

STATES OF JERSEY

OFFICIAL REPORT

TUESDAY, 19th JANUARY 2021

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[9:30]

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

I start by welcoming His Excellency, who joins us by videolink this morning to the sitting.

1.2 Welcome to Members

I also now welcome Members to this, the first sitting of 2021. We are still very much, of course, in very challenging times but I hope that Members have had the opportunity to relax, to recuperate, reflect and to prepare themselves so they are ready for the year ahead, whatever that may bring.

APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS

The Bailiff:

We now come on to Appointment of Ministers, Committees and Panels. The first item is the appointment of the chair of the Economic and International Affairs Scrutiny Panel following the resignation of Deputy Morel. In accordance with Standing Order 119, I accordingly invite nominations for candidates for the position of chair.

Senator J.A.N. Le Fondré:

Can I speak please before we start?

The Bailiff:

Yes, Chief Minister. What is the ...?

2. Resignation of Senator T.A. Vallois as Minister for Education:

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

I think I need to formally advise the Assembly of the resignation of Senator Vallois, which we all know about, if that is the right moment. Can I just take the opportunity to thank her for all her hard work and her commitment to education in her time and the welfare of our Island students? In particular, her work on the reform and funding initiatives she successfully brought forward to the Government Plan, having secured approximately £42 million over the 4 years for Education, and she was obviously seeking to implement the further enhancement of the early years provision. May I wish her well in her future positions she is going to seek.

3. Appointment of the Chair of the Economic and International Affairs Scrutiny Panel

The Bailiff:

Thank you very much, Chief Minister, quite properly. We come now to nominations for the position of chair.

Connétable J.E. Le Maistre of Grouville:

I would like to propose the Deputy of St. Mary as the chair of the Economic and International Affairs Scrutiny Panel.

The Bailiff:

Is that nomination seconded? [**Seconded**]

Deputy C.S. Alves of St. Helier:

I would like to propose Senator Mézec for the chair of the Scrutiny Panel please.

The Bailiff:

Is that proposition seconded? **[Seconded]** Are there any other nominations? There are 2 nominations duly proposed and seconded. We therefore move on to the selection process. In accordance with Standing Order 119(3) I will invite the candidates to speak and answer questions in the order in which they were nominated, starting therefore with the Deputy of St. Mary. Candidates will be able to speak for up to 10 minutes and then Members will have up to 20 minutes to ask them questions. The Greffier will ring a bell when you have been speaking for nine minutes and then again to signal when time is up. Similarly, the Greffier will ring a bell when there has been 19 minutes of questions and again when we reach the 20-minute limit. When all candidates have made speeches and answered questions we will take a recorded vote and the candidate who receives more than half of the votes cast will therefore be appointed.

[9:45]

The other candidate must not hear what the opposing candidate says or the answers to questions and accordingly arrangements are made so that the Greffe will supervise the non-speaking candidate to ensure that that privacy is maintained. In which case, Senator Mézec should now withdraw from the meeting.

Senator L.J. Farnham:

I wondered if I just may ask a question?

The Bailiff:

If it is a point of order or something of that nature, Senator Farnham, yes.

Senator L.J. Farnham:

Just a point of clarification. I understand that the relevant Ministers to the Scrutiny Panel are unable to participate in the election. In relation to participating, do we have to withdraw or we are just unable to vote? I wonder if you could just clarify the position and for the relevant Assistant Ministers as well.

The Bailiff:

The position is, you are quite right, Senator - I would have said that before we had come to the voting - the relevant Ministers are not able to vote. That is the Minister for Economic Development, Tourism, Sport and Culture, the Minister for External Relations, and the Minister for International Development. Those are the Ministers who are scrutinised by this panel, therefore they cannot take part in voting for the person who chairs that panel but they can participate by asking questions.

Senator L.J. Farnham:

Assistant Ministers are able to vote, I understand.

The Bailiff:

Yes.

Senator L.J. Farnham:

Thank you for clarifying that.

The Bailiff:

In which case Senator Mézec should have withdrawn and I therefore invite the Deputy of St. Mary to speak for up to 10 minutes.

3.1 Deputy D. Johnson of St. Mary:

Members may recall that at the beginning of this Parliament I stood for election for this same post. However, my then opponent, Deputy Morel, proved to be the successful candidate and I take this opportunity to congratulate him on the energy and the direction he has brought to the position. It has been a pleasure to work with him as vice-chair over the last 2½ years or so, and I wish him well in this new year. The reasons why I am now standing for the position are not markedly different to those I gave back in May/June 2018. In the previous Assembly I have been chair of the Environment, Housing and Infrastructure Scrutiny Panel, vice-chair of Economic Affairs and chair of a review panel on the legal process of conveyancing transactions, and felt comfortable in those roles in meetings, interviews and all else that they involved. The Clothier report described the function of Scrutiny as one of a constructive friend and I am happy to identify with that interpretation. On the one hand it indicates co-operation and consultation with Ministers and their officers. Yes, on the other it allows for, and indeed requires, measured opposition and calling to account when circumstances so dictate. Within the panel itself I regard myself very much as a team player with all members having the ability to contribute both at internal meetings and public hearings. This is particularly so when those individuals have expertise in particular areas. As for my own areas of interest, I have enjoyed my term as chair of the Environment Panel but consider, and still consider, that the responsibilities of the various Ministers within the ambit of this particular panel better coincide with my own. This brings me on to the responsibilities of the 3 Ministers concerned and, in particular, what areas are likely to be addressed, whether ongoing or new ones, in the period of less than 18 months that remains in this Parliament. In no particular order, as they say, I begin with the Minister for Economic Development, Tourism, Sport and Culture. Over the last 8 months or so, COVID has dominated proceedings, both at Government and Scrutiny level, with all concerned working for the common good in turning out propositions and Scrutiny reports in short order. Those actions are reflected in the panel's report *COVID-19 response: March to October 2020* presented in early December, tracing, as it did, the course of events during that period. COVID will clearly be an issue for some time and in that regard the report, with its findings and recommendations, should prove invaluable in delivering the best possible recovery for Jersey. Also in December, the panel presented its Government Plan review, concluding with a summary of those projects where it had concerns as to their fulfilment. In some instances, it may be a matter for Government as to whether these are taken forward but in others the background knowledge acquired by current members of the panel at the time will be helpful in determining future courses of action, including possible reviews. By way of example, I simply refer to the Jersey Competition Regulatory Authority. This following the decision to terminate the joint arrangements with Guernsey through C.I.C.R.A. (Channel Islands Competition and Regulatory Authorities). The panel has already conducted 2 public hearings as to the circumstances giving rise to that de-merger and what is now awaited is a detailed proposal as to *modus operandi* of the authority for the future, with particular reference to its independence from Government; a matter first raised by Oxera back in 2015. This is but one of several matters which will be resurrected in the coming months and where detailed knowledge of what has gone before will be of considerable assistance. I do here have in mind other potential topics for review where, because they have been before the panel, will benefit from continuity should members of the panel be reappointed. Topics which might be brought to the panel's attention include Fort Regent and sport facilities generally, review of this environment, rural economy strategy, medicinal cannabis and many more. The comments made thus far apply to the Minister for Economic Development, Tourism, Sport and Culture and I therefore now turn to the Minister for External Relations. This Minister is, of course, responsible not only for the conduct of Jersey's external relations, alongside the Chief Minister, but also that of its financial services industry and it has been suggested that a change in title might better reflect the scope of his responsibility. Dealing first with the term "external relations" in isolation. I think the Minister will agree that much of his energy, and particularly so in recent weeks, has been devoted to Brexit-related matters and is likely to remain so for some little time. However, Members may recall of the sitting held over Christmas to consider whether or not to be bound by the U.K. (United Kingdom)-E.U. (European Union) trade agreement that the Scrutiny

review and report and requested, while not conducted by this panel but by the Brexit Review Panel, one made up of representatives from each of the main Scrutiny Panels, some Public Accounts. This panel's interaction with the Minister and his department over the next 18 months or so is therefore likely to be more as a result of his role as Minister with responsibility for financial services. In this connection it has been noted that whatever diversification is achieved in other areas it is this particular activity on which the Island's economy is largely dependent at this time. We cannot afford to relax our efforts to maintain our position on the international stage and, to that end, I anticipate the Minister will bring forward draft legislation and regulations in 2 areas, in particular. First, in relation to new products, which may or may not be offered by the jurisdictions and with a view to attracting new business, and secondly, in relation to modifying our own regulations as to money laundering and related activities to meet international standards. As someone who was in legal practice for over 35 years before entering the States and then involved in matters pertaining to trust and corporate law, I am mindful of the importance of both areas but equally of the need to ensure that regulations do not impose unnecessary obligations on the part of those providing those services or the general public. Particularly with the MONEVAL assessment in sight, so to speak, I anticipate that various pieces of financial-related legislation may well come before the panel over the next few months and indeed I understand that the panel, however constituted, is scheduled to receive a presentation next week. The third Minister within the panel's ambit is of course the Minister for International Development, who is primarily responsible for Jersey Overseas Aid. While it is obviously important to the context of promoting Jersey as a responsible and indeed caring jurisdiction, the role of this Minister is not one which requires too much activity on the part of Scrutiny, although we do have regular public hearings with her. In short, I have been a member of this particular panel for almost 6 years and am familiar with many of the issues and concepts likely to come before it within the final one-third of this Assembly's life. I hope that this element of continuity, coupled with my previous experience as chair, will persuade Members that I am appropriately qualified for the position but equally I obviously respect whatever decision the Assembly may take. Before closing, I would like to thank the retiring panel members, namely Senator Moore and Deputies Pamplin and Gardiner, for their commitment to the panel over a long period, but particularly over the last few weeks so as to ensure continuity and maintain a quorum. I fully appreciate why they now wish to concentrate their energies elsewhere. That concludes my address and I look forward to receiving questions from Members.

The Bailiff:

Thank you very much, Deputy. There is now a period of 20 minutes for questions. The first question comes from Deputy Higgins.

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

Could the candidate say what his views are on income inequality and the hardship faced by many Islanders during this pandemic and the likely impact of technological and other types of unemployment that are likely to occur over the next few years? Will he be reviewing those topics?

The Deputy of St. Mary:

I thank the Deputy for his question. The inequality aspect was covered in the COVID report, to which I have just referred. In particular, it is set out there that apart from inequality generally between all classes of persons, more so in respect of females and young people. There is to be further work on this to be presented to the panel by the department and certainly this is one area we will be looking at and, where appropriate and where possible, trying to narrow that particular gap.

3.1.2 Deputy J.A. Martin of St. Helier:

It is a straightforward question and I wish the candidate the best of luck. I would like to know if unsuccessful would the Deputy still be willing to sit on this particular Scrutiny Panel?

The Deputy of St. Mary:

I have yet to have that conversation with Senator Mézec, but as I mentioned at the outset, I was unsuccessful in my original application and was pleased to be vice-chair. I am not precious on such matters and if the Senator so wished I am sure I would be happy to entertain a place on his panel.

3.1.3 Senator S.W. Pallett:

Could I ask the Deputy which areas, if any, within each of the relevant Ministers' portfolios cause him most concern and if he has any reviews that he might be considering in the short term?

The Deputy of St. Mary:

There are a number of matters. The Senator might be pleased to hear this. We had, before this election was deemed to be appropriate, identified Fort Regent as a particular area, which I believe is embarrassing to the department as well as everyone else. In the course of our review of the so-called family friendly legislation, which we took over, we did also come to the conclusion that the small business environment was one which needed to be looked at, and again we had identified that as a possible subject. Unfortunately COVID came into the equation shortly afterwards and, as with many other panels and departments, our workload had to be shelved to give priority. Those are certain areas. I also have concerns, and I am interested in sporting activities generally. That I think is an area that has been neglected over the years, particularly in this period of lockdown we need to ensure that our sporting facilities are brought up to speed as quickly as possible.

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

May I ask the candidate, can he detail what he would bring to the role as chair to maintain independence of Scrutiny and to build on the processes that exist in Scrutiny, in order that views from across the Assembly are involved in the Scrutiny process?

The Deputy of St. Mary:

I am not quite sure I fully understand that. All Scrutiny members are held to account to their panels and while, as I said before, we are regarded as a constructive friend. All Ministers are accountable to us.

[10:00]

I am not sure I have any particular comment to make, other than that which is already there. It is to be noted in my last chairmanship of a panel in the previous Assembly, as chairman of the Environment, we did ... I will not say successfully because it was not necessarily the aim of the exercise. We carried out reviews on, for instance, the waste charge and as a result of our comments, which did not destroy the proposition but we wanted further information, the proposition was withdrawn and we awaited its coming back with more positive comment. I think that the panel and the Assembly are still waiting for it to come back. All I am saying in response to the Deputy is I have no problems with resisting propositions brought, if it is for the common good of the public and, in that case, there were certain real concerns as to the way that was taking us.

3.1.5 Deputy G.P. Southern of St. Helier:

What thoughts does the candidate have on the developing relationship between our own financial services, those in the city regulated by the U.K., and those regulated by the E.U.?

The Deputy of St. Mary:

I think the short answer to that is that we have our own financial services regime. As far as the E.U. is concerned, we are a third country and we are very much independent. It is the case, I suspect, that following the U.K.'s withdrawal from the E.U. certain financial trade, if I can call it that, will be finding its way to other places in Europe rather than the City and, in that sense, Jersey may well lose out. However, as I say, the trade agreement we are talking about at the moment does not affect financial services. We are masters of our own destiny in that respect. I think the Minister for External

Relations and his department, when they are allowed, leave the Island to explore new markets or further existing ones. I expect that element to continue. So while certainly the withdrawal of the U.K. from the E.U. might well have some secondary bearing on our future, I think that the destiny is largely in our own hands. I look to the department to further our interests in that respect.

3.1.6 Connétable R.A. Buchanan of St. Ouen:

My question to the Deputy is around the forthcoming MONEYVAL assessment of Jersey's ability to control its anti-money laundering process and its customer due diligence processes. I was wondering whether the Deputy can outline what part he feels his Scrutiny Panel will play in assessing our ability to meet these challenges and the effectiveness of our preparations to get us there, including possibly looking at the national risk assessment, which has just been completed?

The Deputy of St. Mary:

I thank the Constable for his question. It reminds me of the first task I was ever involved in. When I joined this panel in the previous Assembly was on the eve of a MONEYVAL visit where perhaps not all the proprietary work had been put in place. The department was anxious that we should then conduct our Scrutiny Panel with due haste, and that we did. That involved discussions with the banking fraternity, other professionals and I think what is needed - I wait a presentation from the department on this - is for Scrutiny to assist in this complex by being ... I will not say vicious but as probing as they can. MONEYVAL themselves will ask the question so I think the panel will need to second-guess the questions they are being asked by providing us with a dress rehearsal of those questions. So I look forward to, if elected, receiving the department's officers with an outline of where they are in the general scheme of things, and with that before us I could more methodically go through the areas we would like the department to submit for further questioning with a view to providing MONEYVAL themselves with evidence that they have already been through this scrutiny process.

3.1.7 Deputy I. Gardiner of St. Helier:

The panel has several workstreams in progress and planned. Would the candidate indicate which of them he anticipates the new panel will continue to pursue and which are important workstreams he anticipates in the next year.

The Deputy of St. Mary:

We are in the last 18 months of this Parliament. I am conscious of the fact that certain other departments' workstream has been pulled back because of deflection to COVID-related matters but hopefully I would like to think that is behind us. But clearly it is not. Much of our workstream will depend on what is brought to us by the department. If, of course, the panel is able to conduct its own areas and, as I mentioned previously, I think, we had already identified Fort Regent as an area - a fairly big project too - to undertake. Again, going back to the earlier part of this Assembly, we had in the course of reviewing the family friendly legislation identified a great concern among the small business owners as to the amount of bureaucracy to which they were subject. That is an area which we felt could usefully be explored. I also have in mind the fact that Ports of Jersey deal with some form of visitation. I was involved in scrutinising their incorporation, which they presented business cases, and I think some review of their progress 4, 5 years on needs to be undertaken. That too will be a major review. Also, as I said, sporting facilities is an area which needs to be undertaken in regard to the active lives situation we are trying to promote as an Assembly.

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

I would like to ask the Deputy what he will do to make the work of Scrutiny more engaging for the public and, in particular, for under-represented groups to encourage more diversity in people that are engaging with politics in Jersey?

The Deputy of St. Mary:

I think this is probably a problem for Scrutiny as a whole. I think in the last Assembly it was only then did we think in terms of going out by way of social media. I am not sure that has been followed too much in the course of this particular Assembly but I am not averse to that, providing the officer is in control of it. Yes, I fully agree, we do need to engage with members of the public. But in such a way that the discipline of Scrutiny is not undermined in any way. We must be allowed to go and proceed at our own pace within the confines of our own disciplines, but certainly further outside interests and engagement would help. I think it is fair also to say that in this particular panel much of the interest and involvement stems from the business community and they, I think, are not slow in coming forward and this was set up at the time of the COVID peak. We have regular weekly meetings with the Chamber of Commerce, who themselves are a vehicle for bringing to us the views of their members and, again, we have had meetings with the retail sector and perhaps again we should pursue those areas more forcefully than we did. I think to a certain extent we were onstream to do so but again COVID has deflected us somewhat.

3.1.9 Senator S.W. Pallett:

Would the Deputy agree that a review into the current structure of the culture and arts sector is required to consider the possible restructuring of the governance and administration in this sector?

The Deputy of St. Mary:

I would not contest that. If my memory serves me correctly, I think the department itself is due to bring out some form of report. On the back of that I would certainly welcome Scrutiny carrying out a review on to all such aspects. In the meantime I note that they are being given some help in financial terms, and I am pleased about that.

3.1.10 Deputy R.J. Ward:

Can the candidate identify any areas of training or development he believes may be needed within Scrutiny that he would encourage as a chair? For example, the recent access to unconscious bias training, does he believe that is something that may be essential for Members to perform the role in Scrutiny?

The Deputy of St. Mary:

That reminds me the Deputy is on my email list of things to do. I listened to a radio programme on this some time ago. I think that the major parties in the U.K. are signed up to it. It must be a matter for each individual as to whether they do. I expect many will think they do not need it but I suspect we all do need it. I think also, certainly as far as chairs are concerned, when chairs do come forward in the future, potential candidates come forward to be chair. That is a question which might well be asked of them and if they have not had that particular training that will count against them. I am not resistant to what I think the Deputy is implying.

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

Will the candidate, if successful, deploy resources of his panel to look at the effect of not only the pandemic but also of other pressures that are leading to a decline in the bed stock of the tourism industry and the associated pressures being faced by the hospitality and retail sectors in supporting tourism?

The Deputy of St. Mary:

I obviously do appreciate the hospitality industry, as a whole, has taken the hardest hit under the current crisis. The question of bedsits is not something which I had previously considered in isolation but I do well take the point. I am reminded by this question that there was back in the previous Assembly a draft tourist law or new tourism law, which did not make it too far and one of the items

there included was the question of the letting out of houses to people other than tourists. I think bedsit land - if I can call it that, not deprecatingly - comes into that same equation. So I think in the context of hospitality, the number of tourism beds, and of course that overlaps on to housing itself, which is perhaps outside the role of this panel but we have to contribute, I think it is something that needs to be looked at. Yes, I would be pleased to take that up.

