So, we can talk about it as much as we want to, but that is one of the reasons. I think it is a shame, because if we do look at the - I will finish with this remark - if we think of the buy-to-let market and if we also think of the tenant and if we think about the idea that houses are commodities, as some would say, to be traded freely at the wiles of the free market - normally if you have a hire purchase agreement - if I want to buy a car, I buy it over a 10-year period. At the end of that period I may have paid interest. If I am lucky I might have got an interest free credit arrangement on that. I own the car at the end of that. That is the first difference. If you rent a property for 30 years off the landlord after all that time, even though you have probably paid more than the value of that home, you do not own that property any more, yet the landlord, who has bought it as an investment will say: “Not only do I want 6, 7 or 8 per cent return every year, at the end of it I will obviously own the property.” So, you start from a point of view whereby, potentially, somebody does not even have any property, they get a buy-to-let investment, they get somebody over a 30-year period to pay for their investment and not only do they get an 8 per cent return on, it they get 108 per cent compounded return, because they retain ownership of the property. So, we have got to be careful when we are dealing in commodities. It is even worse than that when we think of the fact that every year the taxpayer is forking out somewhere in the region of £20 million a year to pay for rents, whether it be to the social landlords, or to the private ones and this is £24 million of money that could be going to into people owning their own property. So, I think we need a fundamental rethink about what properties are, what homes are and what tenures and security are. I do not see any problem with, perhaps, the idea of long leases, whereby people can rent modestly over their life, whereby the property is ultimately retained in some kind of co-operative and some kind of trust, or in States ownership and then it reverts and when truly affordable housing is put into a scheme it is always sold not for profit and then it reverts. I think we need to think outside the box. I just hope that there is the political will, but I certainly will not be holding my breath from this side of the Assembly.

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

To begin, I want to be clear that what we are discussing here is the most basic human need, to have a home to live in and in a modern civilised society a home that is more than simply habitable. The housing market is very distinct, as it is driven by this fundamental need and it is not one that the choice to not engage in is a realistic option. I can choose to stop buying expensive food and go for the cheaper option. Jersey’s rental sector does not offer this choice. This is made worse by Jersey’s housing situation that has different levels of qualification to rent, very limited space and limited housing stock. The problem of high rents is very real, both in the States rental sector - and I do not call it affordable housing, on purpose - and in the private sector. I have recently been helping some constituents who are looking for homes, due to a change in circumstances. A search for available

Andium homes at a cost of £1,011 per month for a one-bedroom flat in St. Helier. The cheapest I found was £750 per month at Le Marais Flats. Prices for 2-bedroom flats were between £1,173 and £1,178 per month. For a 3-bedroom house, we were looking at £1,477 per month. Now, if we take a reference point of the median wage of £590 per week, or £2,360 per month and I know many will not be on that median wage, that makes the one-bedroom flat in St. Helier 43 per cent of that wage. The 2-bedroom house is 50 per cent of the median income and a 3-bedroom house costs 63 per cent of the median income. Remember, that is supposedly affordable housing stock and if we consider that these rents are 90 per cent of the market rate the problem is amplified by at least 10 per cent. I take time to spell out these figures, as we need to have a context for this debate and we need to address the wider social implications of having such an expensive rental stock. It is clear that we are blighting the future of a whole generation, that have missed out on the affordable homes of 30 years ago and beyond. Instead, we have a disproportionate amount of income being spent on rents alone. This is not good for families, or our economy. It is not good for Jersey long term, regardless of any action we take over growing population. The time has come for a radical approach to solving this problem. We need to be brave as an Assembly and look at rent controls, rent caps and who owns the housing stock. It is such a closed and, you may say, fixed market that Jersey residents are forced into. Now, I am aware that many Members of this Assembly are landlords and may make significant amounts of money from the housing market. I am not trying to score points from you, but I will ask you and all landlords to look closely at the morality of high rents and whether making large returns from property rental is unsustainable for Jersey society, for our government finances and for the economy as a whole. Indeed, the free market approach to rental of homes for people is more a free-for-all where our rental prices are allowed to spiral out of control, because of a lack of any controls from government. Instead, government spend millions of pounds of taxpayers' money on subsidising high rents via housing benefit. In 2017 this has amounted to £8.9 million to private landlords. The figure was worse for Andium Homes, where £16.6 million was claimed in housing benefit and the actual total is £29.54 million paid in 2017 to subsidise rents on this Island. I have no reason to believe that this would not have increased in 2018. We have the outrageous situation of States-owned land being used to build luxury apartments, which are not even considered to be affordable from the outset and then advertised as lock up and leave.

[15:45]

What does this say to young people trying to gain access to a home in the long term; one that is affordable, they have rights to live in and they can build a life in in Jersey? I suppose there was one affordable housing stock, but that is if you have the luck, or the means, to become a landlord and have someone else to pay your mortgage for you, perhaps even subsidised by the States. I do not believe that rent regulation will lead to a greater shortage of houses as landlords sell. For a start, this may mean more people buying homes, who will now not need to be looking to rent. It seems a false business model if landlords suddenly stop renting, because there is slightly less profit, given the advantages they have had and such excellent returns for so long. We have failed our community by allowing housing to become an unregulated free-for-all, where the richest will inevitably benefit and the poorest and those on middle incomes will pay the real long-term price. The notion of simply building more unaffordable homes to solve this crisis is a fantasy, built upon a concept of homeownership that collapsed as house prices continued to rise. It is interesting that this property magazine says: "Affordable penthouse living, see page 10." The affordable penthouse living is a 2-bedroom flat at £730,000. We desperately need to call a halt to the continued price rises in the private sector and the subsequent increase in States housing. Rent controls and caps must be considered. I will conclude with a list of actions we must consider, if we are to repair the damage done to future generations' housing prospects. A moratorium on rent increases in both private and States rental is urgently needed. We need to consider seriously the payment of the Andium Homes loan from States reserves, in order to rebalance the affordable housing sector. This will enable 90 per cent of private rental rates to be removed. This can lead the way to a genuine rent cut for Andium

Homes and re-establish affordable homes. We need to consider limiting the number of properties any one person can own to a maximum, perhaps, of 3. End external buy-to-let which is artificially inflating prices and we need to develop a rent system, based upon percentage of earnings as its limit, which will save millions from the Social Security Fund and release thousands from rent poverty. Housing is the basis for family life. It is the basis for a stable existence and good health, both psychically and mentally. I hope that we can be brave enough to make the decisions needed and that vested interest will not override the desperate need for change.