3.1.12 Deputy M.R. Higgins:

The candidate has given his own view of what topics he would like to review and others have done so as well. What would his top 3 priorities be?

The Deputy of St. Mary:

I am not sure I will have that luxury in fact of the view of what might come from the department but Fort Regent is one we had already singled out. It perhaps overlaps to a certain extent with the question of sporting facilities and I think, as I said, having come in at base level with Ports of Jersey, that is a big subject which I think could well benefit from some attention in certain areas, particularly in the light of their development programme, which may or may not be appropriate given the situation we are currently in.

[10:15]

The Bailiff:

We are almost at the end of question time. If there are no other questions then this period of questions to the candidate ... Senator Ferguson, you have about 15 seconds.

Senator S.C. Ferguson:

Given that it said we do not have sufficient air traffic to have £42 million worth of development ...

The Bailiff:

I am sorry, Senator, that I am afraid does bring question time to an end. There is no facility to extend it in accordance with Standing Orders, so I am sorry we have to stop it there. I would ask the Deputy of St. Mary to withdraw, in other words to leave all the electronic connections, and a member of the Greffe will be ensuring that that happens. I would ask Senator Mézec to re-join us. Perhaps Senator Mézec will indicate when he is back, although of course he will not have heard that if he is not. Senator Pallett, is your question there for the next candidate or for the previous candidate?

Senator S.W. Pallett:

It was for the previous candidate but I am happy to keep it there for the next candidate.

The Bailiff:

I do not see any harm in that. There will be more than enough time, so yes, very well. Senator Mézec, have you re-joined us?

Senator S.Y. Mézec:

Yes, I am here.

The Bailiff:

Yes, are you ready to proceed, Senator? You have a minute or 2 to get your papers together.

Senator S.Y. Mézec:

No, I think that is okay, Sir.

The Bailiff:

In that case, Senator, we will start your 10 minutes now.

3.2 Senator S.Y. Mézec.

Though the appointment to this position is taking place as Jersey faces its greatest economic challenges probably in living memory, our economy has faced an extreme shock because of the coronavirus pandemic, which has affected every Islander. In the last year Jersey businesses faced unprecedented Government-led interventions into their affairs where, through no fault of their own, many have been forced to close down, then re-open with restrictions and then close down again. Even those not forced to close down were still heavily affected by the health restrictions. The Government then stepped in to provide types of support, which would have been unthinkable in normal times, whether that is the G.S.T. (goods and services tax) and social security payment deferrals, the co-funded payroll scheme or Government loans to keep businesses afloat, all of this being done to support as many businesses as possible to avoid them collapsing entirely in the hope that they can pick up again quickly when the good times return. It is not over yet. We still must weather through what is hopefully the last part of the storm and act quickly and effectively to do what we can to secure businesses, jobs and livelihoods here and now. Then taking on the mammoth task of rebuilding our economy. None of this is what any of us expected to be dealing with when we put our names forward for election. But it is now our duty to play whatever part we can in delivering a strong recovery. But out of this crisis comes a huge opportunity. An opportunity to realign our economy, to put it in a strong position to help us meet the challenges of the future and generate prosperity, which we can all enjoy. Having been through such trying times as a community, it has helped us understand better the things that we value in our society, not just in old-fashioned economic terms. We know that the strength of an economy is not just measured by G.D.P. (Gross Domestic Product) or G.V.A. (Gross Value Added), but that well-being and sustainability are fundamental. We have learned that the importance of a job is not reflected just in how much it gets paid, but also what social value it provides. Those lessons learned through adversity will now shape how we build our future. As an Assembly, we unanimously signed up to the priorities of putting children first, improving well-being and health, reducing income inequality, and protecting our environment. None of these should be seen as being at odds with our other priority of delivering a vibrant economy. In fact they should be seen as enablers. I am encouraged that some of this appears to be reflected in the report from the Economic Council, which has highlighted the need for sustainability, quality of life and being prepared for the new economy and technological advances. Where Jersey has in the past been nimble and bold to reinvent itself and take advantage of new economic opportunities, which are the reason for our affluence today, it never happened by accident or good luck. It happened because of good decision-making and hard work, which cannot be taken for granted now. We will need effective scrutiny to play its part. I believe that in this moment it is important for a role like this to be held by someone with the energy, the dynamism and experience necessary to ensure that the most effective scrutiny takes place. Despite being the youngest Member of the Assembly, I have extensive experience now in Scrutiny and in Government. During the last term, I served as chair of the Care of Children Review Panel and as vice-chair of the Education and Home Affairs Scrutiny Panel. I also chaired sub-panels reviewing the Criminal Procedures Law, which is a very hefty piece of work, 150 years in the making, and in prisoner welfare support through the Prison Board for Visitors. In doing so, I worked with Members from across the political spectrum. As the Minister for Children and Housing, I had 2 Scrutiny Panels and one review panel, which I was scrutinised by, who I hope would vouch for me and say that I was inclusive and open with them. It would be of benefit to have a Scrutiny chair who has recent experience working in Government. Having been through the Government Plan process twice and understanding the mechanisms by which the Council of Ministers makes its decisions, I will be able to bring that insight into Scrutiny. My style in Scrutiny is collaborative. I believe in early and constant engagement with Ministers and officers so we can be up-to-date and reactive where necessary, but also be open from our end, from what we are looking at. I do not believe that Scrutiny is a vehicle to opportunistically catch Government out or to score points. But my style is also robust. Where difficult and sometimes inconvenient messages need to

be conveyed to the Government in order to encourage them to make improvements where their performance is just not good enough, I can do that. Most importantly, my style is open and transparent. We are doing this work ultimately on behalf of the public and so we should bring them into the process where it is appropriate and beneficial. In the last term, a panel I served on was I believe the first to have filmed a public hearing with a Minister. We also scheduled some hearings to take place at times when members of the public with family responsibilities would have been more likely to be able to attend. We held some very well-attended public meetings. If I were elected to chair this Scrutiny Panel, my immediate priorities would be examining the upcoming economic and fiscal stimulus measures and, in particular, being prepared to look at the upcoming announcement on extra support for businesses to which we are eagerly awaiting from the Minister for Economic Development, Tourism, Sport and Culture. Also, Brexit, as if the pandemic was not enough, we are now living with Protocol 3 of the U.K.'s E.U. accession treaty, officially no longer governing our relationship with the E.U. But instead a new treaty, freshly in operation, with the coming months being extremely important to assess its impact on our industries. Also, following through on the recommendations made in the Scrutiny Panel's December report on the COVID response, which contains some important suggestions on ensuring the work on fiscal stimulus is informed by good data and is cognisant of some of the issues surrounding inequality that must be taken into account. On that last point, and more broadly in my approach, Members will know that the issue of inequality is extremely important to me. It is the case that the last decade has seen real-terms earnings frozen, an increase in poverty, and the rise of insecure work. When push comes to shove, I do not think there are many in our community who believe that these are good things. Many in Government made positive statements about wanting to resolve these issues, in particular on moving towards the living wage. I would want to focus some Scrutiny work on these issues, looking at productivity, for example, which has long been considered a difficulty for the agriculture and hospitality industries in adopting the living wage, and try to help provide some sort of evidence basis for moving forward. I hope I have made the case for why I can play a positive role at this crucial moment and I look forward to answering any questions.

The Bailiff:

Thank you very much, Senator. The period of 20 minutes available for questions now starts, if we can reset the clock. The first person to ask a question is Senator Pallett.

3.2.1 Senator S.W. Pallett:

The candidate has answered this to some degree but he may wish to elaborate. Could I ask him, which areas, if any, within each of the relevant Ministers' portfolios caused him the most concern and if he has any particular reviews that he might be considering in the shorter term?

Senator S.Y. Mézec:

It would be easier to ask me what does not cause me concern. I do not say that for partisan reasons. I say that because we are facing extremely tumultuous times in Government. The wider Assembly are having to take action on things that are unprecedented. I suspect we may not know for many years whether every decision taken now was the right or wrong one. What I am perhaps most concerned about is that action, which is taken to support and secure our economy at this time, is as timely as possible. That means Scrutiny has to be agile and reactive. When new things come up or when new concerns are raised; that we are there engaging with Government Ministers and officers to either seek reassurance that all of the issues are being considered and the evidence taken on board, or transmitting further evidence to them when we find it and when we take it in from submissions, to ensure that those decisions being made are as effective as possible.

3.2.2 Senator S.C. Ferguson:

How does the candidate consider he has the experience in economic matters? Explicitly, how has he gained the necessary technical skills?

Senator S.Y. Mézec:

We are in politics and, when it comes to politics, I am very experienced at that. I am boasting perhaps here, but I have made my mark in a relatively short period of time and at a relatively young age. My record in Scrutiny last time around, in the previous term, was a good record and one to be proud of where I was effective. Specifically, in the economic sphere, I am not going to lie and say that I have run a business; that I have the experience that other Members of the Assembly may well do. But it is increasingly recognised by even successful business that experience in microeconomic matters and running a business is not necessarily a good basis for understanding macroeconomics. When it comes to broader economics, I am a bit of a geek and do spend a reasonable amount of my time reading up on it and focusing on it. Because it is something I just find quite interesting.

3.2.3 The Connétable of St. Ouen:

Can I just ask the candidate, or just preface this by saying, as he may well be aware, Jersey is facing an assessment from MONEYVAL in the immediate future as to its preparedness to control money laundering and terrorist financing through the Island. It is a very important assessment and Jersey has recently produced a national risk assessment as part of those preparations. Could he just outline how he believes his panel will be able to contribute to the Island's success in this direction through Scrutiny being a critical friend to the finance team and indeed the finance industry?

[10:30]

Senator S.Y. Mézec:

I thank the Constable for his question. Scrutiny is ultimately evidence-based and it will be our job, as is appropriate when this sort of thing happens, to contribute to that where necessary. If we are undertaking a review, and for that particular subject that may or may not be appropriate, but to get evidence from the wider industry as well and encourage them to approach us if they are concerned about the Government response to MONEYVAL and what actions need to be taken subsequently to that. I understand what the Constable said in his question that it is extremely important for our economic future as an Island that we continue to do the good job we have and maintain a good record. When it comes to the finance industry and, in particular, imagine where the Island would have been economically over the last year if we had not had that basis in our economy providing employment and opportunities and payment, ultimately, to its employment that has really helped us weather this storm.

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

Following his resignation as the Minister for Children and Housing, the Senator has made it his chosen aim for his party to act in opposition to the Government. How does he feel that policy sits with being a chair of a Scrutiny committee?

Senator S.Y. Mézec:

I am really grateful for the question because it is one that I anticipated may come up. The first point I would make, and I guess this is the short version of the answer, is that I ask anyone who may be concerned about that to look at my record in the previous electoral term. I was very much in Opposition in that term. I would challenge anybody to find any part of my record in Scrutiny that shows that I did not uphold Scrutiny's principles when I worked in that area. Scrutiny members are not compelled to be collectively responsible or to throw their manifesto out of the window and vote or support policies that they do not truly believe in. That would be the case on any panel that I led. But I would say to him that my party colleague, Deputy Geoff Southern, was in the Assembly at the foundation of Scrutiny. When he also then helped us found the party, he had encouraged us as

Members to be absolutely clear that when you take part in Scrutiny you take your political hat off and you put your Scrutiny hat on. That is something that definitely features in how we work as Members. I would also point to Deputy Ward's and Deputy Alves' records as new Members in this Assembly who have taken that on board very well as well. I would do exactly the same.

3.2.5 Deputy R.J. Ward:

I am desperately trying to remember the wording the last time I asked this, so it is a fair test. Can I ask the candidate, what qualities would he bring to ensure the independence of Scrutiny as he moves forward and to include others in the Scrutiny process from across the Assembly?

Senator S.Y. Mézec:

I thank the Deputy for the question. If you are to be evidence-based and objective there are 2 important things you can do. One is to have a broad panel with members with different areas of interest and expertise and on different parts of the political spectrum as well. When I was chair of the Care of Children Review Panel, we had a very diverse panel. Membership included people like myself, also Senator Ferguson and the then Deputy Hilton as well, who have very different political perspectives to me. That adds to the quality of Scrutiny. But also where you are working with researchers or experts or academics from outside of politics or even outside of the Island, you have to make the effort to approach those for that sort of work that have a particularly good record and who have a good reputation and are trusted in their fields of expertise. So that can enhance the work that you do as a Scrutiny Panel.

3.2.6 Deputy I. Gardiner:

I would like to ask a candidate, the panel, previous panel, has several workstreams in progress and plan. Would the candidate indicate which of them he anticipates that the new panel under his leadership will continue to pursue?

Senator S.Y. Mézec:

On the Scrutiny Panel's website, they appear to have an ongoing review on the demerger of C.I.C.R.A. and have taken evidence on that. Obviously finishing that work and ensuring that evidence they have received is analysed effectively and a report or something along those lines is produced has to be done. The last 2 reports on that website are on the COVID response and on the Government Plan. I mentioned the COVID response report in my speech because that made some really useful recommendations about how data is collected and how aspects of the hit to our economy that we have taken are examined on things like inequality and how different groups of our society have been affected. That was good work. So following through on that and ensuring that recommendations are being followed up. If they are not being followed up, why not, and challenging that would be something I would consider very important to take forward.

3.2.7 Deputy G.P. Southern:

What thoughts does the candidate have on the future relationship between our financial services and its regulation, the City and the E.U. regulation?

Senator S.Y. Mézec:

That has been one of the worries with Brexit, how that as a move was not something that was of our choice. We will want to make sure that, as things develop with the new treaty governing the U.K.'s relationship with the E.U., and Jersey attached to that, that our economic situation remains as unchanged as possible from where it was before. But that as these changes are embedded and become the new life for the U.K. and Jersey that, where the Government has to take action to ensure that our economic interests are being taken into account, and that the access that we have to markets under our previous relationship are maintained or even strengthened in the new relationship. We as a Scrutiny Panel will want to challenge Government to ensure that it is doing all that it can. If there

appears to be evidence that it is not happening, or not happening as good as it should do, then our job as a Scrutiny Panel will be to highlight that.

3.2.8 Deputy L.M.C. Doublet:

I would like to ask the Senator, what work he would do to improve public engagement with Scrutiny? In particular, how would he encourage diverse voices and individuals from groups that are underrepresented in politics to come forward and engage with the Scrutiny process?

Senator S.Y. Mézec:

That is a good question. When I worked with Deputy Doublet on the Education and Home Affairs Scrutiny Panel in the last term, she helped lead the way on that in some respects. I mentioned in my opening speech that we held hearings at particular times to enable members of the public to attend. In particular, when we were doing a review on changes to nursery funding, which obviously lots of parents wanted to contribute to. So we held events in the evening, for example, to ensure people could contribute that way. The report that I have mentioned from the Scrutiny Panel on the COVID response talks about inequalities that will have developed over the last year and how they will have impacted different groups differently, including people from ethnic minorities, including gender, as well it spoke about. So it would be important that, as well as going to the usual stakeholders who you would expect us to go to, so Chamber of Commerce, Institute of Directors, and the rest, we also make the effort to approach stakeholders who we might not assume from the outset have an interest in economics. But where they have an interest in diversity or in representing particular groups and will have a perspective that other groups will not necessarily have, we should be proactive in approaching them to make sure we understand the impact from those different groups' perspectives.

3.2.9 Deputy J.A. Martin:

I wish the candidate best of luck. My question is, if he is not successful and is invited by the Deputy of St. Mary, would he be willing to serve on the panel as a panel member?

Senator S.Y. Mézec:

Yes, I would, and I have indicated to the other candidate that would be the case. Obviously, it is down to him whether he would want me involved. But I have indicated that this is an area I am genuinely interested in and would want to play a part, irrespective of whether I was chair or not.

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

Given our present economic situation, what are the Senator's views on raising G.S.T. and the effect that this might have on commerce in the Island?

Senator S.Y. Mézec:

Answering that as a Back-Bench politician, I would give an answer that may be less measured than what I would give in a Scrutiny capacity. But the Constable raises an extremely important point about the effect that particular tax increases or even decreases may have on the economy at this point. Not all taxes are the same and not all taxes have the same impact. When it comes to goods and services tax that affects the cost of things on the high street and which disproportionately affects those on the lowest incomes and reduces their spending ability, we would have to be extremely cautious about going down such a route. If such a proposition were made to increase G.S.T. then I would consider it a matter of priority for the Scrutiny Panel to very quickly review this and take in as much evidence and seek economic advice as well on what the potential impact of that would be so that could be laid bare before the Assembly before taking such a decision on that.

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

The candidate, in his speech, used the word "productivity". I would like to understand what he means by productivity and what he would do, if successful, in his role to encourage any improvement?

Senator S.Y. Mézec:

This is important and when we have huge opportunities facing the Island in terms of technological advances, where a person turning up to work can have created more value in that day of work than they otherwise would have, it is about supporting that and ensuring that businesses can take advantage of that. That they get the support they can do to ensure that those who are working for them are able to produce more, create more value, or get more effective stuff done in the day. There are huge opportunities there. The finance industry is the one that can perhaps benefit most easily from that because of automation and I.T. (information technology) processes that can be done to take human input or human direct input to turn it into an automated process so that humans can then go and do the stuff that computers cannot do. But also looking at hospitality and agriculture, which historically have struggled with wages, to look at what evidence there is around the world of how other businesses are dealing with this and how they are enabling themselves to make their work staff supported to be more productive. So that they, as businesses, are more able to support them with better wages and working conditions.

3.2.12 Deputy M.R. Higgins:

Time is short before the next election. Can the candidate tell me what his top 3 reviews would be? Also, is he prepared to form subpanels with non-committee members to widen the range of the panel?

Senator S.Y. Mézec:

Answering the last part of that first, definitely. This has been one of the real strengths of scrutiny in this term that they have created subpanels and extra review panels on particularly important subjects as and when they come up.

[10:45]

But also some of the longstanding issues that we have faced, like there is a Brexit Review Panel, there is a Hospital Review Panel, *et cetera*. Where there is a particular project that Members who do not necessarily sit on the panel but have an area of interest or expertise that they could contribute to, then I would be more than interested in doing that. I served on subpanels in the previous term and found that to be an effective thing to do. The first part of this question was about the 3 priorities. I outlined them in my speech that right now the priority is making sure that the immediate responses the Government is undertaking to our economic challenges are as effective as possible and there is a good evidence base underpinning those actions. Also that the governance undertaken is right. We are in that 90-day period after the Brexit agreement coming into force. So ensuring that we are responsive to the issues that we discover in that period and that the Government does rightly take Jersey's relationship with the European Union forward at the appropriate point with those 90 days. That is really important as well. But also these issues of inequality are really important because we have to ask ourselves the question, what is the point in having a strong economy if the people we serve do not feel it? If people do not feel that their lives are getting better. They do not feel that their standard of living is improving. Then that is a sign of a broken economy, even if G.D.P. or G.V.A. figures are going up. So, from my perspective, I would want to add that angle.

The Bailiff:

That brings question period to an end. Sorry to cut across you Senator, but those are the rules. I would like to invite the Deputy of St. Mary to return virtually to the Chamber. We move now to a vote and the Greffier has placed in the chat a note of those Ministers who cannot vote for this position.

Deputy G.P. Southern:

How would you like me to vote in terms of the format?

The Bailiff:

You can vote in the chat. There is no difficulty with that, Deputy. You can do it in the normal way. If you are going to vote in the chat though, do not try to vote in the link. Is the Deputy of St. Mary back in the virtual Chamber? Very well. Then the Greffier will place a link in the chat. The link is there. I therefore open the voting and ask Members to cast their votes. If Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. Deputy Southern has indicated a vote in the chat as has indeed Senator Moore. The votes cast in the link as a vote for the Deputy of St. Mary, 31. Votes for Senator Mézec, 10. With other votes, as can be seen, recorded in the chat. I accordingly declare that the Deputy of St. Mary has been appointed as chair of the Economic and International Affairs Scrutiny Panel.

DEPUTY OF ST. MARY: 32	SENATOR MÉZEC: 11	ABSTAIN: 1
Senator S.Ferguson	Senator T.A. Vallois	Senator K.L. Moore
Senator S.W. Pallett	Senator S.Y. Mézec	
Connétable of St. Helier	Deputy G.P. Southern (H)	
Connétable of St. Clement	Deputy M. Tadier (B)	
Connétable of St. Lawrence	Deputy M.R. Higgins (H)	
Connétable of St. Saviour	Deputy L.M.C. Doublet (S)	
Connétable of St. Brelade	Deputy J.H. Young (B)	
Connétable of Grouville	Deputy of St. John	
Connétable of St. John	Deputy J.H. Perchard (S)	
Connétable of Trinity	Deputy R.J. Ward (H)	
Connétable of St. Mary	Deputy C.S. Alves (H)	
Connétable of St. Ouen		
Connétable of St. Martin		
Deputy J.A. Martin (H)		
Deputy K.C. Lewis (S)		
Deputy J.M. Maçon (S)		
Deputy S.J. Pinel (C)		
Deputy of St. Martin		
Deputy of St. Ouen		
Deputy R. Labey (H)		
Deputy S.M. Wickenden (H)		
Deputy of St. Mary		
Deputy G.J. Truscott (B)		
Deputy L.B.E. Ash (C)		
Deputy K.F. Morel (L)		
Deputy G.C.U. Guida (L)		
Deputy of St. Peter		
Deputy of Trinity		
Deputy M.R. Le Hegarat (H)		
Deputy S.M. Ahier (H)		
Deputy K.G. Pamplin (S)		
Deputy I. Gardiner (H)		

The Deputy of St. Mary:

If I may thank all Members for their confidence.

The Bailiff:

Deputy, it will be a matter for you whether you are prepared at the end of this period of elections to appoint members of your panel. I do not know if that will be the case but that will come up a little bit later in the course of the meeting.

4. Nomination of the Deputy of St. Martin and Deputy G.J. Truscott as members of the Environment, Housing and Infrastructure Scrutiny Panel

The Bailiff:

The next item is the nomination and appointment of the Deputy of St. Martin and Deputy Truscott proposed as members of the Environment, Housing and Infrastructure Scrutiny Panel by the Chair of the panel, the Connétable of St. Brelade, in accordance with Standing Order 125(1).

4.1 The Connétable of St. Brelade (Chair, Environment, Housing and Infrastructure Panel):

I would like to nominate the Deputy of St. Martin and Deputy G.J. Truscott as members of the Environment, Housing and Infrastructure Panel. Before closing, I would also like to express my sincere thanks to Deputy Morel, who has resigned from the panel as a result of being appointed Assistant Minister, for his contribution to the panel. He has proved in his first term in the States to be a redoubtable scrutineer and has been of enormous benefit to the work we have undertaken to date.

The Bailiff:

Are those nominations seconded? **[Seconded]** Are there any other nominations? If there are no other nominations then I declare the Deputy of St. Martin and Deputy Truscott are appointed as members of the Environment, Housing and Infrastructure Scrutiny Panel.

5. Nomination of Senator T.A. Vallois as a member of the Children, Education and Home Affairs Scrutiny Panel

The Bailiff:

The next is nomination of Senator Vallois as a member of the Children, Education and Home Affairs Scrutiny Panel in accordance with Standing Order 125.

5.1 Deputy R.J. Ward (Chair, Children, Education and Home Affairs Scrutiny Panel):

I would just like to take this opportunity, because we did not get it before, to thank the Deputy of St. John, Deputy Pointon, who moved on from the panel into an Assistant Minister position. I would just like to thank him for the work he did and point out how valued his opinions were. I am sure I speak on behalf of the panel when I can talk about the respect that we hold his views in and pass on their thank you as well. With that I would just like to nominate Senator Vallois as a welcome addition to the panel. She brings experience of Scrutiny from before and an excellent approach to work. It means that we now have a 50:50 gender split on the panel, which is very helpful and very productive for the Assembly as a whole. So I would like to nominate Senator Vallois.

The Bailiff:

Is that nomination seconded? **[Seconded]** Are there any other nominations? There are no other nominations. I declare Senator Vallois is appointed as a member of the Children, Education and Home Affairs Scrutiny Panel.

6. Nomination of Senator T.A. Vallois as a member of the Public Accounts Committee

The Bailiff:

The next item is also a nomination of Senator Vallois as a member of the Public Accounts Committee in accordance with Standing Order 123.

6.1 Deputy I. Gardiner (Chair, Public Accounts Committee):

I would like to nominate Senator Vallois to the Public Accounts Committee and she will bring her experience as a previous member of the Public Accounts Committee in the chair to this one.

The Bailiff:

Is that nomination seconded? **[Seconded]** Are there any other nominations? If there are no other nominations, then I declare that Senator Vallois is appointed as a member of the Public Accounts Committee.

7. Nomination of Senator T.A. Vallois as a member of the Privileges and Procedures Committee who is not a Minister or Assistant Minister

The Bailiff:

Next is the nomination of Senator Vallois as a member of the Privileges and Procedures Committee in accordance with Standing Order 122.

7.1 Deputy R. Labey of St. Helier (Chair, Privileges and Procedures Committee):

I am proposing Senator Vallois for a particular and specific reason and purpose. The debate last year on Deputy Young's proposed review of the machinery of government may not have succeeded but it did reveal widespread concern. The Assembly may not have agreed with Deputy Young's method to address the problem, but it did acknowledge that a problem does exist. Senator Vallois' suggestion that a new standing committee of P.P.C. (Privileges and Procedures Committee) be formed for this purpose is accepted by my committee and the Senator is the obvious candidate to chair it. Not only has she spent the majority of her time in the States serving on Scrutiny and assisting in better policy and legislative developments, but she has been directly party to 2 machinery of government reviews and chair of P.A.C. (Public Accounts Committee) and president of the Chairmen's Committee. She has now had first-hand knowledge of being a Minister in the Government of Jersey during a pertinent time of fundamental public-sector change. It is vitally important and the public expects us at this time to take stock, measure the impact of changes on delivery, measure the impact of changes on how democratic and accountable we are. The new committee will need a balance of Executive and non-Executive membership and Senator Vallois is the right choice as chair as a member of P.P.C., which I propose.

The Bailiff:

Is that nomination seconded? **[Seconded]** Are there any other nominations? There are no other nominations. I declare that Senator Vallois is appointed as a member of the Privileges and Procedures Committee.

8. Nomination of members of the Economic and International Affairs Scrutiny Panel

The Bailiff:

Finally under the appointments section, we come to the nomination of members of the Economic and International Affairs Scrutiny Panel. The Deputy of St. Mary, have you had enough time to make that proposition?

8.1 The Deputy of St. Mary (Chair, Economic and International Affairs Scrutiny Panel):

Yes, it was thought of in advance. I would like to nominate the Deputy of St. Martin and Senator Pallett.

The Bailiff:

Are those nominations seconded? **[Seconded]** Are there any other nominations?

8.2 Deputy M.R. Higgins:

I would like to nominate Senator Mézec for that position as well.

The Bailiff:

Is that nomination seconded? [**Seconded**] Are there any other nominations? The Deputy of St. Mary, obviously you are seeking the appointment of 2 individuals. Under Standing Orders you are entitled to have up to 4. Do you wish to increase the number of people or do you wish a vote to be taken?

The Deputy of St. Mary:

I have no other nominations, no.

The Bailiff:

The question was if you wish to increase the nomination, it means you would be agreeing that your panel would be 3 under you and that all the candidates currently before the Assembly would be appointed. If, however, you do not agree and you simply wish to retain it as 2, then that is fine. Then we will move to a vote. Deputy Tadier, you have a point of order?

Deputy M. Tadier of St. Brelade:

What is the case if 3 nominations are made, simply 2 by the Chair and one by the Assembly, is that in order?

The Bailiff:

It is in order. The chair can accept up to 5 members working with him on the panel. But, if he only wishes to have the 2 working with him on the panel at this point, then he is entitled to do that and there will be a vote taken. The usual process of elimination will apply.

Deputy M. Tadier:

Can you refer to the Standing Order that says that?

The Bailiff:

Yes, it is Standing Order 125. I shall turn to it now: “The chair of the Scrutiny Panel shall indicate the number of members, but not exceeding 4 [or 5 now, I may have an old version] that he or she wishes the panel to have and shall nominate elected members who are neither Ministers or Assistant Ministers as candidates. The presiding officer shall invite elected members to nominate other candidates. If no other candidates are nominated the persons nominated by the chair of the Scrutiny Panel are appointed. If other candidates are nominated there shall be a secret ballot and the number of candidates equal to the number of members the panel is to have who receive the highest number of votes are appointed as members of the Scrutiny Panel.”

[11:00]

So effectively that is the point that we have reached at the moment. But I note that the Deputy of St. Mary wishes to speak.

The Deputy of St. Mary:

I did exchange emails with Senator Mézec some time ago about the possibility of his joining the panel. But that was in fairly general terms. I said at that time that I would like to start with an initial number and, from my point of view, it may be that I would indeed welcome him into the panel. But I would like to have the opportunity to discuss that with him first. So, if I may, I would like to stick to my own 2 nominations before discussing with him the possibility of his joining us. Is that possible?

The Bailiff:

It is possible to proceed in the way that you wish, in which case there will be a contested vote. Alternatively, this is your panel and given what you have just indicated then it would be not improper at this point, in my view, were you to defer this so you have had the opportunity for a conversation with Senator Mézec, provided that is before today's business has been concluded. Otherwise you will be without a supporting panel. It is a matter for you. We can either go to the vote in accordance with the terms of the Standing Order I have just read out, or alternatively you can defer it until perhaps an item towards the end of public business.

The Deputy of St. Mary:

I will take advantage of your offer. I will, if I may, defer it on the basis that Senator Mézec and I can have a discussion in the interim.

QUESTIONS

9. Written Questions

The Bailiff:

We now move on to questions. There are no Written Questions to which answers have been tabled since the previous meeting.

10. Oral Questions

The Bailiff:

Accordingly we come to Oral Questions, a period of 140 minutes has been allocated for Oral Questions and I invite Deputy Doublet to ask a question of the Minister for Health and Social Services.

10.1 Deputy L.M.C. Doublet of the Minister for Health and Social Services regarding safe opening of schools (OQ.12/2021):

Will the Minister update the Assembly on the current medical advice with regards to the safe opening of schools during the COVID-19 pandemic; and give a comparative assessment of the health and well-being effects of continuing to keep the schools open as opposed to closing them?

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

The latest advice from the Scientific and Technical Advisory Cell and the medical officer of health is that schools should remain open to pupils as the risks to the health, welfare and education, of our children from a continued absence from school outweighs the risks from COVID-19. It is widely acknowledged that negative physical, mental, emotional and safeguarding impacts of school closure on children is significant and has an effect on children and young people's life opportunities and future health outcomes. Further, it recognises the detrimental effects are greater for less-advantaged children. The question also asks about the comparative assessments of evidence and I believe that evidence of this nature was presented to the former Minister and officers in the department and included a Children's Rights Impact Assessment, which can be found on the Education pages of gov.je. In that C.R.I.A. (Children's Rights Impact Assessment) it looked at the key U.N.C.R.C. (United Nations Convention on the Rights of the Child) rights that may be impacted by closure and the mitigations that might be considered in lieu of closure. It drew on evidence from U.N.I.C.E.F. (United Nations Children's Fund) and U.N.E.S.C.O. (United Nations Educational, Scientific and Cultural Organization). It also referenced a study drawn up by a professor of mental health in education promoting a recovery curriculum for the return of children to school. What interested me was that study drew on the experiences of Christchurch in New Zealand where schooling had been halted for a time following the earthquake they suffered.

The Bailiff:

Minister, I must ask you to bring your answer to a conclusion. You have run into 2 and a half minutes and the normal is 90 seconds.

The Deputy of St. Ouen:

I will stop there. Thank you.

10.1.1 Deputy L.M.C. Doublet:

I thank the Minister for his answer and there is indeed a lot of science and evidence in this area. While everybody is concerned about health and well-being of both staff and pupils, does the Minister believe that the science on the detrimental effects to children of not being in school, and indeed the science around how they transmit the virus to a lesser extent, does the Minister think that science has been fully communicated to the public and is understood by the public? If not, what could he do to address that?

The Deputy of St. Ouen:

It appears that there are some people who believe still that it may be better to close schools and perhaps do not understand the harms, which our medical experts continue to stress. Not just to the loss of hours in school and the education difficulties, but the longer-term relationship and trust and mental health issues by being out of what is a learning and development environment. So, yes, I hope more can be done. This evidence is on gov.je but we must continue to promote the good sense of keeping children in school where it is safe to do so. I believe it is safe at the moment.

10.1.2 Deputy R.J. Ward:

Given that on the website it talks about COVID in schools, the testing in schools ended on 10th January. Since then, on the 15th and 16th, there have been other cases in schools. Would his comparative analysis assessment of the safety include the spread of possible new variants in schools to the wider community given that there is no social distancing in schools and the precautions that are in the workplace do not apply to schools?

The Deputy of St. Ouen:

It is the case that we must always be alert to the presence of any new variants. We have never said that cases will not occur in schools. But the testing that took place before the return of students to school did reveal only very low cases, low numbers of cases, less than 5 throughout the whole school population. Testing continues. There are extensive mitigations in schools, which my brother Deputy says are not the same as other workplaces. They are bespoke to school environments and have been put in place after a great deal of liaison with heads and teachers and unions to make schools as safe as they can be in this pandemic.

Deputy R.J. Ward:

But I also have a point of order in that answer. Because the Minister suggested that the entire school population was tested and it was not, only a small population was tested. He has misled the Assembly.

The Bailiff:

I am sorry; that is not a point of order. No, this is not a point of order, Deputy. You must place a further question to the Minister and you have the facility of a supplementary question to do that. If you wish to join in the point that you do not believe that there has been full testing then you can do it that way.

10.1.3 Deputy R.J. Ward:

Apologies, thank you. My supplementary question then: would there be an extension to the testing regime in schools to ensure that we are certain that there would not be another spread? Just as we

are getting to a point where it looks more promising, where schools will be the catalyst for that because of the new variant, which we are aware is probably on the Island.

The Deputy of St. Ouen:

All these things can be considered and there is regular engagement with teaching staff. So, yes, it is the case that only 3 year groups, the 3 last year groups of compulsory schooling, were tested. The important thing is that very few positive cases arose as a result. Antigen testing is going to continue on a regular basis for those groups selected for testing because they are the ones that are most likely to carry the virus, being older people, transitioning to adults. Antigen testing will continue and then there will be a further P.C.R. (polymerase chain reaction) test in a few weeks for those to take. So this remains under constant review and the Deputy need have no fears that the schools are suddenly going to fall into the position where they become unsafe.

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

Given the disruption caused to students' learning when they unexpectedly are sent home when cases are identified at school and the recent research into transmission rates of new variants, why is testing in order to attend school not mandatory?

The Deputy of St. Ouen:

There are ethical considerations in making testing mandatory. We have not done it in any other sphere in which we are working. Particularly difficult in the case of children. But that of course can be considered if teaching staff or other stakeholders wish that to be done. But I foresee difficulties.

10.1.5 Deputy J.H. Perchard:

Can the Minister confirm that the uptake of voluntary testing of students is approximately 50 per cent currently in schools?

The Deputy of St. Ouen:

I cannot confirm that. I do not have up-to-date details. The testing will be rolled out on the antigen testing basis, which is an easier test perhaps to administer, and percentages may increase when those tests are undertaken.

10.1.6 Deputy G.P. Southern:

Is the Minister aware of the inaccuracies of the test he is talking about, the instant-turnaround test, render them less than useful?

The Deputy of St. Ouen:

They have a use in the right context. There are limitations to them, which are well-known. But they have been recommended for this purpose by our scientific and medical experts. Further, I understand that, if any antigen test proves positive, that would be confirmed by asking the person involved to take a P.C.R. test, which we know are much more reliable.

10.1.7 Deputy G.P. Southern:

The problem is false negatives so that people, students, can be wandering around infectious but showing as a false negative and thereby acting as a source for the illness. Does the Minister consider that this is a sufficient defect to render the testing useless?

The Deputy of St. Ouen:

Not useless. The starting point is the P.C.R. tests taken at the beginning of term and even if 50 per cent was the number, that showed less than 5 teachers across our whole school community and 5 persons in the year groups that were tested proved positive. So that is a good start to tell us that there are only small amounts of infection in schools. Then the antigen testing has been recommended for

monitoring that situation. So we would be able to tell by any positives that arise whether or not the rates of transmission, the increase in numbers, presented a risk. Then take further mitigating factors should that situation present itself.

10.1.8 Deputy L.M.C. Doublet:

I wonder if the Minister would commit or perhaps point to where this might already be in existence. But somewhere where Islanders, school staff, parents and Islanders, could view the relevant medical evidence that shows the differences between, for example, primary and secondary children and how the virus is transmitted and any impacts to their health and well-being.

[11:15]

Could this be available so that the public can be informed and so that we can have an informed debate in this area?

The Deputy of St. Ouen:

I believe there is a great deal of evidence on a very comprehensive website, on the Education pages. There is the health advice given by Dr. Muscat and Mr. Armstrong. There is the Children's Rights Impact Assessment I mentioned. There are all the mitigation measures and the reasons for them. That is all there on the website. In addition, I know that head teachers will be pleased to explain the protocols in the schools to parents who contacted them. I have seen how head teachers are willing and anxious to reassure parents about these processes. I would urge parents, if they have any doubts, to contact their school and talk these things through.

10.2 Deputy M.R. Higgins of the Minister for Treasury and Resources regarding charging Islanders V.A.T. (OQ.14/2021):

Will the Minister explain the current position in relation to ensuring that bodies such as eBay, Amazon, or other British national and international trading bodies and foreign States, are not charging Islanders V.A.T. (value-added tax) on goods purchased or, alternatively, that mechanisms are in place to refund any V.A.T. charged; and what action, if any, her department is taking to ensure that Jersey consumers are not being disadvantaged in this regard?

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

Some major offshore retailers do not charge U.K. or E.U. V.A.T. on goods supplied to Jersey consumers and some do charge Jersey G.S.T. depending on how they are structured. U.K. V.A.T. is a matter for Her Majesty's Treasury. Goods sent from the U.K. to Jersey can and should be zero-rated. But U.K. retailers are not obliged to zero-rate and there is no mechanism for reclaiming V.A.T. erroneously charged. I suspect when we can oblige offshore retailers to charge Jersey G.S.T., then they will be more likely to stop charging V.A.T. where they currently do so. The review into that is now underway. As I said in the Assembly on 30th June last year, the power really is in the hands of consumers, preferably to buy locally, otherwise from offshore retailers who price goods fairly.