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

Can I start by reiterating something that a couple of Members have said, especially the Minister for Children and Housing and that is to thank the Jersey Policy Forum for this most excellent briefing paper they have put together? I do not quite know how. I have to hold my hand up and say that it did not come to my attention until lunchtime today, but I have read it as best I can. It is really good and I apologise for quoting extensively from it. I would just start by going to page 5 where they summarise the output from the expert and stakeholder consultation that they did. "This e-petition is bringing a serious issue to light." There can be no doubt about that. "There was a critical problem with affordable housing supply on Jersey." Absolutely. "The supply and demand dynamics of different categories of housing are different and proposed solutions need to appreciate and accommodate those differences." Quite right. "Increasing availability of social housing to broader population has worked well in other places and it could do so in Jersey. Commitment of land, the conversion of vacant buildings and planning permission for high density housing are urgently needed." There are some parts of that sentence that I am sure people would really like to agree with. "Rent stabilisation and it is important to stress not rental caps, but rent stabilisation and a range of other regulatory and policy levers should be considered." I think that is right. "A strong political statement of sustained commitment to provide decent housing for everyone in Jersey within their means is critical." We would all agree with that. "An ongoing engagement with all stakeholders to understand specific concerns and appropriate solutions is also critical to guide effective policy development." That can only be right. I am then going to go to page 14 and I would like to take up just something that Deputy Maçon said - it is a shame he is not here - but it is important that Members appreciate it and that is to do with the housing projections and the demand for housing in the coming years and to say that it is not just about net migration, but also about an ageing population, which means that the average size of households is falling and, in particular, referring to what Deputy Maçon said, because I do not necessarily agree with him: "The outcome is that even with a net nil migration scenario, the demand for homes will continue to rise as the average household size continues to fall" and I think that is an important point to make, because while we may well be having a population debate in the future, it does go to show that population and migration is not the only issue. Even if we have nobody else coming on to this Island, the demand for housing is going to continue to grow and we must not forget that. So, what are we going to do about it? In the paper that we had from the Policy Forum, it goes on to give some options into the different types of first, second generation and third generation around controls that we might consider. Of course, the first generation rent control is referred to as the hard, or as the cap, but I cannot really agree with rental caps, because it just goes too far for me, but the second generation and third are worth considering and they are these: "Second generation housing control limits price increases within and between tenancies." Then: "Third generation, in its pure form, rent controls implies setting a market rent on the creation of a new tenancy, which takes into account the potential impact of in-tenancy controls, but limits increases during the tenancy." Essentially, third generation rent controls tries to draw a balance between free market operating and overregulation that would impact supply. That is not rent control. We are talking about third generation, here. So, I think there is lots to be done and I go on to page 29, because if we are going to regulate, it says here and it is worth reading: "Clearly, good regulation should benefit both landlords and tenants" and that is an important point, because if you are a landlord, you want to be able to continue to invest in your property to make sure it is up to



scratch. We have got the new Rented Dwellings Law. If landlords cannot make enough money to invest in their property, the quality will reduce to the detriment of the tenant. When we talk about landlords and tenants, it is ideal if they both work well together because and I quote: “Bad regulation, on the other hand, even if it is imposed with good intentions and may provide short-term benefits, results in disincentives to supply rented accommodation, potential tenants being excluded from the sector and ultimately worse conditions for everyone.” So, that just shows and highlights to me that it is so important that both work together. I will conclude by just going to the paper we have had, which highlights the Ministers’ responses and I am very pleased to see it, because they come out with at the end a list of different options that we might pursue and I think that is the right way to go forward. It is not just about tackling this issue - a real issue that has to be tackled - and it has to be done in a number of different ways. I will just pick out 3 of the 8 or so that they propose. The first one is the consideration of rent stabilisation and for all the reasons I have just mentioned, if Members have not had a chance to read this Policy Forum briefing pack it is well worth the effort and explains completely what rent stabilisation is all about. The second one I pick out is: “Examining ways to bring long-term vacant properties back into use as homes and measures to tackle under-occupation” and I know the Minister for the Environment will be particularly interested in this, he has already mentioned it. I certainly went on about it a lot when I was in his position in the last Government and making use of every last building on this Island before we start building more buildings has got to be something we have got to look at really seriously. Of course, the third suggestion from the Ministers is the one I will pick out and it will be no surprise to the people here and Members in this Assembly because it is one that I have gone on about a lot, and that is improving the supply of housing with more than 1,000 affordable homes being built between now and 2020 and we know we need to do more. We know we have got more homes to build. I will leave it there, but I think a combination of the policy paper and the Minister’s responses I think we can really see a way forward here and if we move fast and move quickly and decisively, I think we can very quickly start to bring some of these house prices down.

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

The owner of a property will have to maintain his property. They have to decorate the outside. They have to pay for the various replacements; cookers, washing machines, decorating, carpets. These are costs, which a tenant very rarely pays. We have heard some fairly astronomical figures as rents. A more realistic rent, I believe, is south of 5 per cent, but then you have things like service charges, the cost of buying new cookers and the various costs that the landlord has to pay and, in reality, at the end of the day, I believe it is between 2.5 per cent and 3 per cent that is the net income that a landlord receives and that needs to be clearly made. These figures that have been bandied around, that I have heard so far, are the gross rental values. It is not the net. Buying carpets, decorating and maintaining the properties is always the landlord’s responsibility. I would just like to ... and I have to be very careful, I do not want to breach any confidentiality here but I will just reproduce an event that happened to a parishioner. He was a retired farmer and over his working career, not having a pension the way you do in the finance industry, he was a farmer, he bought a property, paid the mortgage so that by the time he retired he would have the income from that property as his pension. The tenant stopped paying rent, so he enquired why. “Oh, I am very sorry I will make sure I pay next month.” After 3 months of no rent, in other words no pension and this is not a rich man, or should I say, not a rich person. So, after 4 months he had no alternative but to go and seek legal assistance and a final letter from his lawyer was sent to pay the rent, he did not. He went to the Petty Debts Court and sadly had the tenant evicted. The Petty Debts Courts then gave the tenant a period of time before having to vacate the property and, in total, the landlord lost 10 months of rent, which amounted to some £14,000 on top of which he then had a legal bill of £11,000 and he also had the costs of repairing the property, ready to put it back on the market. This may be a very odd case, but I am giving that to provide balance, because we hear about tenants renting very poor-quality properties. Well, at the other end we do have some landlords who rent very good quality properties and they get treated in

this manner. There is no way of Social Security, or the tax man, or any other States department coming along and saying: “Oh, dear, you are a poor landlord let us reimburse you this £25,000.” But that, in effect is a retired man relying on his pension as his income and I think nobody in this Assembly should support such a position. This is an emotive subject because, on the one hand, you are talking about people’s homes and, yes, they are homes. An interesting thing happened to me some 4 years ago and this is, as it were, trying to get the first foot on the first rung of the ladder. I went with one of my children to the bank, to find out about a mortgage to buy their first property. The bank immediately said: “Oh, well, we can only offer you 4½ times your annual salary.” So, father was asked to put his hand in the pocket to pay the deposit and more than double the deposit, but, at the end of the day the bank said: “Sorry, we cannot help you, because you cannot afford the mortgage.”

[16:00]

So I said: “Well, out of interest, what would the mortgage be?” and the response from the bank was: “£832” and so I said: “Well, if he was to rent a one-bedroom flat, it is north of £1,000 and you are telling me he can afford to rent at £1,000, because that was your advice, ‘he will have to rent’, whereas a mortgage would have been cheaper.” So, there is an imbalance there and I think that is something that should, perhaps, be examined. It has been spoken earlier in this debate that one should not talk about supply and demand, but the bottom line is, that is the reality. We have a shortage of supply. We know that. That has to be addressed. We also have an increasing demand. That too has to be addressed. I hold my hand up, I have just been asked by the Chief Minister to chair the Immigration Policy Board and we will be looking at ways of how that should be controlled and that is going to be exceedingly difficult, because we have got businesses demanding more licences on the one hand, but on the other hand, for the last 3 or 4 years, the number of immigrants into the Island has been 4 or 5 times the target figure and that is unsustainable and that is one of the causes that we are now having to face looking at providing housing. We are a small Island, even though St. Ouen to St. Clement is a very great distance, especially when you are driving, but as a small Island we need to treasure the small green areas that we do have and we need to balance that with the housing need. There is a need to build higher and we are going to have to do that, but there is also the need for housing and we need to address that, but I do not want kneejerk reactions, which may prevent investment into housing. At the end of the day, we do rely on the private sector, on investors, and on individuals, such as the farmer I quoted earlier. to buy property and to provide accommodation to provide homes for those who are unable to purchase their own properties. It was mentioned earlier about the States of Jersey development at Horizon. It is interesting to note if it was not for investors buying to let some of those properties, that building project would not have started. As it is, they are now 6 months down the road and they are 6 months closer to providing nearly 100 homes. If we were not to allow buy-to-let, we would have to wait until 70 per cent of those properties are, in effect, legally sold before the building can start. So, by having and inviting private investment it is the only way you will get the homes this Island needs. You cannot do it otherwise. I would suggest, therefore, that we need to be very careful not to throw the baby out with the bathwater.