10.2.1 Deputy M.R. Higgins:

Does the Minister think it is acceptable that Islanders are experiencing a triple whammy with regard to these taxes? First of all, not getting V.A.T. refunds on these bodies; (2) paying local G.S.T. on these goods, the shipping costs and what they are being charged for the V.A.T., and (3) Jersey Post collecting V.A.T. for the U.K. tax authorities from Islanders sending parcels to the U.K.?

Deputy S.J. Pinel:

I thank the Deputy for the question. Unfortunately, this is not in our control. To give a bit of an example, if the V.A.T. has been removed at source, the consumer has not paid for it, then the V.A.T. amount is not included when calculating the G.S.T. liability on arrival here. So that is why there is no tax on tax for an Amazon consignment where the V.A.T. has been deducted at the checkout.

10.3 Deputy J.M. Maçon of St. Saviour of H.M. Attorney General regarding the Joint Committee on Vaccination and Immunisation (OQ.2/2021):

Will Her Majesty's Attorney General advise whether there are any legal considerations involved in decisions taken to change the priority order for people to receive a COVID vaccination and what legal recourse, if any, is available to any members of the public who are adversely impacted by such decisions?

Mr. M. Jowitt, H.M. Solicitor General (*rapporteur*):

It is the Solicitor General. The decision to allocate vaccines in accordance with an order of priority has to be made in accordance with the usual principles which apply to any decision-making by any public body. That means the decision must be lawful, rational and fair. If the priority order is then changed, there should also be a rational basis for changing the order of priorities. If a member of the public is adversely affected, either by the initial order of priorities or by a decision to change the order of priority, that decision may be the subject of challenge by that person or class of people in the Royal Court by way of an application for judicial review. I should, I think, add that the present order was, as I understand it, determined in accordance with decisions made by the Joint Committee on Vaccination and Immunisation in the United Kingdom. It is a medical decision first and foremost that was endorsed by our competent authorities' Ministers and the medical officer of health. I mention that simply to make this point, that that being the case any challenge by way of judicial review on the grounds that the ordering at the moment is irrational or unreasonable would probably face something of an uphill struggle.

10.3.1 Deputy J.M. Maçon:

That has partly helped in my understanding. As we know, the Minister for Health and Social Services will be under very many points of pressure to change the priority order. I, myself, have obviously expressed a position on behalf of the C.Y.P.E.S. (Children, Young People, Education and Skills) Department. Is the Solicitor General saying that to move away from the medical recommendations would expose the States of Jersey to a form of legal recourse should anything adversely happen to an individual?

The Solicitor General:

The answer is that any movement on policy in this area would have to withstand a challenge that it was unreasonable or irrational. One way of ensuring that it is watertight and rational is that it is based on sound medical advice. Sound medical advice alone may not exhaust the reasonable considerations that the decision-maker should have regard to. I note that in the United Kingdom the Joint Committee on Vaccination and Immunisation approach has included not only scientific and epidemiological breakthroughs but it has also had regard to ethical considerations, the primary aims being the prevention of mortality and to maintain not only health but social care systems. It does not automatically follow that moving away from one priority would expose one to legal action. But any decision, as I say, has to be based in what is reasonable and rational.

10.3.2 Deputy R.J. Ward:

I doubt that the Solicitor General can answer this but would there be any risk on the Health and Safety Law if people felt that they were being put at risk without the vaccine being put into a workplace where they are at high risk of contracting it without appropriate measures being taken?

The Solicitor General:

Under the Health and Safety Law employers have a general duty to take reasonable steps to ensure the health and safety of those who work for them. Looking at it with the principles, if it is reasonably foreseeable in a given workplace that there is a higher risk of contagion or infection from COVID-

19, then it is arguable at least that that employer might wish to take the necessary steps to ensure that a reasonable level of protection is given to its employees.

The Bailiff:

Final supplementary then, Deputy Maçon. I have called final supplementary, I am afraid, Deputy Morel, and we are very tight on time.

10.3.3 Deputy J.M. Maçon:

I was trying to pause for the Deputy there. I thank the Solicitor General for that. Would it be the Solicitor General's view that the priority order for the vaccination, therefore, cannot be just a political decision?

The Solicitor General:

It can be a political decision if that is what politicians desire. The question is: what would withstand legal challenge? Purely political decisions will not necessarily withstand a legal challenge if those decisions are not inherently reasonable and rational, which is where the need for decisions to be based in some firm medical foundation is important.

Deputy J.M. Maçon:

May I thank the Solicitor General?

10.4 Deputy S.M. Ahier of the Minister for Home Affairs regarding an increase in the age of criminal responsibility (OQ.23/2021):

Will the Minister advise the Assembly what plans, if any, he has to increase the age of criminal responsibility in Jersey?

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

The Deputy will recall one of the recommendations of the Youth Justice Review was that the age of criminal responsibility should be increased from 10 years up to 14. Work is currently ongoing on a project to seek to meet the recommendations of that review. I am not in a position to prejudge the outcome of that work but I will say that were we to reduce the age of responsibility it will need to be grounded in a fair and just process that retains the safeguards for children already enshrined in the current justice system.

10.4.1 Deputy S.M. Ahier of St. Helier:

The criminal age of responsibility obviously in European countries like Germany is 14 but in Portugal it is 16, would the Minister consider raising it to 16?

The Connétable of St. Clement:

As I said to the Deputy, work is going on based on the recommendations of the Youth Justice Review and they recommended 14. We shall have to see the results of the work and we will consider what is appropriate when that work has been done.

10.4.2 Senator S.Y. Mézec:

What advice, if any, has the Minister received on this issue and its implications for our compliance with the United Nations Convention on the Rights of the Child?

The Connétable of St. Clement:

The United Nations Convention on the Rights of the Child does not consider any age below 12 years to be acceptable, although there is no specific requirement for a lower age of criminal responsibility. But since the extension of the rights to the Island, the Attorney General has produced a direction which states that in relation to children under the age of 12 prosecution should only occur in the most

exceptional of cases and only with the written consent of the Attorney General. In the case of children over 12 years but under 14, there should be a presumption against prosecution and prosecution should only take place with the consent of the A.G. (Attorney General) or other Crown advocates.

10.4.3 Senator S.Y. Mézec:

Given that the Minister has highlighted the view of the U.N.C.R.C. that it is unacceptable and choose the words that he just used, would he, therefore, confirm that change is coming in this area? In one form or another, and we can await the specifics, but will he confirm that change of some sort in the correct direction will be achieved?

The Connétable of St. Clement:

Yes, absolutely. But what we have got to make sure of when we are doing this work is that we do not create a vacuum. If children are removed from the scope of the justice system, we have got to make sure that they can be fairly tried if they are accused of serious criminal conduct.

[11:30]

But as the Deputy knows because he, as Minister for Children and Housing, and I were working on this, that work is ongoing on the recommendations of the Youth Justice Review.

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

The Minister said that work is ongoing but when does he expect this work to be completed and for him to bring proposals to the Assembly to change this situation?

The Connétable of St. Clement:

It is a major piece of work with some 26, 27 recommendations, I think, in the review. To be honest with you, obviously there have been delays, like there has with anything else, I think it is going to be very difficult to bring anything forward certainly before the end of this year and it is more likely to be into 2022.

10.4.5 Deputy K.F. Morel:

Would the Minister say that it is his political view that 10 is too young an age for criminal responsibility?

The Connétable of St. Clement:

On the face of it it is unusually low but, as I said, the directions of the Attorney General ensure that children under the age of 12, that a prosecution only occurs in the most exceptional of cases. In fact there should be a review now looking at the figures and what has happened in recent times with children who have been accused of criminal offences, and we will be looking at those figures to help inform the work that is going on.

10.4.6 Deputy S.M. Ahier:

When a 10 year-old comes into contact with the criminal justice system, are the best interests of that child currently being considered?

The Connétable of St. Clement:

That is always, always the case. If a child of that age or a child of any age is brought to the attention of the criminal justice system, their interests are taken into account and we get great support in that area from the probation service.

10.5 Deputy K.F. Morel of the Minister for the Environment regarding clusters of P.F.A.S. related illnesses (OQ.1/2021):

Will the Minister advise the Assembly if any research or studies have taken place to identify whether there are any clusters of P.F.A.S. (perfluoroalkyl substances) related illnesses or conditions within the P.F.A.S. plume area, the wider St. Ouen's Bay area or the Island as a whole?

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

I am not aware of any research or studies that have been undertaken into the subject that the Deputy has questioned. The information that I am aware of has been set out in 2 reports, which I published, of the technical work. One of those was published in July 2019 and the second one, the most recent one, in November this year. The recommendations in that report are being followed up. The report does give the advice received by that group from the medical officer of health on the question of health aspects.

10.5.1 Deputy K.F. Morel:

Ordinarily is it the view of the Minister that when people complain of health impacts due to the possibility of pollution, would the Minister for the Environment ordinarily feel that it would be right to investigate such complaints?

Deputy J.H. Young:

Yes, I think it is a sad fact that our environment does get contaminated in all sorts of ways and obviously what one does in environmental regulation is to set in place rules, laws to regulate the levels of those contaminants and have efficient monitoring and following-up processes in place and where it is possible to remove those. Sadly, in the case of this particular subject of P.F.A.S., what we have is material which is ubiquitous in the world; it is being used in manufacturing in all sorts of ways. The expert advice available from Australia, from Canada and U.S. (United States), who obviously have got a big resource into this, have concluded that that cannot be done; they cannot be eliminated. But, nonetheless, the standards are set and what we are trying to do is to have a follow-up work to make sure that we can remediate and get those levels down. In the meantime, the advice to people with private drinking water, there are 3,500 households in this Island, where they are everywhere, is to have your water tested and that is what we have put in place.

10.5.2 Deputy R.J. Ward:

Does the Minister believe that the organisation we have, such as an independent environment agency, which looks into issues like this, is adequate on the Island or would he like to see a further development of the independence of environmental investigation on the Island, which then reports back to himself and Government on issues such as these?

Deputy J.H. Young:

I think the Deputy does have a point. What I am trying to do is to be absolutely as open as possible and publish all of the results of the monitoring. I think it is not just in the case of P.F.A.S, it is sad but it is true, we have agricultural chemicals and very high levels of nitrate and those levels, we have been reporting on those. At the moment our focus has been to work with Jersey Water, who are as absolutely determined as we are in the Government to make sure that we remove any pollutants and manage them. But, yes, I think there is merit in the Deputy's suggestion that I would like to see this develop in the future so that we can have a more robust system in place. Resources, I am afraid, are key to this and that will need more resources.

10.5.3 Deputy R.J. Ward:

Can I ask the Minister whether he would commit to developing such an agency perhaps for the 2022 Government Plan, seeing as the 2021 has now been agreed?

Deputy J.H. Young:

I have had a lot of discussion with the officers and I think all of the team. We have got tremendous expertise but we are limited and the task is big. I have challenged the officers to bring forward as part of the Government Plan this year, 2021, for actions in 2022. I have to be frank and say I doubt very much whether with the time I have left in this term, the Island Plan is a priority, carbon neutral is a priority, I think it is unlikely that one would be able to set out a proposal worked up for such a new structure. But, nonetheless, I think there is a work stream there and I will look at it but I do not think I could give a promise that that would be achieved in that timescale. I think this is one for the new Assembly.

10.5.4 Deputy K.F. Morel:

In his answer to Deputy Ward the Minister said that he was being as open as possible, implying, therefore, that he is not able to be completely open. Would he explain what the constraints are on him preventing him from being fully open on this matter?

Deputy J.H. Young:

Okay. It is true that there are situations where I have been asked to make decisions, not to the derogations, I have not been asked for derogations to allow but I have been party to discussions when arguments are put, that we would allow materials into our environment which I would not wish that to be the case, and I have maintained as strong a line as possible. But, of course, as politicians, those are the judgments we have to make. While I am in office those are the judgments I make that I will not permit those things. But, of course, a future Government, future term, I am afraid Members holding this regulatory responsibility are having to make those judgments and the word is often used, which I do not like, we need to find a balance; that is something I really do not welcome.

10.6 Senator S.Y. Mézec of the Chief Minister regarding income inequality (OQ.21/2021):

What evidence, if any, can the Chief Minister provide to demonstrate whether levels of income inequality and the number of Islanders living on relative low incomes have either risen or fallen during his time in office?

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

There are 2 ways of answering this question: what reports, i.e. what evidence exists and what have we done? The calculation of income inequality levels and relative low-income proportions within a jurisdiction relies on the analysis of detailed income and household information. In relation to reports, i.e. evidence, I have to say it is not from want of trying, so as Chief Minister, as the Senator will be aware, I confirmed funding for a new living costs and household income survey to collect the data. That did commence in mid-2019 and was due to run until mid-2020. It was significantly disrupted due to COVID-19, as a number of us Members are aware, some high-level results will be published once the analysis is complete. Also, as Chief Minister, I proposed an amendment to the most recent Government Plan, which builds on Deputy Pamplin's proposal to ensure additional funding is allocated in 2021 to allow any extra survey and analysis to inform the development of an overarching policy strategy, which will be included in the 2022 Government Plan. Reducing income inequality and improving standards of living is an important C.S.P. (Common Strategic Policy) of this Government. The Senator may also be aware of many of the measures which we have undertaken towards this end, i.e. achieving an improvement in lower income households. I am sure, given the time, I will reserve any of those measures in questioning on that for any supplementaries that come through.

10.6.1 Senator S.Y. Mézec:

That was a substantially better answer than the last time I asked a question similar to this. Can I ask the Chief Minister then if he is concerned at the length of time it will take to get the data on levels of income inequality and the particular levels of those living in relative low income, and whether he thinks that that data will be in our possession too late to make a meaningful change to improve things

in this term of office? If that is the case, what action will he be taking in the short term to pre-empt receiving that data and make a real effort to drive out rising levels of income inequality?

Senator J.A.N. Le Fondré:

I retain a concern. We will get some data and I do know that from the survey, as I said, that was disrupted by in 2020 and we said all that. We have also said that we will get information in place for what I refer to loosely as the policy strategy, which has to be in place for the next Government Plan. I think we do have to recognise that there are 2 competing tensions going on at the moment, one is the sheer disruption of COVID; that has caused a problem, as we all know, in every facet of our society. The other one obviously also in more short term is the fact that Statistics Jersey are now very much focusing on getting the census all ready to go, which I think is 21st March, from memory. However, it is not like there has nothing been going on. Interesting also, bearing in mind that I have sort of anticipated some of these questions, the minimum wage, for example, has been increased 3 times, I think it is, since, I am going to say, 2018. In April 2018 it was £7.50 and in April 2020 it is now £8.32; that is quite a significant increase. In fact the 2019 to 2020 increase was more than roughly double the rate of inflation of the time. Do not forget things like the family friendly legislation has improved matters and also things we have done on G.P.s (general practitioners) and also providing additional family support for families on income support with children have come through. Off the top of my head, particularly if I look at my notes, that is around an extra £3.5 million has been added to income of families with children since 1st January 2019. Obviously a lot of this might be better addressed in a written question. We have also there in the short term, which is the primary focus of course and remains that case for 2021; it is dealing with the impacts of COVID. There have been ...

The Bailiff:

Chief Minister, I am afraid I am going to have to ask you to bring your answer to a close, you have been going for 2 minutes at the moment.

Senator J.A.N. Le Fondré:

Okay, I will just say there has been significant funding and monies put aside to all elements of society but obviously including those at the lower income end of the spectrum.

10.6.2 Deputy R.J. Ward:

May I ask the Chief Minister, could he give me a figure on what he considers to be a relatively low income, for example, for a family with 2 children?

[11:45]

Senator J.A.N. Le Fondré:

I am sorry, off the top of my head oddly enough I cannot. I am going to say that from memory the median is around £37,000 and I believe, therefore ... but obviously we know that we also have to take into account pensioners, who are significantly lower than that, and obviously will not have 2 children and it will depend on their individual financial circumstances.

10.6.3 Deputy R.J. Ward:

Would the Chief Minister consider a universal basic income as a means for ensuring that people do not fall below the poverty line and their health and well-being is maintained in terms of their income?

Senator J.A.N. Le Fondré:

I think that a universal level income, I believe, has been mooted at various times. I have to say I would be quite reserved about that because it is a major societal kind of change in the way that society works. But I do endorse that, which I would hope we were starting to demonstrate in the earlier list

I was referring to, that we have been putting measures in place to improve the longer-term position of families and individuals on lower income. But, more importantly, in the very short term because of COVID to support all Islanders through the difficult times we are having.

10.6.4 Deputy G.P. Southern:

Is the Chief Minister aware whether the income support scheme he has set up has kept pace with inflation? Also, is he not aware that the minimum wage in Jersey still lags behind that in the U.K. where we are a far more expensive place to live in?

Senator J.A.N. Le Fondré:

I always get a bit leery when we start comparing with other jurisdictions and, again, I think that is all part of the data we do need to understand. The point I was making on the minimum wage is that since 2018 it has gone up by just over 10 per cent.

10.6.5 Deputy G.P. Southern:

Am I to take it from his answers earlier that we are unlikely to see any movement before we pass and get accepted the next Government Plan?

Senator J.A.N. Le Fondré:

Sorry, I think I only got the last half of that question. Could he just repeat that? If I did not, any movement in what?

Deputy G.P. Southern:

Can I take it from his answers earlier that we will see no movement on addressing low income until the new poverty plan is in place in the next Government Plan?

Senator J.A.N. Le Fondré:

I would say no. The point I was trying to make is that since 1st January 2019 there is about £3.5 million recurring has been added to income of families with children. The care needs at home strategy, which has been delayed, we are just going to restart it in 2021. It is going to cost about £500,000 a year. Obviously, additionally, we have put an additional ... it is not direct financial support to an individual but it is about improving access to services and all those type of things that members of our society have. Do not forget in the Government Plan already approved there is additional investment of £7.9 million, which includes again for Pupil Premium and early years. Also, do not forget that just before Christmas the Health Access Scheme, which was about reduced costs for access to G.P.s, will also have a significant impact on measures to help lower income families. We are putting measures in place to improve the lot of individuals. What we may not have is a definitive analysis of how that is being improved but we are putting measures in place to achieve them.

10.6.6 Deputy K.G. Pamplin of St. Saviour:

Good morning and Happy New Year, all. In the opening answer the Chief Minister referenced my amendment to the Government Plan. Will the Chief Minister be able to give us any update on that evidence-gathering and will he set up a meeting between myself and the relevant people involved in achieving what we sought with that amendment?

Senator J.A.N. Fondré:

In order to start, I have spent the last 2 weeks or whatever, since the new year has started, bearing in mind the other somewhat interesting pressures we have, including Brexit, that have been going on over the Christmas period. I have not addressed matters on the policy strategy but I will be delighted to set up a meeting for the Deputy. In fact I rather suspect a board might well come into existence and I hope the Deputy would accept a membership of it.

10.6.7 Senator S.Y. Mézec:

The Chief Minister in his answer referred to the minimum wage being raised 3 times since 2018, and commendable though that is, does he acknowledge that it had a low starting point, which means that even today our minimum wage is lower than even that of Guernsey's? When you compare it to the updated living wage figure of £10.96 an hour, we are in the absurd position where a worker working on minimum wage full time, for every hour they work will have to be subsidised by income support by £2.64 to bump them up to the living wage. Does he think that that is acceptable and what action will he be taking to deal with poverty wages?

Senator J.A.N. Fondré:

I think the point we need to make is that we, as the Council of Ministers, are committed to the living wage. Indeed, that is why we have also committed about the Government being a living-wage employer. But the reality of the impact of COVID, as the Senator knows, we were not able to do the increases that we would have liked to have done as a result of the pandemic. As we have said, there are measures in there to support in the meantime people on low earnings or who have suffered the detrimental impact of COVID. But we have also got to make sure that people do have jobs to go to as we come out of this crisis. I would like to think that we will have a clearer sight of where we are going in terms of the economic impacts of what we are dealing with; I will say the middle of this year and that is very much an estimate. At that point we can then get a clarity around the path with air travel. But the commitment of the Council of Ministers has always been there. It has also always been to make sure that we take account of the economic impact of what we impose, and we have got to do that as a slow, steady progression. I think we have also committed during 2021 to review how the minimum wage is consulted upon, which may also assist in some of the ambitions that we all share in this area.

10.7 Deputy K.G. Pamplin of the Attorney General regarding vulnerable people on the Island's roads (OQ.19/2021):

Will the Attorney General advise Members of the extent, if any, to which the Island's road traffic legislation protects the most vulnerable road users by the means of presumed liability?

The Solicitor General (*rapporteur*):

The short answer is that presumed liability is not part of Jersey law. I should expand on that, if I may. It is a civil law concept which exists in some jurisdictions, which provides that where a more vulnerable road user suffers injury or loss in a road accident, then the less vulnerable road user is presumed to be to blame, unless he could prove otherwise. As I say, it is a civil law concept, not a criminal law concept; that means it is something which is intended to make it easier for a person injured in a road accident to sue the other person for damages. It is not a concept used in criminal cases to make it easier for the police to investigate offences or indeed easier for us to convict people of offences. Presumed liability is not part of the civil law of Jersey. If I am a pedestrian, for example, injured by a motorist and I sue the motorist for damages, it is for me to prove that he was to blame. It is not part of Jersey criminal law either. The statute which governs the manner of people's driving is the Road Traffic Law 1956; that law creates a range of road traffic offences, among them failing to stop following an accident. But for all of those offences the burden of proving they were committed rests on the prosecution alone to the criminal standard, that is to say sure beyond a reasonable doubt. There is no concept with criminal offences of presumed liability, which would amount to saying to a defendant, would it not: "You are presumed to be guilty, unless you can prove you are innocent"? That concept, if it were imported into our criminal law, would not only run contrary to hundreds of years of the approach that it is for the prosecution to prove a charge but it is likely it would be wholly incompatible with Article 6 of the Convention on Human Rights, which is the fair trial rights and that mandates that and I quote: "Everyone charged with a criminal offence shall be presumed innocent until proved guilty, according to law."

10.7.1 Deputy K.G. Pamplin:

Yes, and I thank the Solicitor General for his answer. I am not sure if he can answer this but can he advise Members when the law has been adapted or changed over any recent time period? I am sure that is a difficult answer, he may want some time to answer.

The Bailiff:

I am not sure it changes the legislative history and fall within the parameters of the question, Deputy.

10.7.2 Deputy R.J. Ward:

It took me by surprise there, I thought it was continuing. Can I ask the Solicitor General whether the priority given to pedestrians and cyclists in green lanes and indeed if lanes were to be designated, as our recent proposition, will have any effect on the liability should there be an accident? Is that a vehicle for giving the protection that perhaps is required here?

The Solicitor General:

As I understand the law relating to country lanes and more vulnerable road users, motorists are required where it is not possible for people to pass safely, either to stop to allow pedestrians, cyclists and equestrians to pass safely or indeed to back up and park in or pull up in a lay-by or opening to allow that to happen. That law, as it presently stands, does not bear on the question of presumed liability. If an accident were to occur on a green lane because a motorist had not done what the law required him to do, the onus and civil obligation would still be upon the injured party to demonstrate factually that the motorist was to blame. The short answer to the Deputy's question is, no, it would not. Presumed liability is a different beast altogether from the green lane scenario.

The Bailiff:

Thank you very much. Final supplementary, Deputy Pamplin.

Deputy K.G. Pamplin:

No, thank you, Sir.

10.8 Deputy G.P. Southern of the Chief Minister regarding the new post of Director of Analytics and Statistics (OQ.16/2021):

Will the Chief Minister explain how the proposal to create a new post of director of Analytics and Statistics operating from the S.P.P.P. (Strategic Policy, Planning and Performance) Department and ultimately responsible to the S.P.P.P. director general, does not remove the necessary independence of Statistics Jersey?

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

The new role of director of Statistics and Analytics will have exactly the same independence as that of the chief statistician but will operate at a more senior level across the public service. The independence of Statistics Jersey is enshrined clearly in the Statistics and Census (Jersey) Law 2018, and this is not and will not be changed. The director general of what I call SP3 (S.P.P.P.) is accountable for the good governance of a number of important functions of statutory independence, which also include the Children's Commissioner, Care Commission and Charities Commission. The director general never has and never could interfere with the statutory independence provided by this Assembly to Statistics Jersey or any other such body. I would note the point, the C. and A.G. (Comptroller and Auditor General) has made points around governance over independent bodies and we believe that the structures in place do comply with that. But just to be clear, really clear, and I hope, like all Members of the Assembly of the present Assembly, I absolutely support the independence of Statistics Jersey. I have previously confirmed that in writing in October 2020 to

S.U.G. (Statistics Users Group). What I would just say is we will shortly be making announcements in relation to a permanent chair of S.U.G., which the process has now, effectively, been completed.

10.8.1 Deputy G.P. Southern:

Does the Chief Minister have any clue as to why we have seen the resignation or the putting on gardening leave of the current head of Statistics? When the Chief Minister says that he has assured him that there will be no interference with independence, how come the Stats senior, a rational man, has interpreted what has been going on as a limitation on Stats' ability to criticise not only what Statistics are investigating but their interpretation by Ministers and civil servants?

[12:00]

Senator J.A.N. Le Fondré:

There are a variety of issues that come out of that question. Can I just say, bearing in mind we do not talk from an H.R. (Human Resources) perspective unfortunately about individuals because of privacy and all the rest of it, but within that constraint I will answer the question as well as I can do? Firstly, can we just clarify, which I have sort of anticipated this might come through, the chief statistician is not on gardening leave, certainly as far as I am concerned? I am informed he is using up his annual leave and his last official day is tomorrow. I would also say I had understood that he had asked for his departure to be very low key and without a fuss, therefore, we were respecting his wish for privacy, which seemed to be the least we could do after 20 years of absolutely dedicated public service. We had planned to make an announcement following his departure in accordance with his wishes but obviously that seems a little bit moot at this stage. In terms of what else the Deputy has suggested, I am not entirely sure that the actual chief statistician has said that or whether that has been an interpretation that has been put into the media. I am clear that I have written to S.U.G. within October 2020 and was very clear in my support for their independence. The issue, I understand, from reading the minutes and from correspondence, which I can refer to shortly, is that there have been some differences in opinion in the law-drafting instructions. Those are in the process of being resolved and when they come to me we will need to make sure that they are as strong as possible.

The Bailiff:

I have questions logged from Senator Mézec, Deputy Ward, Senator Ferguson and Deputy Higgins and the final supplementary, Deputy Southern. I will not be able to take any more after that, already very much pushing the envelope in terms of time permissible for questions, I think.

10.8.2 Senator S.Y. Mézec:

Can the Chief Minister tell the Assembly what personal oversight he has had for the proposed changes in Statistics Jersey and the creation of this director's post? Could he tell us at whose initiative this change is being made?

Senator J.A.N. Le Fondré:

Firstly, it is an employment matter, so it goes up through the States Employment Board. Essentially, I was kept informed of the matter but it was the full S.E.B. (States Employment Board) that approved the changes. In terms of how it got instigated, I have to say I have not gone into that level of detail. I had understood it had been in discussion either within the Statistics Department or with the S.U.G. But part of the issue was trying to resolve, essentially bringing in, effectively, a career progression ladder, which then gave, essentially, promotional powers and things like that. But I believe that was as a result of the decision of the chief statistician to leave. Can I also make one clarification, which in no shape or form is meant to be a dig at the Senator but it was based on a public remark he made, which is germane to the subject? Which is I am slightly disappointed he had not obviously visited the Stats Department in the last 2 years because having commented that he thought they were in an

open-plan office with everybody else, that is clearly not the case. They are in a secure area with electronic locks on it and to which, as far as I am concerned, only they have access to. They are not sharing the floor space with the normal departments, as there have been other departments on the floor; they are in a completely secure and separate space. Just to be really clear in terms of independence.

10.8.3 Senator S.Y. Mézec:

Good to hear the last part. Every time I had engaged with Stats Jersey I had been in other parts of the building clearly. But what I would like to ask the Chief Minister is: how necessary is this change really? He has spoken about a career progression when, let us be frank, this has quite clearly had the opposite effect in this instance. Would it not be more appropriate to support those employees in Statistics Jersey to fulfil their duties in that role by finding an alternative employment arrangement and trialling their independence in another way? There are other examples of this, like, for example, the Children's Commissioner, rather than put in a new way of doing things, which the Chief Minister does not seem to be able to account for where the initiative came from, which many of us consider to undermine the independence of that group.

Senator J.A.N. Le Fondré:

Again, it is quite a long and complicated subject. My understanding, I believe, is that the restructuring side may well have come out of the chief statistician's recommendation. What I will say as well is that part of it is around ... the director of Statistics and Analytics is still part of Statistics Jersey and remains at independence and is designated as chief statistician but at a more senior level, relative to the civil service. What that has also allowed is that somebody within Statistics Jersey to be, essentially, promoted to what is, I think in shorthand, deputy chief statistician. The formal title is "Head of Statistics Jersey and Principal Statistician". The point of the role of the director of Statistics and Analytics is not to bring analytics under the control, as it were, of Statistics Jersey but to allow them to set, essentially, methodologies by which analytics can be operated, which is, essentially, starting to address some of the issues within the Stats (Jersey) Law where there has not been the resource to do certain parts of the functions required under the Statistics Law. What I will say is in returning to the independence element, which seems to have been at the nub of the issue and I take this at face value, that there seems to have been an element of a conflict between either within the Statistics (Jersey) Law itself or between that law and another piece of law, which may or may not have constrained the functions of members of the Stats Department to comment on certain areas. I am very clear that if there is such a conflict that should not exist; that, I believe, is part of the law-drafting instructions that are being sought to resolve the matter. I know we have got another question coming up, so I will not make any further comments on that point. But we have put some measures in again to hopefully strengthen and expedite that process.

10.8.4 Deputy R.J. Ward:

I think it does lead on slightly. Can I ask the Chief Minister, the Statistics Unit can be independent on paper and in a separate room and decide on its methodology that it has used but can he reassure that because those members will be on civil service contracts, that they still have the independence to use the data as they feel fit in terms of a statistical analysis, whether or not it is data the Government wants people to see and that independence is assured, regardless of the contracts within the new target operating model?

Senator J.A.N. Le Fondré:

There is an awful lot in that question. Firstly, the independence is guaranteed under the law and I think it is the Statistics Law that specifies that they are employees of the States Employment Board. The structure is, I understand, the norm, particularly around the British Isles and the wider Commonwealth, so that is where statisticians and others within national statistical institutes are public

employees. Just to quote the Article, it is Article 2(7) of the Statistics Law, it says: “There is appointed a chief statistician and such other officers as may be necessary for the carrying out of the functions of Statistics Jersey under this law.” The important bit says: “All such officers being States employees within the meaning of Article 2 of the Employment of States of Jersey Employees (Jersey) Law 2005.” Just reading that again may be that link into the Employees (Jersey) Law that is causing the theoretical issue that may or may not need to be resolved. What I was just going to absolutely say though is the independence of Statistics Jersey from my perspective is absolutely guaranteed and indeed, as the Deputy’s colleagues have pushed me, to try and encourage and speed up work to be produced. I have not been able to do that because of that independence and I have absolutely resisted the urge to put pressure on the department in any shape or form because of that independence, so ...

The Bailiff:

I must ask you to bring your answer to a close, Chief Minister, we are ...

Senator J.A.N. Le Fondré:

Can I just wrap that up, Sir? What I was trying to say is it would be a very foolish politician, particularly a very foolish Chief Minister or Minister, that sought to control in any shape or form or undermine the Statistics Jersey independence because then that will start casting doubts on things like the R.P.I. (retail price index) and all those type of areas. Be very, very clear, if there is anything needing to be strengthened to the independence of Statistics Jersey, I am absolutely behind that and that is what I have said ...

The Bailiff:

I think we are now at 2¼ minutes, Chief Minister, on a 1 minute 30 second answer.

10.8.5 Deputy R.J. Ward:

Can, therefore, the Chief Minister just quickly confirm that the chief statistician, or whatever it is called in a new structure, which will find a line management to the chief executive, that the chief executive of the States of Jersey will not have the ability to exert control over which stats are used and which stats are not used, thus maintaining the independence of the Stats Department?

Senator J.A.N. Le Fondré:

As far as I am concerned, he cannot and that is a matter of law.

10.8.6 Senator S.C. Ferguson:

The Chief Minister stated on Friday on Radio Jersey that he did not know of the shenanigans going around before last Thursday when the actual sort of events occurred in November. Can he explain that?

Senator J.A.N. Le Fondré:

I do not think I quite said that. I would need to just seek some clarification. What I was trying to say is that ...

The Bailiff:

I am sorry, I am going to rule that question out of order, Senator. The Chief Minister is answering questions more generally in a 15-minute slot; that is a reasonable question to raise then but not in the context of whether or not the new arrangements remove the necessary independence of Statistics Jersey, is that not sufficiently on point?

10.8.7 Deputy M.R. Higgins:

Chief Minister, tell us what arguments or disputes have taken place between Statistics Jersey and senior civil servants on such things as methodology or any other matter.

Senator J.A.N. Le Fondré:

I am not aware of any arguments that have taken place on methodology. The reference I made to methodology was basically making sure that I was essentially saying that under the new structure, gives the ability of Statistics Jersey to set, if you like, some professional standards to ensure that internal analytics, i.e. statistics produced by the Government, do meet a set of professional standards.

10.8.8 Deputy M.R. Higgins:

Does the Chief Minister accept that this dispute has called into question the question of independence and also the quality of statistics going forward in this Island?

Senator J.A.N. Le Fondré:

I would hope it is not called into question the quality of the statistics because I remain absolutely supportive and confident in the quality of the team in Statistics Jersey. I think what might be helpful is I was just looking to a letter that I had received from the S.U.G., which is where it was very clear that when matters were originally spoken to me in 2018, actions were based on the express intention of consolidating the independence of Statistics Jersey established by the law and following international best practice, which was, essentially, what I have said.

[12:15]

The letter does say there have been delays, partly due to the S.U.G. being inquorate for nearly a year and then COVID and then the letter obviously carries on. But the point being there have been a number of delays all out of anybody's particular hands to get this resolved but progress was being made. But, as I said, I think there is a distinct difference in terminology between a dispute and when I say "a discussion", it can be a strong discussion saying as to how you achieve the solution you are trying to resolve. What I will say though is my response back in October 2020 said I had asked policy officers to reengage with S.U.G., to discuss their concerns in detail before continuing to provide provisional policy proposals in the form of law-drafting instructions. That was the last update I had on 20th October 2020, although obviously since then I ...

The Bailiff:

Again, Chief Minister, we are over the 2-minute mark, so could you bring your answer to a close, please?

10.8.9 Deputy G.P. Southern:

Do the words of the Chief Minister today guarantee that there are no elements of the Employees of Civil Service (Jersey) Law that will be used to curtail in any manner the activities of the States Statistics Unit?

Senator J.A.N. Le Fondré:

As far as I am concerned, I can guarantee that Ministers will not in any shape or form interfere in the activities of Statistics Jersey and their independence. What I also want to see is if there is an anomaly either within legislation or between 2 pieces of legislation that that is resolved.

Deputy G.P. Southern:

The question with the use of the law and not the Ministers.

Senator J.A.N. Le Fondré:

I have no intention of using the law in that way at all.

Deputy G.P. Southern:

Is that a guarantee?

Senator J.A.N. Le Fondré:

Yes.

The Bailiff:

There we are, the post went out to Members that we are more than halfway through the time allocated for questions and we have only done 8 questions out of the 23. In part that may be my fault but in another part it is because those answering the questions are not restraining themselves to answering within a 1 minute 30 second slot, which is generally applicable and those asking the questions are often not asking them in a succinct and focused way in accordance with the parameters of the questions. I do not single anyone out, it has happened throughout a lot of the morning. I intend to focus much more from now on on the appropriate way of getting most questions reasonably answered within the period. Of course there are Ministers who are asked questions who also have slots for answering questions later on and perhaps if Members could keep that in mind when they consider whether they wish to ask supplemental questions.

10.9 Senator S.W. Pallett of the Minister for Health and Social Services regarding mental distress as a result of Covid-19 restrictions (OQ.4/2021):

Given the increased risk of mental distress to Islanders as a result of both past and present COVID-19 restrictions, will the Minister advise the Assembly of the current waiting times for an appointment at the Listening Lounge, Jersey Talking Therapies and Adult Mental Health Services?

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

Thank you, Senator Pallett, but it is a broad question and I have got a number of figures to give him. First of all, the Listening Lounge provides 2 services, the first is 50 appointments each week that are available to everyone self-referring. The waiting time for that is set at a maximum of 48 hours. Secondly, it provides a counselling service with initial assessment to ensure that is appropriate. The current waiting time for that initial assessment is one week. Insofar as concerns Jersey Talking Therapies, where people self-refer they have an initial assessment. There are 18 people currently waiting for this assessment and the longest has waited 5 weeks. Then Jersey Talking Therapies provides 2 levels of support of low and high intensity. The low intensity pathway has 19 people waiting for support with the longest waiting 10 weeks. The higher intensity pathway has 106 people waiting with the longest waiting 13 months, unfortunately. The average waiting time for a first appointment for a routine referral to adult mental health teams is 4 weeks plus routine emergency referrals will be seen within an hour 24/7. The average wait time for a first appointment with older adult mental health is currently 10 days for routine. Urgent referrals are seen within 24 hours. The current waiting time for the first appointment with the memory assessment service is 6 months unless the patient is aged over 65. Then the wait is 5 weeks. Those are the current waiting times. Thank you.

10.9.1 Senator S.W. Pallett:

It seems to be that some of those waiting times have increased in recent times. Could the Minister give any indication as to whether the need for services mentioned has increased since the tighter restrictions were introduced more recently? Can he assure us that each service is coping with that extra demand?

The Deputy of St. Ouen:

I have no dates referencing the recent restrictions but it is the case that a number of people have been impacted by the pandemic since the spring and are seeking help both from our services and from the charitable sector offering these services.