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

As the last speaker mentioned, the key has to be the supply and demand question, which is what the Minister for the Environment referred to at the beginning. That said, I do not believe that we can do nothing and I believe there are certain changes which could be made, relatively easily, to improve the situation. Deputy Wickenden in his speech referred to acquiring the necessary data and to a certain extent I agree with him. Where I perhaps disagree is how specific that data need be. Do we really need to know the number of properties each individual owns? Sure, we need to know the number of properties owned by overseas landlords and that could be fairly easily remedied, I suggest. In the U.K. if an overseas landlord registered property on the U.K. Land Registry, he has to have an address for service in the U.K. It should be a relatively simple matter, I suggest, for any overseas

landlord to have an address for service with a professional person in Jersey; that could be done through, perhaps, the Revenue Law administration, and that in addition would enable the Tax Office to require, perhaps in due course, that any overseas landlord provides a full statement of income, if any, received during a particular year. That would enable us to determine whether, or not, an overseas landlord was, in fact, letting the property and if we found that there were suitable, or inappropriate, number of people not letting, then steps could be taken in that direction to perhaps charge a premium for that service. The other area, which the Deputy of St. Martin touched on, which has not been made mention of very much, is the question of downsizing. The report, which I again commend, makes it clear that one of the problems is that while we have a shortage of housing, it is for the smaller number of houses. With the age we are all now living, or some of us, we are living in larger houses than we need. Those people need an incentive to leave them and it should not be beyond the wit of this Assembly to devise a system whereby, if you were downsizing, then, when you came to repurchase, some sort of credit should be given on the question of stamp duty. I believe that will be a simple incentive, because a lot of people do not see much change from selling a large house and buying a new one, with all the legal expenses occurred. By way of extension, again it is also mentioned that we have to be careful not to drive the buy-to-let investors out, because we do need them, but there is scope for considering a higher stamp duty, land transfer tax or whatever, which they already have in the U.K. That would need to be handled carefully and kept properly balanced, but it is a way of deterring overseas investors if we thought that was going to be a problem. Finally, on stamp duty; I question whether again, as in the U.K., there should be relaxation of stamp duty paid on a gift, an outright gift of one generation to another. There is no form of exemption here; that is as penal as it sounds. If we could encourage one generation to pass on their property to the one below, without penalty and build in safeguards so that the granny could not carry on living there, then that must be of benefit not only to that next generation, but to everyone generally. As I say, I think with a modicum of common sense and perhaps further thought, there are modifications to the stamp duty system we could usefully use to improve the system.

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

I think it is a great shame that this petition has been brought forward. It should not be necessary. We should not have to administer extra legislation, because of Government failings and Government has failed, which is why this petition is being presented. It states, very obviously, that we have a problem. We have a problem with a lack of housing. That lack of housing has not been addressed over the previous Government's years. It is why we are here today. It is impossible to build the amount of housing that we need, to satisfy our local demand, with the existing builders on the Island, because they just are not there, they are tied up with existing works. The only way we can introduce affordable housing and really affordable housing, is to change the actual way we build. We need to bring in cheap, flat-pack housing, well up to everyday current demands locally, but far cheaper to produce, because you are producing it out of the Island, therefore, you do not need a workforce. We have to possibly have a 2-tier system, where flat-pack housing goes to the people on the bottom ladder and we build blocks of flats, which can still satisfy developers' requirements and possibly an investment. Then you will really see the difference in housing rental. Housing rental will only come down if it has been saturated, like any commodity. Any commodity is far more expensive when it is scarce. We have to take that scarcity out of the system and then we will stabilise rents and they will have no need for legislation, because then property owners will have to provide a better quality of home in order to compete. I think that is the only way forward on this.

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

I hope Members can see how valuable the Connétable of St. Mary is to the Public Accounts Committee. Certainly, yes, I would like to see better building methods, instead of block laying. I am a bit disappointed this afternoon; I have heard so many Regulations proposed, I was beginning to think I was living in Venezuela. Yes, the real problem is that we have a demand, which is far

exceeding supply, as other States Members have said, but I do understand that the property conundrum is not limited to Jersey; it also exists in a lot of other developed countries. It is only in the last few years, I think, that young people have started buying their own properties. It used to be that they would frequently live at home until they married, which gave an opportunity to save. As far as the buy-to-lets go, I did do a sampling of this way back when - I think it was in the days of Senator Le Main so it really was a bit of time ago - and I had a look at the share registers of various blocks of share transfer flats and at that time, which is something around 10 years ago, the buy-to-lets were probably in the order, as I recall, of something around 16 per cent of the properties. This is a rough and ready estimate but, as Deputy Higgins has said, we do not know the quantum we are dealing with and that does need to be looked at. It does occur to me that a rental cap could be very good for tourism because, as properties are taken out of the rental market, they could well be diverted to Airbnb. I saw rental control in New York and it did not work. We made a great mistake with the 90 per cent of the market rent; it was always a chimera because the States has so much rental property it makes the market. Also, we must remember that buy-to-let, as has been said, can provide housing for people who will never be able to afford to buy. Unfortunately, this is a problem and it exists. I have heard it said that 30 years ago houses were affordable; not across the community, they were still expensive and, as the Connétable of St. John said, the rents must pay for maintenance and other sort of supplies. A lot of suggestions today; some of them I think were probably very useful, but we do need to be really very careful, before we have a knee-jerk reaction on this. I am delighted to be helping on the Connétable of St. John's Migration Policy Board, because it does need to be dealt with.

[16:15]

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

It is obvious that we need to look at this issue through many different lenses, but I also think that we need to examine the issue philosophically and we must start by examining our terms. What is a tenant? Someone who pays someone else money to live in their property. But why do people choose to rent, rather than buy? Is it because they do not want to be tied down to a mortgage? Is it because they cannot afford to rent, while saving for a deposit? Is it because, even with a deposit, they do not earn enough to get a mortgage, which is calculated at 5 times your salary? Let us remember that the median average for last year's earnings was approximately £30,000. Just to be clear, I am talking about the median salary, not the mean average, meaning that half of the working population earned £30,000 or less. Tell me, for a single person on this salary, hoping to buy a flat, where are they supposed to find a place to live for £150,000, or less? It is not an option. Renting is the only option. Let us look at landlords. A landlord is someone who rents out a property that they own, that they are not currently living in. But what does that mean? It could mean that they are off-Island, perhaps for work and are renting out their property while away to keep the mortgage going. It could mean that they own a property they bought when prices were lower and are using the rental income to supplement their pension. It could mean that they have another property, in which they live and that the property they rent out is surplus to their needs. The question we have to ask ourselves is how many properties does an individual have a right to own in our community. Everyone will have a view on this and I am not suggesting any particular answer to the question, but it is an essential question. Who has the right to buy property? Does everyone, who has that right, have a pathway to doing so? What hinders them? Is it cost, or is it choice? The question I am really circling around is whom are we serving? I am going to spend a moment talking about high-value residents. Admittedly, this is a relatively small group, but the reason I want to reflect on the arrangements for H.V.R. (high-value residents) is that these arrangements demonstrate my earlier point that we have to examine our philosophical beliefs about ownership, fairness, property rights and the distribution of wealth. In the policy guidance notes of the Control of Housing and Work Law it states: "High-net-worth, or high-value residents are permitted to do the following once approved and ordinarily resident in Jersey: to purchase, develop and sell residential property through a property