10.9.2 Deputy M. Tadier:

My concern is that there may be a latent demand for these services but also from people who are not in a position to access them, and I am speaking particularly about the aged in residential homes in particular who find themselves, due to COVID, not only prisoners in their own homes but prisoners in their own rooms. Does the Minister have a plan for allowing these people who have been vaccinated twice against COVID to access visitors and finally have some human interaction for their mental health?

The Deputy of St. Ouen:

I am very pleased that the Deputy has raised the question of our residents in care homes and are approximately 1,000 Islanders who we said could not see visitors and could not leave the place they live in and, yet, no one, until the Deputy asks, has yet put in a written question or an oral question about it. These are anxious people. Most of them have spent their whole lives in the Island and made the Island what it is now but who we have now almost locked up. So it might be extreme to say so but it is, I believe, a necessary and proportionate measure in the pandemic. There are implications and they are rather staring us in the face, human right implications, but there are mental health ones too. The work on how a vaccine will allow people to release the bonds that we have put on them has not yet been done. It has not yet been done in any jurisdiction and we are searching for it. We are beginning to have access for that but it is not a simple question and it is something that is under development.

10.9.3 Deputy M. Tadier:

I know it tests the limit the question but I think it is related to access to mental health. It seems to me that we would not do this for any other section of society. It would not be acceptable to effectively say that people who do not have COVID who have been vaccinated have to stay within their rooms or their houses without any visitors in perpetuity. Yet, we are doing this to one section of our most respected people in the Island who have perhaps got the least time left in our community. Will the Minister ...

The Bailiff:

I am sorry, Deputy. I am sure it is an important question but it does not only test but beats the limits of the question, I am afraid.

Deputy M. Tadier:

I have not asked the question yet, Sir.

The Bailiff:

Thanks very much.

10.9.4 Deputy K.F. Morel:

In his answer, the Minister for Health and Social Services mentioned waiting times such as 48 hours for the Listening Lounge and then longer. Over Christmas and New Year, I was unfortunately contacted by a family who had an individual suffering a mental health crisis and could not access any services. Could the Minister explain how Islanders who need help immediately are able to access crisis services and mental health too?

The Deputy of St. Ouen:

My understanding is that they can ring the General Hospital's switchboard and be referred to services they require. That is manned 24/7. We are also arranging our teams of the crisis telephone response service, which presently is planned for between 10.00 p.m. to 8.00 a.m. so over the hours of darkness. Recruitment is taking place for that so that will be a bespoke service available to people with those particular concerns.

10.9.5 Deputy G.P. Southern:

Is it the case that patients who turn up at the hospital with either mental or physical conditions are being turned away essentially because of the risk of contracting COVID?

The Deputy of St. Ouen:

That is not the case. If anyone turns up and needs medical treatment, they will be attended to and I have not heard of what the Deputy suggests.

10.9.6 Deputy G.P. Southern:

You have had one now because I have had been contacted by somebody who was turned away. The ambulance just took them away.

The Bailiff:

Well, is that a supplementary question that you were asking for, Deputy Southern?

Deputy G.P. Southern:

I believe that was a supplementary, Sir.

The Deputy of St. Ouen:

I would say that rather than raising that in question time, it would be far more useful if the Deputy could get in touch with me immediately he hears about something like that and we will ensure that any treatment that a patient needs is given to them.

10.9.7 Senator S.W. Pallett:

Firstly, can I thank the Minister for his answers but can the Minister assure the Assembly that all those services mentioned are communicating effectively and regularly with those in need to ensure they are not becoming increasingly ill?

The Deputy of St. Ouen:

I think I can give that assurance. Our teams have a very good oversight of the most vulnerable in our community and, as the Senator said, we have developed a crisis and home treatment theme, which is seeking to address problems while people are still at home and before they become so acute that we need to take them in as inpatients. I also commend the excellent work that has been done by Mind Jersey, by the Recovery College and by the teams in the charitable sector. There is good partnership working with all our teams in mental health so I believe there is good co-ordination in answer to the Senator's question.

10.10 Connétable K. Shenton-Stone of St. Martin of the Minister for Economic Development, Tourism, Sport and Culture regarding arts and culture strategies (OQ.8/2021):

Will the Minister advise what action, if any, is being taken to ensure that senior leads and officers of the new arts and culture strategies are sourced locally?

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

Thank you. Deputy Morel will take this question.

Deputy K.F. Morel (Assistant Minister for Economic Development, Tourism, Sport and Culture - *rapporteur*):

Thank you, and I would like to thank the Connétable for her question. Recently, we have the Department of the Economy being restructured into the Department of the Economy from the Economic Development, Tourism, Sport and Culture Department that it was. As a result of that restructuring, a number of new roles were approved, including a new sector lead for culture and arts, and I am pleased to advise that a new sector lead has been appointed and will be joining the

department at the end of March. He will be supporting the existing officer in the delivery of the department's priorities and that includes the rollout of a new art strategy. He will also support Jersey Heritage Trust in the delivery of the new heritage strategy. Both the existing officer and a new cultural lead were living and working in Jersey prior to their appointments so I am pleased to be able to give the Connétable assurance in that area.

[12:30]

10.10.1 Senator S.W. Pallett:

Could I ask the Assistant Minister what process was followed to ensure that those that were appointed had the expertise and knowledge to ensure that they can provide the support that the Assistant Minister requires and the department requires?

Deputy K.F. Morel:

Well, the usual process in terms of the involvement of the Jersey Appointments Commission was involved in the appointment itself. From my perspective, I was not involved in the appointment because it was taking place during the period when the Assistant Ministers were being changed. I do, however, have full confidence that an officer of appropriate qualifications and understanding has been appointed and that I will be able to work with them in a constructive manner.

10.10.2 Deputy R.J. Ward:

Can I ask the Assistant Minister: is he sure that the process tried to ensure that diversity, equity and increasing the range of minorities or women employed was undertaken as part of the process of employing somebody in order to get that gender balance, is what I was trying to look for in my mind? Thank you.

Deputy K.F. Morel:

It is a really good question. Unfortunately, it is one that I am unable to answer because I was not involved in the appointment itself but I will endeavour to find out for the Deputy.

10.10.3 The Connétable of St. Martin:

It is important to ensure that the new arts and culture strategy is followed by a local and hire local approach as I believe that there must be some really excellent local candidates for these posts. Does the Assistant Minister agree?

Deputy K.F. Morel:

Yes, it is without doubt something that I agree with and whether it is now or in the coming 18 months or further into what I hope will be a fairly lengthy States career, I hope, it is something that I would really like to see improved in the appointment of people to the Government of Jersey. There is no doubt that people in my mind, if they are appropriately qualified, will be able to give their best to the Island if they have a knowledge of this Island and, so, yes, it is my view that wherever we can, we should try to hire and buy local.

10.11 Deputy I. Gardiner of the Assistant Chief Minister regarding preferred accessed route to the hospital (OQ.5/2021):

Will the Assistant Chief Minister provide States Members and the public with diagrams of what the proposed hospital and suggested access route will look like ahead of the planned debate of our hospital preferred access route P.167/2020?

Senator L.J. Farnham (Assistant Chief Minister):

Yes, I thank the Deputy for her question. The debate of P.167 concerns the principle of access to the new hospital including ensuring that the preferred route maximising opportunities for sustainable modes of travel minimises the impact on properties, local amenities and the environment. Once a

preferred access route has been agreed by the Assembly, the design team can then commence the detailed design of that route as part of the planning application process and will also be able to, importantly, continue the design of the hospital buildings itself. So, in short, a brand new road, it is proposed, will be created. It will be of a high quality with reduced gradient which is safer with broader pavements and cycle path access but of course the detail of the design, the look, the impact on the area and the environment are very much planning issues. I do not think it would be appropriate for the States to be involved in that level of detail at this stage. I think we have to agree the principle and then let the planning process deal with the details.

10.11.1 Deputy I. Gardiner:

I did not ask for a detailed plan. I asked about the diagram. Even the Waterfront, which is only a concept at this point, has a diagram for the public and the States Members to see. Why the reluctance to provide a diagram if this road is truly an improvement and extensive and detailed analysis has been undertaken?

Senator L.J. Farnham:

Well, I am not sure it is as simple as drawing a picture of a road. I think we all know what good quality roads look like. They really, before we can produce meaningful visuals, do have to complete or at least start working on the detailed design itself. If the States approve the principle of the access via Westmount Road, then that work can begin in earnest and once they get started, we can then start to share some meaningful visuals and designs.

10.11.2 Deputy M.R. Higgins:

The question I have for the Minister is he seems very evasive on this. Members want to know, for example, what the impact will be on the Lower Park in St. Helier. How many trees and how much of the park and the bowling green is going to be taken away before a vote is taken? Will the Minister give an undertaking that he will at least provide a diagram showing the encroachment on the Lower Park? Otherwise, he is going to have people voting “No” against any proposal he is making for it.

Senator L.J. Farnham:

I am certainly not being evasive. I might be giving answers that the Deputy does not want to hear but that, I am afraid, has been an example. The basic diagrams that have been presented have been desecrated with all sorts of views of what it might look like by those with an interest that cannot be farther from the truth. Of course, for the debate, and we have another presentation to States Members on Thursday, we will provide as much detail as possible. I will ask the team to see whether they can provide any sort of visual idea to give Members an understanding of what the road could look like but also I would remind Members that if we go back to the main proposition, so when we decided to build the new hospital on Overdale, studies were done on a number of other access routes approaching the hospital from different sides of Westmount and the Westmount Road proposition produced the least environmental impact. It produced the least environmental disruption by quite some margin. Much less than going up from the Inner Road, which would have not only caused a lot more environmental damage but also disruption to many more homes. Like I say, we will endeavour to provide as much information as possible but it is simply impossible to provide detailed visuals without proper design work being started and to do that, we need the approval of the Assembly.

10.11.3 Deputy M.R. Higgins:

Will the Minister provide not visuals, just simply a diagram showing how far the road will encroach into the existing Lower Park and the bowling green so that people get an idea of how much of the park is going to be lost before this thing is debated because, if not, as I say, we will vote no.

Senator L.J. Farnham:

We have already provided a broad diagram with those details on and I will endeavour to get the team to provide some more specific detail but of course it is impossible to provide the exact detail until the detailed design work is started. That knocks the works over because that involves committing a huge amount of resource and that work is not going to start until, in line with the amendment brought by the Constable of St. Helier, we have the States approval to do so. Also, I understand that Scrutiny have now received a final draft of work they were doing on it so, obviously, we are going to be very keen for their input as well. To reassure the Deputy and Members, I will provide as much detailed information as we can prior to the debate but it will not be absolute detailed design.

10.11.4 Deputy R.J. Ward:

Can I ask the Minister, given that the Sustainable Transport Policy and carbon neutral strategy are far from complete, how can he know that any major structure such as this new access road will be in line with both of those policies?

Senator L.J. Farnham:

We have to produce a design that is flexible and takes into consideration the aspirations of the Assembly in what it plans to do in terms of its carbon neutral strategy. That is one of the key reasons why we chose to keep the hospital site closer to St. Helier, for example, as opposed to having something out of town or St. Saviour because that significantly reduces by perhaps many thousands, if not, tens of thousands of car journeys a year. But of course it would be impossible to do that work for any site because it is an aspiration of the Assembly and it is going to be something that we and many future States Assemblies are going to be working to deliver well into the future.

10.11.5 Deputy R.J. Ward:

Given, and we all hope, that a Sustainable Transport Policy is successful and takes people away from car use into other modes of transport, could the Minister not be promoting a large and unnecessary car parking area and not really have a clear picture of ways and means to travel to the hospital in a sustainable way? Is that not a risk that is there with this project?

Senator L.J. Farnham:

Yes, it is. Of course it is and we have all subscribed to our carbon neutral ambitions and we will be ensuring when we complete the transport studies and the transport options that we make provision to ensure that the hospital can facilitate our carbon neutral aspirations. But I think the facilities up there, as well as taking that into consideration, we also have to be mindful that we have to provide appropriate facilities first and foremost for staff and patients although I do admit that those facilities, from a carbon neutral point of view, will certainly have to evolve over the next 2 to 3 decades.

10.11.6 The Connétable of St. Brelade:

The devil is of course in the detail and would the Minister not agree that his apparent reticence to provide comprehensive details on the proposed Overdale approach risks the proposition being referred back for more information when it comes to the debate?

Senator L.J. Farnham:

I am absolutely not reticent to provide additional details. I have said the team will provide as much detail as is possible but I just want to remind Members that if we do not complete this project on time, we will be failing the Island once again with the hospital project. We are already seeing orchestrated campaigns to disrupt the process and I really cannot stress enough the additional risk to Islanders' health and the cost that if we do not get the new hospital operational by 2026, the cost of maintaining and maintenance on the existing hospital will grow exponentially. So I would very much like, in an ideal world, to be able to present detailed drawings and diagrams of the exact road plan that will ultimately lead up to Overdale. But that work has not yet been done and that work has not been done because an amendment was carried by the Assembly to agree the principle of the access.

Now if the States want to see detailed design road plans, that means there is a risk because we would have to commit considerable time and resource to delivering those designs and that would put an unacceptable delay on the project. Now we have a planning process and we have to trust in that planning process. The States must debate and hopefully agree the principle of the access route. When they have done that, we can really get on with producing the detail and we can share and keep Members involved at that stage but we must rely on the planning process to deal with that. There is no reticence. I do undertake to go back to the team to ensure we provide as much detail as we possibly can prior to the debate. I know the Scrutiny Report will also contain details and if we can get some visuals, even if it is only a rough idea of what it could look like ...

The Bailiff:

I am sorry, Minister. I must ask you to bring your answer to a close, I am afraid, as 2½ minutes have passed now. Thank you very much.

Senator L.J. Farnham:

Thank you, Sir. I have finished the answer.

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

I am going to change the question I was going to ask, given the Minister's last answer.

[12:45]

He talks about delivering a hospital for the good of the Island and I could not agree with him more but will he accept, given the challenges that this access road in planning for the hospital faces through the planning process that he mentions, that we have a quicker, cheaper option to go back to the original application and just rebuild an extension on to the existing hospital?

Senator L.J. Farnham:

No, I simply cannot accept that and I would be reluctant to open that debate again. We had considerable debate and discussion over the Gloucester Street site leading to an Assembly proposition and decision to exclude, for a number of very, very good reasons, the Gloucester Street site. It has since been discovered by the new hospital team that the former designs of the proposed hospital at Gloucester Street simply would not have stood the test of time. I firmly believe and I believe the Assembly also believes that the site at Overdale might not be perfect. We do not have a perfect site here. The option was possibly People's Park and if we think we are getting a bit of noise about Overdale, Members can only imagine what sort of noise and objections we would have had had we decided on People's Park. I am slightly disappointed that some people who I have worked with during this wanted it not to go on People's Park but said they would give it full support at Overdale are now sort of changing the rules a little bit. That is very disappointing. We will build a world-class, splendid hospital and magnificent hospital for Islanders at Overdale if we all get behind it.

10.11.8 The Deputy of St. Martin:

The Minister may well build a world-class hospital at Overdale and he will cover agricultural fields with concrete but the presentation that his officers gave to the access road had a huge number of options. Does he agree with me that the feeling of States Members after that was that they are now beginning to realise that the access to this hospital site is so difficult to make it impractical?

Senator L.J. Farnham:

The access is not difficult. If Members will recognise the challenges of the current Westmount Road - and I have been up and down that road by transport, bike, by foot many, many times in the last, shall we say, 6 to 8 months - they will realise that what we are planning will be a significant improvement on the current Westmount Road. We can make a new road. It will decrease the gradient, we can make it safer, we can improve landscaping, we can improve the environment all

with absolute minimal impact on the People's Park. I am sorry that some Members do not want to see the hospital at the top of the hill at Overdale and, obviously, I do not think I am going to persuade them. I would very much like to persuade the Deputy of St. Martin and other Members that this is the right site for the hospital. I fear I might not be able to but I am not going to stop trying. There were 71 options studied in total and we kept coming back to the option to improve Westmount Road and I hope to make a very strong case that Members will be able to support.

10.11.9 Deputy I. Gardiner:

Reflecting on the Minister's previous answer that it is an orchestrated campaign, I can see it as general concerns from the residents of the area. I would like to say our advisers stated that they never saw anything like 71 routes considered in such a process. Why did they not produce a design instead of spending time considering so many lines on the map?

Senator L.J. Farnham:

Well, I thank the Deputy and I completely understand that it is, to the residents immediately impacted, of course of great concern and there are different residents with different views on the matter. We have quite a number of residents who are very supportive. We have a number of residents who have been delayed in the sale of their properties and of course there are residents who do not want to be inconvenienced in any way. Of course, we can fully appreciate that and I think that would have been the case with any site that we chose to build a new hospital on but I also firmly believe that the inconvenience to residents with what we are proposing is far less than just about any other site we have looked at. I believe the amendment of the Constable of St. Helier did ask us to look at pretty much all of the options for access to Overdale, and there was a caveat that we could not proceed with any purchase of any properties that would be affected by the road access. That had caused significant delay to the land assembly programme which is essential to building the hospital. So that was completed, 71 routes were examined and we have presented 2 to States Members. We are presenting again this Thursday and if States Members agree with the principle of improving access to Overdale via Westmount Road, then we can really get on with the design and public engagement programme of course and the planning process. We undertake to work very closely and improve and build upon the relationships we are starting to develop with the residents and of course I hope, and will make sure, that we continue to work closely with their representatives as well.

LUNCHEON ADJOURNMENT PROPOSED

The Bailiff:

Thank you very much. We are now at 12.49. Is the adjournment proposed? Very well, the adjournment is proposed. Before we do adjourn though, I would point out that, as we have only about 25 minutes or so left of questions available and a significant number to get through, I do not propose to permit supplementary questions to Members' supplementary questions, as it were. In other words, anyone can ask a single question during the course of questioning but not a supplementary to that. That way, we will stand a reasonable chance of getting through the majority of the remaining questions. Very well, the Assembly stands adjourned now until 2.15.

[12:51]

LUNCHEON ADJOURNMENT

[14:15]

The Bailiff:

By my calculation, there is approximately 30 minutes of questions still to run, allowing for a small amount of injury time.

10.12 Deputy R.J. Ward of the Minister for Social Security regarding free phone calls to Social Security helpline (OQ.10/2021):

Given that pay-as-you-go mobile phone users can pay up to 39 pence a minute when held in a queue for Social Security or, indeed, the COVID-19 helplines, would the Minister advise whether there is any facility for members of the public to make these calls for free and, if not, will the Minister commit to enabling this as a matter of urgency?

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

I can reassure the Deputy that all calls to Customer and Local Services are answered very quickly. In fact, I have been trying it this morning and it does not even ring. The average is a few seconds but I do understand what the Deputy is saying. Income Support is the first option, so again should not wait too long. If somebody is waiting more than 2 minutes, and I have tried this many times to wait that long and I cannot, an automatic request for your number and a ring back will kick in. So, I am monitoring this. Nothing is free in this world. I have been told every double 4 number will cost approximately £40,000 each so we are looking at other options to get people to contact the department. But I am monitoring this.

Deputy R.J. Ward:

A supplementary, please, Sir?

The Bailiff:

Yes. Just to remind Members, Members can ask supplementary questions but there will not be supplementaries to the supplementaries.