development company.” It has “subject to condition” but they must be sold out of the company to entitled, or licensed, persons. However, in last year’s Budget it is also written that the Minister proposes to change the tax rules, so that Jersey rental income - Jersey rental income - can be taken into account when determining whether an H.V.R. has reached the £725,000 taxable income threshold. Just on a technical point, the law policy and guidance notes clearly indicate that 2(1)(e) status should be conferred on those, who are already meeting this threshold of taxable income. So, what the Budget allows is for 2(1)(e) residents to purchase property and during a year where they may not meet the taxable threshold, for whatever reason, rent it out to top up to this amount. Again, this begs the question: whom are we serving? This is not about 2(1)(e) residents, this is about the priorities of Government and of the Assembly. I have parishioners in St. Saviour, who cannot afford the rent on their social housing. Both partners work full-time. They have young children. They work crazy hours and they just cannot quite afford to live and rely upon the help of charity for children’s clothes and meals. Today, we have one in 3 children living in relative poverty. There are 64 people, between the ages of 16 and 25 on this Island, who are homeless. We know that suicide is the most common cause of death to men in the U.K., but as a single man without children living on long-term sick pay in Jersey today cannot afford to rent in the private sector and are not the priority of the social housing gateway because they are single men and do not have children. So my question is: have we got the balance right between the rights of the wealthiest and the rights of the disadvantaged? Whom are we serving?

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

I was always taught never to end a speech with a question without answering it, but never mind. Once again, it takes the Constable of St. John to get to his feet, to encourage me to get to mine and respond to him. I just listened very carefully to his contribution and it was very learned with his estimates about how much return you got from renting properties. He was taking me along with his argument quite successfully, until he came to the end and when he pointed out that it was cheaper to get a mortgage on a property than it was to pay the rent, because the market rents are much higher than you have to pay to get a mortgage. That, to my mind, just illustrates why the Minister for Children and Housing said the system is broken. The housing market is broken, because it costs more to rent than it does to buy. That cannot be right, surely. But he did - and he was the only one today, I think, who has focused on population, increased inward migration, as one of the drivers of our broken market. The simplest explanation for that, most people can see very easily. If you have got 100 potential buyers and 100 properties, you do not stoke up the market. If you have got 101 potential buyers you start slowly, but inexorably, to push the prices up. It is supply and demand and that works every time. I admire the Constable of St. John for his ambition in taking on some targets on inward migration because, without that, we are destined for ever to be chasing our tail on house prices, for ever and ever. While we have heard some fine words about buying properties, I am reminded that what we are asked to debate today is rental price caps law to limit rental prices to reasonable rents. That sets me thinking about what is a reasonable rent. A reasonable rent is completely and utterly not 90 per cent of the market. That is not reasonable. Nobody else in the entire world, as far as I know, sets their social rental market at 90 per cent of the market. That is not possible. Traditionally, it has been 80 per cent. In some areas - in London - it has been down to 60 per cent, or even, in some cases, 40 per cent because that is what is affordable. When we talk about affordable rents, we are not talking about it, we are talking unaffordable rents by and large on this Island. They are not affordable and we have had any number of figures saying exactly how unaffordable they are. I quote the beginning of the report from the Jersey Policy Forum, which says 73 per cent of households in private qualified rental accommodation and 53 per cent of households in non-qualified rented housing are under rental stress, i.e. they are paying more than a third of their income in rent and nobody can exist on that sort of term without being in considerable stress. Where I am pleased is that the response of the current Minister for Children and Housing is to use the words not rent caps, or rent controls, rent stabilisation. Rent stabilisation is a markedly different creature

to a cap in the sense that the starting point is let us increase the length of tenancies and give people some stability in their lives, so 3-year, 5-year and even longer tenancies should be the market norm, rather than 6 months, or a year's rent and then you have got to renegotiate your rental, or you move, and no stability for those families. So, the starting point is 3 and 5-year tenancies, which make sense, within which you can then go to what is described by Professor Whitehead as third generation control of rents, wherein while you are in a tenancy you do not get any sudden shocks, any rent rises above inflation while you are in that tenancy. If that is a long tenancy, that has you in a comfortable place. If the market is right and the rent is right, then you are not going to suffer those shocks and you have some stability in your life and that way you can get some quality of life. So, what is a reasonable rent? Back to that question; and I think part of the solution - and the Minister for Children and Housing has said that he will explore this - is to reinstate what used to be the case - and some of us here remember it from way back - whereby the rent you paid in social rental housing was linked to your pay. Simple as that; the more you earned, the more you paid and, again, we worked on a rough and ready rule of thumb that said that rent is set approximately around one third of your income and that was the limit. That is the way we used to work. We could do so again and it certainly to my mind makes sense if we were to make that move. The other thing I noticed in the report is that they did a round table online poll. Not of very many people; only 17 out of 25 participants gave replies, so rough and ready, but let us have a look at the response. First on the list was increase the supply of new homes. That is fairly obvious and most people would say that; it is supply and demand after all. But the second was 71 per cent from the responses: provide more social housing. It seems to me that one of the reasons why we have got a broken system is that year after year, decade after decade - and just go back and have a look - year on, year out, we rely on the private sector to build our housing and what do they build? They build what used to be called category B homes. Maximise your profit on that particular plot, squeeze in 6 houses, whatever. We have all seen them dotted around various Parishes where a development takes place and what you have got is category B housing. Occasionally, on the larger plots of land you get some concession: "I will build you half a dozen social rental houses as well" affordable housing, as we now call it, but not at a social rent, where the profit margins are lower. We have relied on them year in and year out. Occasionally, with a good Minister for Children and Housing we would have had larger numbers of social rental housing being brought on and developed. For the less enthusiastic Minister for Children and Housing - no names, no pack drill - that was sometimes very low figures indeed. Then I turn, finally, to what has been happening recently. If Members would look to page 22 and page 23, we have got the perfect illustration there. Potential surpluses and shortfalls in categories of dwellings are highlighted for us down there. The shortfalls in one-beds, 130; shortfalls in 3-beds or more, 260. In houses, one-beds 80 shortfall; 1,000 in 2-beds; a total of 1,660 shortage of housing predicted at this stage. At the same time, on the opposite page, we see that the affordable rental demand, so demand for rental, not necessarily affordable, but rental, has gone up over the past year alone by over 20 per cent.

[16:30]

That is significant. That is important and that is a very serious indicator of the size of the problem that we are building up. If this continues, we will not be able to go on very much longer, even if we were to start controlling inward migration and get some cap on our population. We will end up chasing our tails. I will leave it there.

#### **The Bailiff:**

At the beginning of this in committee debate I indicated that I thought 2 hours might be enough. It does not look as though it will be, because it is going to run out in about quarter of an hour's time and I have 6 Members wanting to speak still. I would either invite those Members to speak very efficiently, or else someone to propose that we go beyond the 2 hours.

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

During my recent campaign, high rents and affordable, or unaffordable, housing were one of the 3 top topics. No doubt we need to address the community needs for affordable housing. The consideration to introduce rent control should be done with great conscience. My main word is balance. Balance; fair system for tenants and fair system for landlords. Balance and we have talked about it between supply and demand of suitable accommodation and the third balance that comes to my mind after listening is balance between private sector and social housing. I have read several reports and thank you for Jersey Policy Forum and one which has been done by National Multifamily Housing Council Resource Foundation and I will not go into details, because we are short on time, but I will mention 3 points. Rent control, hard rent control, rent cap in reality do a poor job at targeting benefits towards the poorest in our society. While low-income families benefit from the rent control, so will high-income households benefit from the rent control. There are more targeted and efficient and effective ways to provide assistance to those low-income individuals and families, who have trouble finding housing they can afford. We talked a lot about demand and supply and what we have seen around the world; once the hard rent cap was introduced, some of the houses have gone into the holiday lets, or a commercial use and they were lost for the rent on the private market. There are local people, who invested in flats as their pension, because the company they work has no internal policy for pension plan. We have to consider the effects on their income that will have on these people if we introduce hard cap rent. This type can encourage local people to put their pension pot in the properties outside of the Island and we probably would not like to see this investment going outside of the Island. The third point is: there is also significant fiscal cost associated with implementing a rent control programme. As the Deputy of St. Martin mentioned, there are 2 types of rent control, rent control set caps and the third generation and second generation. Across Europe, for the last 30 years, we have seen deregulation of the rent controls. Going back to Jersey history, if I am right maybe the people can correct me, we did have a Rent Control Tribunal, which should set the fair rent, but it did not work. One of the reasons that it did not work, we did not have precise criteria how it would be judged, what is the fair rent. If we decide to set a rent control stabilisation system, we have to set a criteria. Good regulation, like it was mentioned before, should benefit both landlords and tenants, providing a more secure investment for the landlord and offer better quality housing to tenants. Only after we quantify the rental market we can make economic decisions for our Island. I strongly believe we need this information to measure the effects any new laws might have on the economy, the availability of rental accommodation, or the quality of rental accommodation. I welcome a policy development board that should look into different policies. Whatever we choose to do, it needs to target the poorest and guarantee them a suitable home at a suitable cost. [Approbation]

**Deputy K.G. Pamplin:**

Sir, might I propose an extension to the half hour?

**The Bailiff:**

Do Members agree to go beyond the half hour that I set? Yes, it looks like it.

**15.1.16 Deputy K.G. Pamplin:**

What a pleasure to follow our latest Member of the Assembly, not only giving us a record breaking 14 female representatives in the Assembly, but on the first day in the Chamber 2 oral questions and taking part in a debate. How many of us can claim they did that in their first day of the Chamber? So, thank you. Firstly, may I join other Members in commending the member of the public for their efforts in working with the online petition process and the over 5,000 Islanders who equally engaged. This is really important to me, as we continue to build the bridge between the Assembly and Islanders for the better of our Island. You can see, for a change, the power of good in relating to social media here in terms of good, honest engagement between us and as many Islanders shared the online link and urged those they voted for to represent them, to be heard and debate this issue. I did and it seems

others did hear this and this is just the beginning of a bigger issue the Island faces. As Members will know by now, I am a facts and evidence man. It is our duty to seek those facts and evidence, but also question and get behind the numbers and agendas sometimes also lurking in the background. In the latest retail price index, produced by Statistics Jersey in January, it revealed the cost of living had increased by 3.9 per cent and the key driver of inflation during this period was the 5.6 per cent increase in housing costs. Jersey's housing price index show that in the second quarter of 2018, rent prices increased by 10 per cent, compared with the first quarter of the year. They rose by 7 per cent when compared to the same quarter in 2017. During this time, social housing rates, as we have been hearing today, are now at 90 per cent market rate, alongside the requirement - and I do not think this has been said yet - for Andium to increase rents by R.P.I. (retail price index) at 0.75 per cent. We know long overdue work is now being done to renovate, where possible, previous Housing Department homes like Rosemount Estate in my District, but also sell off properties as well. There have been pros and cons to this that I have seen. One thing it has done is put both spectrums of the Island together and both are now seeing a reality that either do not like and sadly judgment and resentment is rife. If you take the Island's demand and the growing amount of many people we see needing affordable homes and you put them under this much pressure, then one day it will break. Now, I am not saying we are close to the time in 1915 when tenants in Glasgow went on strike and just stopped paying rent entirely, but the signs of pressure are coming out. Ultimately a rent cap working, or house prices coming down, are both dependent on another factor; how much affordable social and every other kind of housing is being built. What is clear is that something needs to change. Ambition is one thing, ideas and action are a completely different thing. One of the only real ways out is for there to be enough homes, as we are hearing; not just one-bedroom flats and studios, *et cetera*, but actual homes for people to live in. I think we can all agree the Island is in a state of flux and change. As family homes get sold more and more to pay for long term care costs, instead of staying with family; that is just one example. Rents can only be reduced sustainably by increasing the overall supply of all types of homes, so that more people can get a social home, or buy their own with a mortgage, and fewer private renters have to compete over each available home. But, for the same reason, policies that sound so simply attractive end up being fraught with problems. Unfortunately, there are no quick fixes to this. Almost by its nature a rent cap merely addresses the symptoms of a failing housing market, not the cause. We do not just need private rental properties, they are a bit less eye-wateringly overpriced, but also house prices need to drop and more social housing so that people have a genuine alternative to renting. Another key area, and probably a less dramatic form of rent control, is where tenants have longer contracts and rent can only increase at the same rate of inflation. There is evidence provided from numerous homeless charities, that I have been researching, that share this research and data on the side effects that could be undesirable if bureaucracy and establishment work the system. Rent caps working depends on how landlords respond. Historic and international evidence suggests that the side effects can be pretty undesirable. In markets where demand outstrips supply, landlords may discriminate on a tenant's characteristics, rather than price. This could see people with low incomes pushed even further to the bottom of the market, or into a black market, with fewer protections, as prospective tenants with higher incomes are viewed as more reliable. Landlords may attempt to maintain their margins by cutting down on repairs, or they may try to gain the system. Ironically, in research I looked into in New Jersey, where rent caps exist, landlords have been subdividing their apartments. These landlords end up benefiting, while ordinary renters are forced into even more cramped living conditions. Equally, if capped rents do not cover mortgage payments, landlords with large mortgages may be forced to end the tenancy and sell the property. This could leave those families with having no choice but to rent privately with even fewer options and higher prices. Germany, France and Spain have used what is sometimes called second generation rent control to calm rents, without directly setting prices. Rents are determined by the market at the outset. Renters have longer term contracts and as long as renters are in these contracts, the rent can only be increased by an inflationary index such as R.P.I. Also, as mentioned in other debates and no doubt today, the Island has been slow to protect the rights of



Islanders renting, for whatever reason. We are now seeing the impact of the almost complete lack of consumer protection for renters and I welcome the Minister for Children and Housing's efforts in pursuing this. Fundamentally, though, I believe that through the society the Island has been morphing into is causing such division on an Island that now more than ever needs to be pulling together and looking out for each other more. It cannot be a coincidence that our recent report into mental health shows huge failings and desperate needs, as more people struggle to build an affordable life on the Island. From first-time Islanders getting on the ladder, to those who work to get by month by month, seeing wages, bills, charges and rents go up. With this all going up, so does the pressure. During our review, the Island's consultant psychiatrist provided a rather telling testimony, highlighting that when the Island created its finance industry, it almost split the Island's society down the middle in terms of culture, social impact, status, and emotional distress. To paraphrase, if you did not work in the finance industry, the impression was that you are not as important. Now, I do not share this belief; we all have to get behind our very important finance economy, no one is arguing its importance. But, we must be mindful that the Island's wealth is not in its tax arrangements that allows an industry to prosper, it is simply its people. All of its people. No one should be left behind. We should all be deeply concerned by how unstable and unaffordable private renting has become. Once again, this is not an issue that is new; this has been coming and we now must see real thinking that helps all of us. Enough is enough. It is simply not right to see how many of us are struggling to simply pay the rent and feed our families, so the Island can keep working. Housing needs to be perceived as a place of shelter again; not solely seen as needed investment. Social housing rents prevent our friends, our brothers, our sisters, our children to secure this. Nor should anyone be judged for issues out of their control. Rather than swinging the pendulum back from one extreme to the other, we should be trying to find sustainable, modern methods of preventing rents spiralling out of the reach of our families.