10.12.1 Deputy R.J. Ward:

The line is answered quickly, but then you are put into a queue and 2 minutes of that time is quite expensive for callers, particularly those on the lowest incomes. The notion that nothing is free I understand but when people are on pay-as-you-go they are forced to pay extra. Seeing as we are holders in Jersey Telecom, would it not be possible to set up a free phonenumber as part of the service, particularly as we are in the COVID emergency at the moment?

Deputy J.A. Martin:

I would say the Deputy could be a mind reader. I have had my D.G. (director general) literally speaking to Telecom this morning because we were quite astounded by the 39p per minute from a mobile to a landline call, and they are being pretty receptive. So, it is really being looked into. We want to do what we can. As I say, there are 6 options on the 4444 number, many for businesses advertising jobs and everything. So it has to be appreciated and, again, there is the COVID pretty well answered early, but again when the vaccinations went out it did go up to about 5 minutes. So it is not acceptable if people are on the pay-as-you-go. We are working, we are talking to Telecom, and we are keeping all the options open. I hope that reassures the Deputy. It is a lot of money for somebody on a low income pay-as-you-go phone.

10.12.2 Senator K.L. Moore:

Has the Minister reminded Jersey Telecom that they are a States-owned entity, therefore, have a primary purpose, which is to serve the public?

Deputy J.A. Martin:

I am sure that ... I was not on the phone to Telecom this morning. This has come about by this question and stating the amount of money. Yes, I know they put money back in and if it is anybody who can help us provide something, it will be firstly Telecom because of the buy-in that we have to Jersey Telecom. Again, it will not help people who do not have ... because sometimes if it is not the

cheapest pay-as-you-go, they will go to the other providers, so we need to make this fair and we need to make the solution fit for the problem.

10.12.3 Deputy K.F. Morel:

Picking up on that last element of the Minister's answer, while the director general may be speaking to Jersey Telecom, I just want her to confirm that she is aware there are more than one mobile provider in the Island and, therefore, if she wanted to reduce the costs it is likely to be the case that she will have to speak to all mobile providers in the Island.

Deputy J.A. Martin:

Well, I was answering the question from Senator Moore because of the stake we have in Jersey Telecom, absolutely, and I said there may be people go for the other providers because they think it is cheaper. It is the delivery, and the talks have just started, but we have been monitoring do we need a free phoneline and what would be on it. Would it just be Income Support? Would it be business, the co-funded payroll? Would it be advertising jobs for the local market? So there are all things that we are monitoring, Deputy, and we are aware that now this has been brought to my attention of how much it is, how we can solve this problem.

10.12.4 Deputy R.J. Ward:

I am pleased to hear that the Minister is looking into this. I am slightly disappointed that she was not aware of those charges. I would ask her to really act on this as a matter of urgency as it came from a constituent. Particularly during this time of COVID emergency perhaps we can ask the mobile phone providers to take away this charge. I think it would be really beneficial.

Deputy J.A. Martin:

I really cannot add any more. I have gone just out of protest to pay-as-you-go myself when my contract has run out just to check that I can monitor my spend. I do know that it is more expensive. Again, it is making sure we get ... we are looking at web chats. We are looking at what can be done. Obviously, again, that would not be ideal for pay-as-you-go phone users, but it is being looked at and I will keep the Deputy up to date on that.

10.13 Deputy C.S. Alves of the Minister for Social Security regarding taxpayers (OQ.18/2021):

Will the Minister advise why taxpayers on the marginal rate tax are paying 1.9 per cent of their taxable income for long-term care, whereas those on the standard tax rate are charged only 1.5 per cent on their taxable income?

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

Income tax and long-term care contributions are worked out in a similar way using a marginal rate of tax that is higher than the standard rate of tax, but I would like to reassure the Deputy that nobody is paying more than 1.5 per cent of their total income for long-term care contributions.

10.13.1 Deputy C.S. Alves:

I understand that nobody is paying more than 1.5 per cent of their total income. However, those on the marginal rates after thresholds are applied and allowances are applied are being charged 1.95 per cent of their income. Can the Minister explain why this is?

Deputy J.A. Martin:

Yes, well, the rate of long-term care is 1.5 and because the marginal rate is more than the standard rate; it is 26 per cent. The standard rate is 20 per cent. It still works out that they pay no more than 1.5 on their total income. Yes, obviously their total income is reduced because of allowances, but working it out, I have some examples here, which I will send to the Deputy. I know we are short of

time and they are quite long to explain, but I can send them to the Deputy. If she still has questions, because we thought this would be a written question, she can come back to me.

10.13.2 Senator S.Y. Mézec:

Unless I have misunderstood it, it sounds like there are different definitions of what is considered taxable income depending on what the tax is. My question to the Minister for Social Security is: is that true and, if it is true, why?

Deputy J.A. Martin:

There has always been this debate: is long-term care a tax? But it comes out, it is done with the tax, and I have asked Friday - I checked again yesterday - that I am right in saying that nobody pays more than 1.5, which is what I agreed in the Assembly last year, in the Government Plan, sorry, the year before. I did want 2 per cent. It was amended by Senator Moore's Scrutiny Panel that nobody pays more than 1.5 of their total income, and that is because of the difference in the marginal rate and the standard rate.

10.13.3 Deputy C.S. Alves:

Can the Minister appreciate that there is obviously some confusion here and that the fact that there are 2 different ways to work out income tax does not help? Will the Minister endeavour to appropriately communicate why it is ... make it understandable to the public of why it is exactly that those on marginal rates are charged that 1.95 per cent after thresholds and allowances are taken into account, as that is currently what is on the gov.je website as well?

Deputy J.A. Martin:

I will try and I will send the examples around to the Deputy and then if she has any more questions we can have probably a Teams meeting. I need to get this across that they are not paying ... I have the example here and I know I might go over my one minute 30 seconds if I go into it, as I say. But I will do that and try and get it across to everybody that they are not paying ... in fact, this person is paying marginal but the total of the income is 1.47 and not even 1.5, not a lot of difference, I know.

10.14 Deputy K.G. Pamplin of the Minister for Health and Social Services regarding citizens' jury (OQ.20/2021):

What has been the response from Islanders to date to the letters inviting them to take part in the Assisted Dying Citizens' Jury and its establishment being on track to meet the timetable for delivery?

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

As of 18th January, 413 people had registered an interest in the citizens' jury. This is a response rate of 9 per cent of the 4,600 invitations sent, which is sufficient to select a demographically representative jury consisting of 18 to 24 members. The closing date for registration is Monday, 25th January, and the process is on track to meet the delivery timetable.

10.14.1 Deputy K.G. Pamplin:

Some of the feedback I have received, and I do not know if the Minister has received this, is the dates of the sessions put forward for the jury to meet on Thursdays and Saturdays, has he also heard of any feedback from Islanders where that timetable may alienate people from taking part because they really would want to but cannot be available on those set days?

The Deputy of St. Ouen:

No, I have not had that feedback, if the Deputy would wish to share it with me. It is correct we have proposed Thursdays and Saturdays. I imagine people will have commitments that may prevent them from attending on any number of days, so it is difficult with invites sent out to 4,600 people. But if there is a genuine difficulty here, perhaps the Deputy would share with me what he feels is a problem.

10.14.2 Deputy C.S. Alves:

Have any reminders been sent out to those people who received these invites? I have heard from some who were not entirely sure what it was about and have probably now forgotten to respond. So have any reminders been sent out?

The Deputy of St. Ouen:

No, we have not sent reminders. The letters were sent out earlier this month. It seems to me if people are interested there is still time to reply before the closing date of next Monday.

10.14.3 Deputy K.G. Pamplin:

Also part of the process is the putting together of the panel who will go some way in selecting and being part of the process of jury members. Does the Minister have an update of those members and when they will be publicised?

The Deputy of St. Ouen:

The selection of the panel is being undertaken by Sortition Foundation, who have expertise in selecting a representative group that is truly demographically representative of the Island. As to any further publicity, it will be worked out with the jury members and the Sortition Foundation and the independent advisory panel which is overseeing planning for this piece of work.

[14:30]

10.15 Senator S.Y. Mézec of the Minister for Infrastructure regarding sites earmarked to build new housing (OQ.22/2021):

Since the relocation of government offices from Cyril Le Marquand House to Broad Street in 2018 as part of a wider office strategy to free up government-owned sites for affordable housing, will the Minister advise how many government-owned sites have been officially identified for this purpose?

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

The Chief Minister will be taking this one, Sir.

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

I just want to challenge the initial assumption of the question before trying to give the Senator the answer he needs. The reason for doing the office strategy is that if we do nothing it, broadly speaking, being really simplistic about this, will cost us £30 million more than doing anything along the lines that we are proposing. Essentially, if we prevaricate, if we delay, if we do not do anything, there is a cost. If we do not do anything ... the discounted net economic cost is £30 million less than the do-nothing option. That is around the principles of any scheme. Also, it generates around £7 million a year savings if we do something. But in terms of housing site or sites that can be released, let us be clear. The principles would be that we would go from 21 buildings down to 6. That is about 18,000 square metres that can be released and, therefore, that would identify the sites potentially for new housing that could be identified. It is also worth making the point, importantly, that in the pipeline at the moment Andium are working on around 2,000 additional homes by 2025. There are some numbers around that but time does not allow me to expand too much. Also, the waterfront is expected to deliver over about 1,000 units and that is 2025 to 2035. Equally, Ports of Jersey schemes may also deliver 500 to 1,000. There are some other numbers around it but there are things in the pipeline for affordable housing as well as the benefits generated by the release of sites if we can get to the office strategy.

10.15.1 Senator S.Y. Mézec:

My question was asking for specifically which sites or how many sites have been officially identified for this purpose; not potentially, not theoretically, which ones specifically have. Because we know

that there are already sites which are lying empty or unused or underused when there is a desperate need for affordable homes. Andium, as he mentioned, are desperate to acquire sites so that they can get building. How many sites since the move to Broad Street have been officially identified for the purpose where beforehand they were not?

Senator J.A.N. Le Fondré:

There are 2 issues that come out of that. One is obviously what you define as affordable housing, and the other point being specifically identified is predicated on a scheme having been signed off because that then starts releasing. As I have said, in terms of numbers, it is 21 buildings being reduced to 6; therefore, that would be around 15 buildings, which I have translated into that sort of number of sites, but it is around 18,000 square metres that would be released. That is obviously the construction side. While the Senator, like me, is very concerned about the pipeline and the provision of housing, I do make the point that Andium also are moving on and delivering houses: 400 have been delivered to date and I believe 700 are also under construction or have planning permission. Their aim is to deliver 2,000 homes by 2025. So there are units in the pipeline but in terms of the specific ability to identify sites today as a result of the release of the office strategy, I cannot at this stage because I need it signed off first.

10.16 Deputy K.F. Morel of the Chief Minister regarding the independence of Statistics Jersey (OQ.7/2021):

Just before starting, just to mention I appreciate some elements of this question have been answered in previous questions. In light of the incorporation of Statistics Jersey into Strategic Policy, Performance and Planning, will the Chief Minister explain what further measures, if any, are planned in respect of the status of Statistics Jersey and will he state why the chief statistician has been placed on gardening leave?

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

Yes, as the Deputy has said, the question has been partially answered, I hope, already. I reiterate, being I hope absolutely clear, as I have emailed to Members, as far as I am concerned the independence of Statistics Jersey is fully assured. I am committed to ensuring that that not only remains the case but is further strengthened where necessary. As I have also said, there has been no change to the statutory independence or status of Statistics Jersey who have been part of the wider development for SP3 since government departments were recognised in 2018, and obviously before that Statistics Jersey were part of the Chief Minister's Department, and I understand their accounting officer was the chief executive officer. I have confirmed my support to S.U.G. in October 2020. I understand policy officers have subsequently been in touch and also, as the Deputy will be aware and I hope that it is an appropriate time to mention it, I have also asked that he take this on and expedite matters. I hope we will get that resolved during the course of this week because that is a discussion that is going on. I hope that demonstrates my commitment to make sure this is expedited and this is done in a strong way. As I have said previously, I do not really want to comment further. I am not at liberty always to comment further on employment matters, but again I have the highest regard for the chief statistician, who is leaving after nearly 20 years of dedicated public service to pursue other endeavours and I very much wish him well.

10.16.1 Deputy K.F. Morel:

With regard to the dual role of the new chief statistician as being the chief statistician and also head of analytics in S.P.P.P., does the Chief Minister consider there in that dual role, and because of the reporting lines via S.P.P.P. to the chief executive, does the Minister see there the potential for a conflict of interest or for undue influence being placed upon the new chief statistician?

Senator J.A.N. Le Fondré:

I will try to make sure I stay within 1½ minutes this time. In terms of the reporting line, to be really clear, no one can tell the chief statistician what to do. The chief statistician remains part of Statistics Jersey and remains covered by the law. What we do have to consider, and I am sure that will be part of the considerations of the Deputy, is that there needs to be some form of line of oversight in some shape or form - and this is a recommendation so I am looking down at the recommendation - of the Comptroller and Auditor General in relation to any arm's length organisation, which may be a way to go for independence. There are some issues around that, but there is a responsibility to ensure that proper governance is taking place within that organisation. So there still has to be some form of reporting line that comes up within the organisation. That does not mean influence; that does mean essentially governance. But let us be really clear. We have had an exchange of emails. Hopefully the Deputy has understood my position. I want to see the independence of the Stats Department enhanced if it needs to be but if there are any matters that need to be resolved for that to be resolved. I have given my guarantee on that earlier and that is my position and that has always been the case.

10.16.2 Senator T.A. Vallois:

Can I ask the Chief Minister whether he believes that it is acceptable that no announcement was made of the changes with regards to the chief statistician and the fact that we are required to meet international standards? Therefore, the current law in place in terms of the strengthening that he refers to is actually just making it independent, the fact that we have not made it completely independent through the legislation which we currently have.

Senator J.A.N. Le Fondré:

There are 2 remarks. One is obviously the legislation was only brought in in 2018. I think we probably all assumed that they had achieved what they needed to achieve by that law. Evidently, there have been one or 2 issues that have come out of that. I think just in relation to the first part of the question the Senator may have missed my point earlier. The existing chief statistician does not formally leave until 20th January. I had always understood that he had asked if his departure could be very low key and without any fuss and, therefore, we were respecting his wish for privacy, which seemed to be the least we could do after 20 years of dedicated public service. We had planned to make an announcement following his departure - as I said, his last official day was tomorrow - in accordance with his wishes. I did make the point that rather felt like a moot point at this stage.

10.16.3 Deputy K.G. Pamplin:

Does the Chief Minister have a feeling, like I do, that there is an opportunity missed? He has just stated 20 years of experience of a known Jerseyman who has been essential to this role. He is not having any say in the succession of this. Does that not concern the Chief Minister, as it does me, and many other Islanders?

Senator J.A.N. Le Fondré:

It is my understanding that he has helped to design the new structure so from that perspective he has had some input, as I understand matters, into the structuring and was, I think, very supportive of the principles that it meant that someone from within the department could then continue a career and progression and was promoted up to the next level. So I think that is the principle of growing our own and that is something we were all very, very keen on. In terms of somebody who departs the organisation having input into their successor, I am sure as a process that does not normally happen and I think from memory it is not encouraged under the normal H.R. employment conditions that we follow.

10.17 Deputy I. Gardiner of the Minister for Economic Development, Tourism, Sport and Culture regarding small businesses (OQ.6/2021):

Given that the e-petition calling for additional support to small businesses has received over 1,000 signatures, will the Minister advise what plans he has, if any, to offer one-off grants to those that have been worst affected by forced closures?

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

A grant scheme is currently under development but it would be likely to be a monthly rather than a one-off payment and would aim to help cover the fixed costs of the most severely affected businesses. The proposal will be taken forward to Ministers for approval this week and I anticipate details to be announced as soon as possible. The new scheme will sit alongside an enhanced payroll scheme that will be easier to access and provide increased support for a range of businesses, especially those most impacted by enforced closures. We continue to adapt our business support measures in response to the prevailing conditions and since the start of the pandemic the States will have spent significant sums to support businesses and to retain and protect Islanders' jobs. For example, just for Members' information, to date £103 million has been spent on the co-funded payroll support scheme, an additional £3.1 million through the business loan guarantee scheme. Visitor accommodation support schemes and events and attraction support schemes are now in place. There has been an additional £6 million in income support, together with deferrals of G.S.T. and employer and social security payments. I want to reiterate that the team are working literally around the clock to bring more support to businesses as soon as possible, subject, of course, to the relevant ministerial approvals.

10.17.1 Deputy I. Gardiner:

I am grateful to the Minister and it is really reassuring that the plans are in place. I do agree that the payroll scheme that was put in place gave a welcome relief. I would like to follow up. As deferral and debts are mounting, would the Minister also consider reducing employer social security contributions in line with already implemented employee reductions?

Senator L.J. Farnham:

I can confirm that is one of the options being explored by the team and would, of course, be subject to ministerial approval if approved, but that is something I would certainly support. I think it is important. Although the deferrals are helpful, it is only pushing debt down the road for businesses and I would be very pleased to support something that would help alleviate that burden for the future.

10.18 Deputy J.M. Maçon of H.M. Attorney General regarding accessing the electoral register (OQ.3/2021):

Further to Oral Question 193/2020 regarding access to the electoral register, will H.M. Attorney General advise whether individuals can apply to each Parish to receive a copy of the electoral registers for the purpose of promoting enrolment on the register; and, if so, how they are able to do so?

The following response was provided in writing in accordance with Standing Order 63(9) as the oral question was not asked before the end of the time allowed for Oral Questions:

Individuals can apply to copy the electoral register either to their Parish, the Jersey Library or the Judicial Greffe, each of which holds a copy of the register. There are no rules for how to apply – it could be in writing or in person. There is no simple answer to whether they would be allowed a copy of the register for the purpose of promoting enrolment for these reasons:

The **Intellectual Property (Unregistered Rights) (Jersey) Law 2011** (Article 196) prevents copies being made of the electoral register, without the consent of the owner unless an “appropriate person” – in this case that would be the electoral administrator for the parish, the Librarian of the Jersey Library or the Judicial Greffier – gives permission, and provided that the copying is not for the purpose of re-utilisation of all or a substantial part of the contents, (Article 206).

Re-utilisation means - under the same law – making the content of the register available to the public, (Article 192). In Deputy Macon’s example, one assumes any extract of the register would not be made generally available to the public but used simply to identify members of the public who are not on the electoral register.

But that issue would be for the appropriate person to determine when deciding whether to authorise copying of the register – because whether to grant such permission would be an exercise of the appropriate person’s discretion.

When exercising the discretion whether to grant or refuse permission the appropriate person would probably need to consider Data protection issues – where potential legal questions may arise as to whether the person seeking a copy would be considered a Data Controller under the Data Protection Law - what precisely the requester proposes for the use and retention of the information, as well possibly as what other mechanisms for promoting enrolment exist, such as the statement sent to every home each year, under Article 7(2) of the Public Elections (Jersey) Law 2002, setting out the names of persons registered at that address, which is required to be returned with any necessary corrections, as well as the additional notice sent in March to every home under Article 7A of that Law in years when there is a general election.

10.19 The Connétable of St. Martin of the Minister for Health and Social Services regarding the Assisted Reproduction Unit (OQ.9/2021):

Will the Minister update the Assembly on how the proposed changes to the Assisted Reproduction Unit are progressing; will he assure members that there will be no interruption to patient treatments or services during any transition period and, if he cannot make such an assurance, will the Minister explain why?