**15.1.17 Senator T.A. Vallois:**

It feels rather strange standing up and speaking with regards to housing, rather than answering questions with regards to education. But it gives me great pleasure in doing so and I am grateful for having this in committee debate.

[16:45]

I am a great believer in learning from history and if we look at the history of Jersey and housing it goes far back and with a lot of well-intentioned changes to schemes, bringing in new schemes, not so much legislation, potentially more of a free market than maybe what we should have had. The reason why I say that; so I will reel off some of the issues that I think back to when I brought the amendment, when we were debating reform of social housing 6 years ago, which has been referred to by many Members with regards to the 90 per cent rents policy. I did a lot of background reading, a lot of interest in terms of what happened in Jersey with regards to housing, our land mass, our immigration and comparing that around the world to various different jurisdictions. Looking back, we had these instances where we had the 20-year residential policy, which has gradually reduced down over the years and there are very questionable reasons around. Absolutely, it was right to do, in principle, but when you are doing it ensuring that you have got the right levers to support the other frameworks in place as and when you are doing it; and I do not believe that happened. I believe it was brought with absolute good intentions to do so, but without the levers supplied around that, so now, today, we have a 10-year residency requirement. There was the introduction of income support in 2008. Prior to this, it was a welfare system with no consistency application across 12 Parishes, with Constables who provided welfare as they deemed fit within their own Parishes. Then, 40 years we were behind the U.K., before we introduced legislation to require minimum housing standards right across the piece. Our Rented Dwellings Law has only just recently been approved by the Assembly. We have not had consumer protection law in the Island; we only brought it in approximately 2 years ago. So, the ability for the actual tenant to challenge with protection was

questionable historically. That fear of questioning and getting turfed out of your own home and losing that roof over your head, when you may have children, was never a viability for many people living in this Island; and to some extent feel probably the same way now. I will go straight to the point, which has been mentioned by others, about the lack of building and building quickly. We have seen, recently, the huge addition to inflation in terms of housing over the last year - and I would argue that is very much because we are used to short term planning rather than long term planning - ensuring that we have proper capital programmes in place to free up brownfield sites, to free up public property sites that we no longer utilise efficiently, to supply that very much needed housing. If you do it all in one quick fell swoop though, that adds to the cost of living; that adds to inflation. So, it is a chicken and egg situation; would you start where you are now? I am sure many of us would not. We have had a whole variety of schemes that have been put into place, not just in terms of rent. In 1991/1992 that was the beginning of rent rebate and rent abatement. That was the beginning and in that proposition it suggested that it would only cost us £1 million and by the time we debated reform of social housing in 2013, it was up to £27 million in terms of subsidising what is effectively the whole housing sector. Then all the schemes that have come before that, so changes in the way that we tax people, to ensure that one person in the household could free up their income to save, in order to pay for the deposit to buy a house. That was many years ago, I was only little then; this is something that my parents informed me about, but it was under the social housing side of things. So, there is a whole variety of different things that have been created over the years with what I believe is absolutely good intention. But what we have forgotten to do is understand how these different policies impact the next policy and the levers that we use at the different economic trends in our cycle. So, if we are looking at our economy and we are looking at the cycle and we are looking at our peaks and dips ... and people have mentioned the finance industry and we have seen those differences over the period over 20, 30 years; and when we were needing to build at the right time, when the recession hit, the biggest recession we had had since a post-World War 2, we were supposed to be building. We were supposed to be priming the economy, to support people out of work to create the construction that had to happen. That was the time to build lots of houses; that was the time to plan and ensure we had the money, the sites; and this all leads to one big ticking time bomb, which we are now here today. All I add into this is the question of how. If we had a blank piece of paper, where would we start? Would we have a completely free market and allow the world to run? I have a few questions around that, personally, but I would suggest that looking at the history of housing and the various different schemes and legislation that we have tried to put in place, I would say that we did it all back to front. We were putting money, intentionally trying to support people, but what we should have been doing was putting in the Consumer Protection Law, was putting in the Rented Dwellings Law at that earlier period and then providing the schemes that supported. Because, for me, the rental side of things is not just about the shortage of supply; we also have the issue of, of course, an immigration policy and that is something that other people have mentioned numerous times. We absolutely need to get on and ensure that we change those, but we recognise that the impact of our legislative changes over the years, such as the Housing and Work Law, which is a culmination of a housing law from 1949 and a regulation of undertakings from 1973, put together in 30 somewhat different types of drafts and come up with the Housing and Work Law. An Island Plan that was developed without housing policy. We have got a position now, in this term, to look at that history and say: "We can fix this and we can put this right." We need to have a balance, like Deputy Gardiner said. One of the fundamental issues I particularly have is social housing. I will say it again, like I said 6 years ago. We do not have social housing in Jersey; we removed that when we brought in the rents policy. That rents policy was not for the greater good, that rents policy was based on a 20 year-old policy, at which time they believed was fair. A 20 year-old policy that they decided to bring in then, rather than beforehand, because they just decided they did not want to do it then. So, we brought in a rents policy that was 90 per cent of market rents and, like Deputy Pamplin mentioned, not just 90 per cent of rent, but R.P.I. plus 0.75 per cent on top of that every year. So, we have had recent R.P.I.s of 4.3 and 3.9, plus 0.75 per cent effectively, if you understand the definition of social housing, for our lower income members of

society. In the U.K. you have anywhere between 40 per cent to 80 per cent of market rent; there is a spectrum between 40 per cent to 80 per cent. It is not just up to 90 per cent. So, why are we the only place in the western world that charges 90 per cent of market rent for our lower income people? We have got all these various different cut-off points and it is like education, it is a selective system that I think people have put together over many years, with the absolute good intentions, but it has created this ticking time bomb. So, I try to sit down and I try to come up with lots of solutions, like I try to do when I look at a problem; and I do not envy the Minister for Children and Housing at all, but I will support him and work with him in whatever way that I can. A creation of a strategy, a long-term strategy, that applies a number of levers within that strategy to recognise the economic cycle over that period of time, so that you can pull whichever lever, as and when you need to, is absolutely vital. We cannot just be thinking about our political term, we need to think of the long term for the good of our population, our pensioners, our single adults, our families, our single parent families; but, most of all, our children who will inherit what we leave behind. There is also the issue of the Residential Tenancy Law, about accountability, about challenge, about that balance; and I would suggest there is a bigger concern around our property in the States. If we want to be bold and we want to go forward, with regards to how we deal with some of these issues, I would suggest having 3 different types - or I believe it might be 4 even - running a property portfolio on behalf of the States of Jersey, or the Government of Jersey, S.o.J.D.C., Andium Homes, Property Holdings, Ports of Jersey, all having property which is basically the public's. Why 4? Why not bring that knowledge, the professionalism, the understanding, the ability of all those people together, to put that property plan together, to create that long-term vision for us? Social housing is very close to my heart. I grew up in social housing. I am aware that there have been horrendous stories in the past, but I cannot agree to the current rent policy continuing as it stands, because it just does not enable social mobility as we, I believe, think should be the right thing. Income support and our tax system buries these people back down day in, day out, when they are just on that cusp, trying to get out. I think it is fundamentally wrong that we do that. If we want people to have good mental health, good well-being, it is about aspiration, it is about dreaming big, it is about being able to achieve and we need to be in a position to give them the opportunity. But I want to be able to give them that opportunity with a roof over their head.

### **The Bailiff:**

Standing Order 97 provides that the Chairman shall decide when the sitting on an in committee debate comes to an end and it is frankly a slightly confusing Standing Order, because they are not clear whether the Chairman in that context means the Chairman of the Privileges and Procedures Committee, or the Chairman of the debate. As it happens, I have spoken to the Chairman of P.P.C. and we have both agreed that the 3 speakers, who have given notice they wish to speak should do so and then we call an end to the debate, subject to anything that the Minister for Children and Housing wants to say in a very brief, I hope, summing up at that time.

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

I will endeavour to be fast. It is a longstanding joke of mine that when people from outside the Island criticised Jersey, or said: "You are very lucky to live in Jersey, because you do not pay any tax" I turn around and say: "No, we pay rent instead to landlords and that makes up for whatever low tax we pay." Because, most of us have been tenants; I may be a property owner now, but I was a tenant in the past and I saw much of my earnings disappearing on rent in the past. But really, having listened to so many people speak today, what an absurd situation we are in when the States of Jersey has done so little to genuinely improve the affordability of housing in this Island; that someone like Kevin Keen, an ordinarily very rational and reasonable person has to suggest that we build a bridge to France in order to get to grips with our housing problems over here. We have heard many interesting ideas today. All of them are cheaper, environmentally less damaging and far more reversible than a bridge to France, so I say let us start with some of these ideas. To be honest, though, I have been

disappointed by Governments of the past, but I am also disappointed by this Government. It is 9 months since this Council of Ministers took office and only now is this Minister for Children and Housing setting up a Housing Policy Development Board. This should have been his first action, on his first day in office. But, perhaps, I expect too much because, as Deputy Wickenden has pointed out, we suffer from a dearth of data on this subject and that hampers us, it prevents us from taking useful steps. Again, this is something that previous Governments should have done in the past because only by having the data can we genuinely address the issue in a constructive manner. One aspect of the local market, which is as much an outrage today as it was 20 years ago, is our 2-tier housing qualification system. To me and to many who I sit with today this condemns thousands of Islanders to live in substandard accommodation, that is overpriced. They are fodder for the unscrupulous and the greedy, yet still we let this discriminatory system prevail.

[17:00]

So, before we even move on to rent caps, or taxation, why are we not looking at this 2-tier housing system, because it is unfair and it is fodder for landlords. If you are unqualified the landlord knows he can charge you an arm and a leg and you can look at any property website and see that happening today. The reality is, as many people have said, the problem at hand is multifaceted and no single remedy will cure us. But the Constable of St. Mary is absolutely right to point one finger at the construction sector, which relies too heavily on labour intensive, inefficient building techniques. This is an industry that today is in such demand that the average Islander cannot find a plumber, or a regular tradesperson, to get a small job done at home. Basic economics teaches us: when demand is such and supply is so little, the sector will become fat, greedy, lazy and bloated. So, unless we take measures to force the construction sector to adopt more sustainable, more speedy and environmentally efficient ways of building, they will not do it on their own; so it is up to this Assembly to make that happen. Then let us look at landlords, of which there are many types, but too many – including, incredibly, the Island’s social housing providers - are charging too much. I accept what Senator Vallois said about them not being social housing providers and I understand that distinction. As a landlord myself, I choose to charge a rate of rent to my tenants that is lower than those you will find on Andium’s website. This is Jersey’s leading “social” housing provider. Minister for Children and Housing, it has been 9 months; it is time to get your skates on and make a difference. When I hear the pleas of other private landlords, claiming the need to maintain their properties and that this is the reason they need to have unrestricted rent, I say 9 per cent increases in a time when cost of living is 4 per cent is not reasonable, it is profiteering; that plain and that simple. Whether rent caps are the answer, I do not know; I will wait for the policy development board, when it finally reports, to lead the way on that. But I am sure that Jersey needs to dampen property speculation and that is likely to mean a registry, as suggested by Deputy Higgins, or property gains taxes, as I believe suggested by Deputy Young, that penalise the flipping of homes. There is no single answer and I hope that between the board, the Minister, Scrutiny - on which I will sit - and this Assembly, we will come up with effective workable answers, because we have to end this decades-long catalogue of failure; most importantly because thousands of Islanders and the very future of our Island need it and depend on us to take that action.

**The Deputy of St. Peter:**

Am I the penultimate?

**The Bailiff:**

You are the penultimate, then Deputy Guida.

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

I will be very brief. Much has been said and I have no intentions of repeating some of the great messages and great thoughts that have been shared by the members of the Assembly. I have just got

half a dozen points I think have not been brought up, or need a little bit of embellishment for the sake of argument. I think it is important to note that a landlord is a business and a business has associated risks with it. Income needs to be more than the debt, or the cost, or the repayment of the debt, or the costs in order to have a profit, as all businesses strive to do. It only needs small changes in interest rates to go up, or supply to come down; and I know we are in a bull market in a moment and we cannot envisage that and then the landlord's life is perilous. So, they bring a service that everybody thinks is easy; it is not, and it must be respected as such. I just add a few areas of costs that the Constable of St. John missed out; he did not include insurances and rates, which are a major part of the annual cost of having any sort of property. The other area he did not mention is voids. Every single time a tenant leaves, would it not be lovely if the next day another one moved in. The reality of it is with that comes a cost of an agent's fee, it comes with a cost of any maintenance work that needs to be done and then you have to have the gap before the tenant moves in. That invariably, in my experience, in a reasonable quality property, is at least 2 to 3 months, which is 25 per cent of your income for the year. It is not all milk and honey, gentlemen, over there. Another point, the tax returns a few years ago - and I could not find it on Google just now - 14 per cent of the tax income into this Island comes from private rental landlords. To put that in comparison, 42 per cent comes from finance. It is a very big part of our business that needs to be taken in consideration. The Deputy of St. Martin talked about empty properties. The last thing we heard at a briefing recently, that is 7 per cent. 7 per cent of empty properties. We have 100,000 people over here, 7 per cent of that, 2 people occupancy, we can sort out 50 per cent of those 7,000 homes shortfall by making sure we have every property being occupied. I think that is as good a place to go for a quick win that I can think of. Building; we have got to build and as we know we have all been talking about limited space and I think I have got a green zone discussion coming up on Thursday evening. But the reality of it is, we have got to look at better building methods, that has been mentioned twice and I thank Deputy Morel and the Constable of St. Mary for that. I ask you all to Google modulus building systems which is a concept of fast construction, as good a standard as traditional building that you can imagine, with significantly reduced costs. So, if we are going to be building for affordable housing there are 3 factors: the cost of the land, the cost of the building and the cost of whatever profit that is. That middle chunk can be reduced significantly and if the goal is to get down to £350,000 for a 3-bedroom house I would suggest that as a pretty good place to start. I confess, in St. Peter, there is not a great deal of social housing, but I did knock on a number of doors when I was campaigning and 3 in a row just said to me one after the other: "Is 90 per cent of open market rent fair in social housing?" I did not know that at the time; early days. I went and looked it up; of course it is not, it is ludicrous. But one thing I do know is that the social housing is primarily "owned" by us and it is within our gift, or the Minister for Children and Housing's gift to accept that, so I suggest we look at that very quickly but I think we really must leave the open market rental as it is.

#### **15.1.20 Deputy G.C. Guida:**

I will be quick; everybody is waiting to go home. A lot of things have been said and I will just come back to a few, to make corrections. One of the important ones is that we are talking about demand and offer and the offer does not happen by accident. It does not just, just because you say: "We need lots of housing to be built." Somebody must go and spend the money, spend the time, take the risk and do it. Indeed, landlords - whether they are ourselves, the States, or whether they are private - deserve respect, because they are taking that risk and they are hoping for some sort of return. Now, the return in Jersey - and I know it from being in the business - is about 4 per cent and that is before any sort of expense and I am talking about any sort of risk. Interestingly - I am going to put little snippets in there - we are talking about the 2-tier system with unqualified housing. Well, if you rent something in that respect you make 10 per cent. Of course, there is a lot of turnover but, yes, that bit is abused and this is one system that we have to look at when we look at population. Now, the deal with demand is not about crushing our economy and making sure nobody really wants to be in Jersey, or by controlling population. I am sorry, we will have to look at that very carefully. This is essential

because, basically, the pressure on housing ... I can give you the figure right now, I can give you the figure in 30 years the demand for housing will be 5 per cent above the offer. That is a normal feature of an ecosystem and that is exactly what it is going to be unless we influence it, and we can only influence it on population. So, offer, yes, massage your landlord, be nice to them because otherwise there will not be any offer. People will think, as I did personally, that offices, shops and any other investment is better than renting something and not knowing whether you are going to be paid, or not. Mortgages, they were hurt by the crisis in 2008 and it is something that we could have looked at. There are some silly practices, giving only 4½ times your income, asking for a very heavy deposit, when the market is growing at 8 per cent a year; this is a little bit silly and that could be helped. States intervention, yes, of course, that is the number one, we are going to build lots of houses and we have to make sure that they are cheap. The way we build them can make them cheaper and, yes, the building industry in Jersey has completely overheated. It is ludicrous. All the properties I have, have cost less than their cost of rebuild. I am being told that the land plus the building is less money than it would cost to rebuild. That has never happened. This is completely ridiculous; so building here has become silly and we need to ... again, if the States, for their own purposes, use foreign companies and try to find other solutions, we can influence the market in that way. Property register, that was an interesting question and if you just wait a few weeks the Public Health and Safety (Rented Dwellings) (Jersey) Law is looking at that. We need one. To administer it, we need to know who has a property to rent, otherwise we have no idea where to go and check that all these nice Regulations we have been drafting are followed. So, this will come to the Assembly and you will be able to vote for a register very soon. Indeed, we are all very curious to see that happen. Talking about the register, the small issue of share transfers, now that we have freehold there is really no good reason for having share transfer. It is something that takes the real out of real estate. It is very handy, it is very practical when you do the deals, it is just a piece of paper and you can do it in private; it is a fantastic tool, but it takes the real out of real estate. You do not own land, you do not own stones and bricks, you own a share, a piece of paper, a number. You own share number 4 of Horizon Development and frankly - unless somebody can persuade me that there is a very good reason to keep share transfers - I would abolish it. It is silly, it lacks transparency and it allows people to buy properties without any sort of control. I would abolish this absolutely, no problems. Rent controls, OK, since Venezuela was mentioned, one thing killed the country. Now, Venezuela was a fantastic country, they had everything for themselves and they have the first, or second, largest reserves of petroleum in the world and then they said: "No, no, prices are going too fast, we are going to stop the prices rising. So bread is going to be that price and milk is going to be that price." Then their companies go bankrupt, or close, one after the other. Everything that is happening in Venezuela now, is because, I am sorry, the idiot decided to freeze their prices. This is not the way to go, you kill your supply and we do not want to do that, we want a very healthy, very nice growing supply. Interestingly, I must first come to the aid of the Minister for Children and Housing, something I did not think I would be doing. He has been very busy. He has done, very quickly, one of the most fantastic things that needed to be done, he has taken off that little extra of our R.P.I. that Andium was putting on the prices every year. This was completely ludicrous. He has done that and I know he is working on a lot of other things; so we have a very busy Minister for Children and Housing, who we can expect extremely interesting things to come from him this way. I must also, interestingly, equate with Deputy Southern. It does not take much to change the market. If we have one more family than available housing, the prices can go to any level. We just need one demand, one person more than the actual offer for prices to explode to any level, you can end up at any point. In the same way, you only need a couple, or one, less than the actual offer to drive prices down, so it does not take much less demand. We are just at this border. There are not many people in the street now, so housing is not a huge deficit; it does not take many more houses from us to change that market. We can have a very big influence by just making it a few more numbers. Yes, one thing about mortgages and the difference between mortgages and rent. It is quite interesting that mortgages can be cheaper than rent, but do remember that when you get your mortgage, you have paid 10 per cent up front, so it is

not the whole price of the property and there are no more charges. Most of the expenses will be paid by the landlord.

[17:15]

So, they are extremely similar, especially now with very low interest rates, they are very similar today. To say that it is crazy that you could buy for less money, you are not buying for less money, you have come in with a deposit, you have put quite a lot of money up front and then you do not have all the expenses.

**The Bailiff:**

Minister, I do not know if there is anything you want to add to the debate, but clearly you will not want to summarise what everyone has said. If there is anything you would like to say?

**15.1.21 Senator S.Y. Mézec:**

Just incredibly briefly, it is obviously very strange to sum up a debate when I am not vying for Members' votes on a proposition. So, I just want to thank every Member that contributed to this debate for their thoughts, getting those on record, so I can try and gain some sort of understanding of what the feel in the Assembly is and what sort of issues Members are particular concerned about. I can only say that I hope that we continue this broader conversation when the Housing Policy Development Board is doing its work. We will keep up that dialogue with States Members to hear their views and I am confident - despite the pessimism expressed by some Members - that this Government is in a very good place to make some good progress on this and this exercise will have been very useful in getting us to that position.

**The Bailiff:**

I can announce to Members that the Draft Public Finances (Jersey) Law, P.28./2019, has been lodged by the Minister for Treasury and Resources. Draft Amendment No. 39 of the Standing Orders of the States of Jersey, P.29/2019, has been lodged by Senator Farnham; and the Cats: additional protection when involved in road traffic accidents, P.30/2019, has been lodged by Deputy Maçon. Chairman, do you wish to propose the arrangement of Public Business?

## **ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS**

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

Thank you, yes and all of those propositions that you mentioned just now are down for the list of business for 30th April. P.30/2019, Cats: additional protection when involved in road traffic accidents, comes out of another 5,000-signature successful petition and negates the need for me to ask the Assembly to take an in committee debate on that petition. It comes directly from it and relates to it and so I thank Deputy Maçon for that. I am sure the petitioners will be delighted that action is being taken on that one. So that does not need an in committee debate. The chairman of the Health and Social Security Panel asked me in the week; they have recently produced a very thorough review of mental health provision which has got some press coverage Members will have seen. The Chairman, Deputy Le Hegarat, would like an in committee debate on mental health provision on their report. I thought it was an excellent initiative, given the fact that this is such an important issue. If the Assembly is agreeable, we would take that on the sitting of 30th April also.

**The Bailiff:**

I am just looking at the agenda for 30th April, it is a ...

**Deputy R. Labey:**

Maybe I can persuade the Chairman of the Health and Social Security Panel to perhaps delay that in committee debate to the next sitting after 30th April, unless it is time sensitive.

**16.1 Deputy M.R. Le Hegarat:**

I would not say it was time sensitive; however, the report has already been released, mindful that the Minister for Health and Social Services will provide us with their response to that within 6 weeks. We really did not want to delay it any further so I think I would take guidance from the House, but we would prefer to do it no later than 30th April, if we could, because, obviously, it is a very important subject.

**The Bailiff:**

It will be a matter for Members, but it looks like 4 or 5 quite substantial debates on that sitting.

**Deputy R. Labey:**

Yes and the next sitting in 2 weeks' time is also quite a ... there are a few debates in there which I do not think will be over in an hour. I think that we are coming to the end of the days of the one-day sitting.

**The Bailiff:**

Well, thank you very much. The States now stand adjourned until 9.30 a.m. on 26th March.

**ADJOURNMENT**

[17:19]