The following response was provided in writing in accordance with Standing Order 63(9) as the oral question was not asked before the end of the time allowed for Oral Questions:

The service within the Assisted Reproduction Unit continues to be delivered on the Overdale site. The Doctor currently overseeing the service is with us until the end of January, but I can assure members that there are robust plans in place to ensure all current services will continue pending successful recruitment of a successor in the consultant’s post. We are advertising presently. Interim consultant cover is in place. Much of the service is already nurse-led.

Each patient within the service will be offered an individual care review as part of the handover process with the team.

We are reviewing the service provision, especially to improve access and eligibility for treatment, along with the workforce required to deliver a modern Assisted Reproductive Service, exploring how we may be able to use digital services to supplement and enhance patient care and their overall experience.

We continue to work with users of the service and UK providers to assist in shaping services and we recently welcomed a very experienced Specialist Nurse to the team.

There may, however, be some disruption to service provision that is outside our control. We have been made aware that a number of UK providers are reducing their fertility service provision on the mainland as a result of the high levels of covid infection and the significant impact that is having in relation to travel and staff availability. At the time of writing, the off-island services that we access are still available to us, but I need to make Members aware that this may not remain the case.

10.20 Deputy R.J. Ward of St. Helier of the Minister for Treasury and Resources regarding working with Statistics Jersey (OQ.11/2021):

Further to the adoption of P.94/2019, will the Minister update members on the implementation of the commitments to work with Statistics Jersey on the requirement that all States expenditure be

classified in accordance with the United Nations Classification of the Functions of Government system and to ensure that Government documents present and classify financial information in accordance with international best practice?

The following response was provided in writing in accordance with Standing Order 63(9) as the oral question was not asked before the end of the time allowed for Oral Questions:

As described in previous responses, the events of 2020 have led to a re-prioritisation of activities across Government to accommodate the response to the pandemic which has caused some necessary delays.

The Government Plan 2021-2024 states that information in the UN classification will be published alongside the 2021 Annual Report and Accounts and the Government Plan 2023-2026.

Currently considerable focus is being directed towards the implementation of the new Integrated Technology Solution in 2021 which will provide a good opportunity to align these requirements with the wider reporting developments.

10.21 Deputy L.M.C. Doublet of the Minister for Health and Social Services regarding partners accompanying pregnant women for scans (OQ.13/2021):

Will the Minister advise what the current position is in relation to ensuring support partners are able to accompany pregnant women for scans; and whether it is possible for individuals to be tested, and to isolate in advance of planned scans, to enable this to happen?

The following response was provided in writing in accordance with Standing Order 63(9) as the oral question was not asked before the end of the time allowed for Oral Questions:

The current position is that unfortunately we are unable to safely accommodate partners attending with women for their scans.

I understand that women value the support from a partner, relative, friend or other person throughout pregnancy and childbirth as it facilitates emotional wellbeing and is a key component to safe and personalised maternity care. However, we remain in a position where we know we still have COVID transmission in our community, and whilst our numbers are reducing, we still have a significant number of cases. Our priority at this time has to be focused on preventing and controlling the spread of COVID 19 infection to keep women, their partners and our staff safe.

I can assure you that we haven't taken this decision lightly and have taken all elements of the scanning service into account when reaching a decision, and these remain under review, with a most recent review taking place last week. We have considered testing for women and their partners in this review and based on advice from Infection Prevention and Control and taking everything into account we are unable to alter the position at this time. The elements considered in addition to testing are:

- 1) The current COVID community activity in Jersey whilst reducing remains high and we still have community transmission - circa 300
- 2) The output of a documented health and safety workplace risk assessment using the Government of Jersey COVID 19 workplace safety plan to determine the safe working of staff
- 3) Only 1 full-time sonographer who can provide the full range of services, short of diverting consultants to do this work to the detriment of other services
- 4) One hospital and one maternity service in Jersey

- 5) The physical environment and our limited ability to maintain social distancing in the antenatal clinic as per the public health guidelines – for example: the antenatal clinic has one way in and out and therefore we are unable to operate a one-way system. The waiting area has minimal seating or space to physically distance patients and partners from others
- 6) The scanning room itself which has very little in the way of ventilation
- 7) Relocation of the scanning facilities has been considered, however, space is very limited at the General Hospital and the clinical equipment requires specific data ports.

We will continue to monitor the situation and when it is safe to do so will lift the current position.

10.22 Deputy M.R. Higgins of the Minister for Children and Housing regarding Islanders being evicted from their homes during the pandemic (OQ.15/2021):

Given the impacts of Covid-19 and the acute shortage of housing, especially for low paid and vulnerable members of society, will the Minister advise what actions, if any, are being taken to prevent Islanders being evicted from their homes during the pandemic, whether due to the actions of creditors or landlords; and state whether the use of hotels or sofa-surfing are considered viable policy alternatives to the prevention of eviction?

The following response was provided in writing in accordance with Standing Order 63(9) as the oral question was not asked before the end of the time allowed for Oral Questions:

A response to this question was provided during the period of Oral Questions without notice on 19th January 2021.

10.23 Deputy G.P. Southern of the Minister for Health and Social Services regarding non-Covid activity in the Hospital (OQ.17/2021):

Will the Minister update members on the activity that is taking place in the Hospital to address routine elective and urgent treatments; will he provide the latest waiting lists for surgery for December 2020 compared to December 2019, and state what alternative treatment, if any, is offered in the event of patients being turned away from the Hospital?

The following response was provided in writing in accordance with Standing Order 63(9) as the oral question was not asked before the end of the time allowed for Oral Questions:

From early December there was a requirement to cease routine elective operating in response to increasing Covid activity on the Island. However, operating on urgent elective patients has always been maintained, along with all emergency surgery.

As of 18th of January 2021, the hospital is recommencing routine elective inpatient surgical work. Routine daycase surgery was reintroduced in the week commencing the 4th of January for both urgent and routine cases.

At the end of December 2019 there were 2,511 patients on the Inpatient Waiting List, which compares to 2,637 at the end of 2020. The increase of 126 is not significant given that within the first wave of Covid, routine operating was not performed during April, May and June. Many Trusts on the mainland have failed to return to normal activity after the first wave and in the national news we read reports that it may take four years to recover their waiting list position to that of pre Covid.

During the first wave, inpatient waiting list peaked at 2,829 patients waiting surgery at the end of May, with the teams working exceptionally hard to bring it down to 2,637 by the end of December.

We must acknowledge that a number of patients have refused admission dates, telling us that they do not wish to have their operation until there is no Covid on the Island or because they are not prepared to isolate for the short period ahead of their elective admission. Whilst we need to respect islanders'

choices, this adds a further challenge for the teams when trying to select patients for admission and manage the waiting lists.

The teams within the hospital monitor our waiting lists weekly, ensuring that priority is given to urgent cases, reviewing individual patient cases with the clinical teams regularly. Each Doctor is sent their waiting lists on a weekly basis for their continual review and input. To assist with managing the lists we have adjusted our theatre timetables to support increased operating capacity for the specialities with the longest waits and where we have been able to we have undertaken additional operating lists.

We do not turn people away who need treatment. In terms of alternative treatment, this is not really an option. We cannot refer patients off-Island for routine care as most other healthcare providers have not returned to delivering the same level of care that they were pre-March 2020, so therefore have no capacity to support additional work.

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

The Bailiff:

I am afraid that brings the time allocated for questions to an end. Therefore, we move on to the 3 periods of 15 minutes. The first period of 15 minutes is for the Minister for Children and Housing, and Deputy Higgins has a question.

[14:45]

11.1 Deputy M.R. Higgins:

Given the impacts of COVID-19 and the acute shortage of housing, especially for low-paid and vulnerable members of society, will the Minister advise what actions, if any, are being taken to prevent Islanders being evicted from their homes during the pandemic, whether due to the actions of creditors or landlords, and will he further state whether the use of hotels or sofa surfing are considered viable policy alternatives to the prevention of eviction?

Deputy J.M. Maçon (The Minister for Children and Housing):

At present, no additional action is being taken to prevent evictions. The Government introduced emergency COVID-19 legislation about tenancies in April 2020, in part enacted as a temporary ban on evictions for rent arrears - and this is the key point - directly linked to a reduction in income caused by COVID-19. That is to say that evictions could still occur. The court's direction is still in place. There is a rigorous process that landlords have to go through before the court would entertain or accept an eviction at this time. As for the second part of the Deputy's question, sofa surfing and the use of hotels are not considered to be policy alternatives to preventing evictions. However, an officer may suggest this as an alternative to resolve emergency housing situations. These would only ever be for a short-term measure. When cases involve children, for instance, recommendations to reside in a hotel or with a family member may be suggested over homelessness. I would also point out that in a case where children are involved, if there is a case of homelessness and the officers are aware of that, they have a statutory duty to report that to child services as a safeguarding concern.

11.1.1 Deputy M.R. Higgins:

First of all, I am astonished by the last remark by the Minister, which I think is unacceptable. Is he aware of how many families are facing eviction at this time? I am aware of 4 and I have been sent an email just in this lunchtime giving me an indication of another 5. The first is going to court tomorrow. Others are at the end of the month and probably others in the first 2 weeks. What is the Minister going to do about this scandal, putting people out on the streets when there is a pandemic and there is not sufficient housing?

Deputy J.M. Maçon:

The emergency unit which was put in place early in the pandemic housed over 200 people during that time and the officer work continues should there be that situation. I am aware that there are evictions lodged with the courts. However, the stats that I have demonstrate that very few of them have been granted and many of them have been adjourned because again that threshold that I talked about, about landlords having exhausted all other measures being put in place, have not been met yet.

11.2 The Connétable of St. Helier:

Is the Minister aware of the recent refusal of planning permission for the Andium development on the Jersey Gas Works site, with 122 units of affordable housing, on the grounds of Neolithic burial remains far underground? What steps does he propose to take to try to keep this development moving forward?

Deputy J.M. Maçon:

Am I aware of the refusal? Yes, I have seen the media headlines. Have I had an opportunity to read the report from the Planning Committee to explain their reasons for refusal? I would imagine they might be much more nuanced and delicate than necessarily have made their way into the media. No, I have not had that opportunity. Do I continue to support this scheme and other schemes for affordable housing within the Island? Yes, of course, I do.

11.2.1 The Connétable of St. Helier:

Will the Minister not agree with me that the scheme is quite unique in terms of urban regeneration because it does not just provide housing for Islanders but it provides open space, it adds 50 per cent to the size of the town park and it also provides 150 public car parking spaces? If he has not done already, will he contact Andium to see what support he as Minister can give them?

Deputy J.M. Maçon:

Yes, I have not had the opportunity to contact Andium yet. Yes, of course, I will do. Am I aware that the particular proposal by Andium did reduce from an already granted planning permission the amount of housing units for affordable housing and open space, which is desperately needed within the north of town? Yes, I am. I think I might have missed another point of the Constable's question.

The Bailiff:

Well, I think that has to deal with it, however.

11.3 Senator T.A. Vallois:

The Constable has to a certain extent taken away my question, but I would like to ask the Minister on the basis of the issues with regards to the planning application for the north of Town whether or what his views are as Minister for Children and Housing as to the north of Town St. Helier youth centre, bearing in mind many discussions have been had around this, whether that would be an appropriate site considering the position we find ourselves in.

Deputy J.M. Maçon:

I thank the Senator for her question. As I said when I went into the ministership of Children and Housing that I supported the scheme for a youth centre within the north of St. Helier for all the very good reasons we are aware of. Whether it is part of this scheme or not, I believe the previous Minister for Children and Housing did try to incorporate that into the Andium scheme. Of course, I am more than happy to reapproach them now that these particular plans have been rejected to look at that issue again.

11.3.1 Senator T.A. Vallois:

If the planning application has been turned down and there is no other way for Andium Homes to go ahead with regards to the building that is expected, would the Minister pursue having a north of Town

youth centre in that part of town, particularly over the current gas container, to ensure appropriation for all the young individuals that are required to have the Youth Service provision that they have in our town areas?

Deputy J.M. Maçon:

While I would be keen to pursue that, I would need to check what the issues around property transfer were and it might start falling within the realms of Property Holdings and the Infrastructure Department. But I am committed to that particular project and wanting to see it to fruition.

11.4 Deputy R.J. Ward:

Given the 2 previous contributions, I will go into another area of questioning, but I am pleased to see there is a commitment made to the north of Town youth centre. Can I ask the Minister: given that the C.R.I.A. (Children's Rights Impact Assessment) that was referred to with the return to schools did not include consideration of the new variant or any new variants of the virus being present, does the Minister still feel that it is safe to return to schools and safe to have the processes that are going on in terms of lack of distancing and that we do not risk an outbreak of the new variant that has come from transmission through schools?

Deputy J.M. Maçon:

Do I consider that schools on balance of risk remain a safe place to be? Yes, that is the medical advice that we have been given ...

Deputy R.J. Ward:

That was not the question, sorry.

Deputy J.M. Maçon:

If I may be able to finish, I do believe that they are. I have sought further advice from S.T.A.C. (Scientific and Technical Advisory Cell) to examine the position of any particular variant. Some of the initial advice coming back is the department is already behaving as if it was there in factoring its plans.

11.4.1 Deputy R.J. Ward:

Thank you for that answer. Can the Minister elaborate on what it means that they are already changing their behaviour to deal with the new variant, given that there is growing evidence of increased transmissibility of it, particularly transmissibility between young people? There is definitely evidence in the U.K. of that.

Deputy J.M. Maçon:

That information is already being disseminated, I believe, to head teachers and through the work of our facilities management, and I am more than happy to pass that on to the Deputy so that he has that information.

11.5 Senator S.Y. Mézec:

Since taking office, has the Minister had an opportunity to meet with all of the social housing providers in the Island, and in any conversations with those has he discussed with them access to future sites to build affordable housing that are currently in Government ownership?

Deputy J.M. Maçon:

I have had an opportunity to meet with Andium as an introductory session. I think I have other social housing providers penned in for an initial meeting next week and I will take that opportunity to raise the question that the Senator raises.

11.5.1 Senator S.Y. Mézec:

In advance of that, and given the answer to the question that the Chief Minister provided me with, that since the move of the government offices to Broad Street, in fact, no sites have officially been handed over for affordable housing, would he endeavour to press this issue before that meeting with those social housing providers so that they can have great assurance that their Minister will be fighting to support them to deliver more housing that we so desperately need?

Deputy J.M. Maçon:

I agree with the Senator that the Island requires housing and that is across a range of tenures, not only in the social-rented sector, first-time buyers, open property market. I will endeavour to proceed as he requests. However, as I am sure he can perfectly understand, I am quite pressed for time juggling quite a few balls at the moment, but I will endeavour to do that.

11.6 Deputy K.F. Morel:

Just going back to the Gas Works site, would the Minister advise the Assembly as to whether he is aware that Andium Homes do still have approval for flats on the Gas Works site and any decision of the Planning Committee last week did not affect that approval, which remains intact?

Deputy J.M. Maçon:

I thank the Deputy for his question. I was not aware of that nuance and that was particularly why I was very careful not to comment on the Planning Committee's decision without having seen the full report. I appreciate that, as I sat on the Planning Committee for 12 years, there are often a lot of considerations which do not necessarily always make their way into the media.

11.6.1 Deputy K.F. Morel:

As a supplementary, is the Minister also aware that Planning Committee members were very keenly understanding of the need for housing but did feel that the destruction of a grade 1 listed place for the sake of car parking was the main reason why the second application, which does not affect the first live and approved application, was rejected?

Deputy J.M. Maçon:

I am absolutely aware that members of the Planning Committee take their role very seriously. They are well aware of the issues affecting Islanders, but I am also aware that when Members sit on Planning Committees they are acting in a quasi-judicial role and have to act within the policies of the Island Plan. Therefore, they cannot make a political decision to go ahead with it. They have to be able to justify the policies, and I thank the Deputy for pointing out some of the considerations that the committee went through.

11.7 Deputy G.P. Southern:

Given that the site proposed by Andium previously referred to was a second attempt where much more green space and much less dense accommodation was to be provided, will the Minister seek to persuade Andium not to return to its first attempt which contained much more high-density housing and no green space? Will he do his best to attempt to avoid that outcome?

Deputy J.M. Maçon:

I think it is clear that, following the decision of the Planning Committee, I need to have a meeting with Andium to discuss with them what way forward there is on the site. I note the Deputy's points and will take them with me.

12. Questions to Ministers without notice - The Minister for Economic Development, Tourism, Sport and Culture

The Bailiff:

Very well, that brings the period for questions to the Minister for Children and Housing to an end. We now have questions of 15 minutes for the Minister for Economic Development, Tourism, Sport and Culture. The first question is from the Connétable of St. Martin.

[15:00]

12.1 The Connétable of St. Martin:

Could the Minister for Economic Development, Tourism, Sport and Culture please outline what consultation he and respective officers have undertaken with the residents who neighbour sites intended for the production of medicinal cannabis owned or operated by firms recently awarded licences for commercial cultivation, as well as consultation with the Constable and conservation trusts of those respective Parishes, and whether he intends to make the consultation process, if there was one, public to justify the awarding of these licences?

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

The roles in relation to the development of the cannabis industry are split between Economic Development and the Health Department. The Minister for Health and Social Services is the licensing authority and the licences are agreed and issued through that department. There has been a lot of consultation with neighbours of these sites, but not so much consultation from my department of Economic Development. But I understand through the planning process in certain areas and with the owners of the premises and the businesses and the neighbours themselves that with the exception of one or 2 cases I am not aware of any significant problems in that area. Of course, the licence application process will want to ensure minimum impact on neighbouring properties to where across the Island medicinal cannabis might be cultivated and produced. It is certainly a gentle form of agriculture and, of course, in terms of growing specialist crops the majority of that will be carried out internally under glass, in specially built environments.

12.1.1 The Connétable of St. Martin:

As far as I am aware, there has been very little consultation with neighbours or parishioners. There has been absolutely no consultation with the Constable. I am aware that there was some consultation taking place last week where they assured some of my parishioners that the male Constable of the Parish was fully behind this business carrying on, and then the parishioners had to say that actually I am a female Constable, so obviously that was a mistruth. As far as I am aware there has been no ...

The Bailiff:

I am sorry, Connétable, this really does have to be a question.

The Connétable of St. Martin:

I have so many questions but I would just like to ask the Minister for Economic Development, Tourism, Sport and Culture whether he considers having 9-foot security fences on 2 sides of one of our small Parish roads inconsequential. It is going to look like some sort of prison area and I do not believe there has been enough consultation and I do not think there has been any environmental assessments. Does he agree that having 9-foot security fences will blend in with the countryside?

Senator L.J. Farnham:

I am not sure I know what or to where the Constable is referring. I presume she is referring to something in her Parish but I have no knowledge of any developments. In relation to fencing, that is a planning issue on the surface of it. Nobody wants barbed wire, 9-foot fences reminiscent of the German Occupation, but of course in reality in certain circumstances the fences and the protection of these facilities will have to and should absolutely blend in with the environment as much as possible. But these are planning issues and these have to be resolved through the planning process. But I would

like to invite the Constable to meet with me and my team. If she has a number of questions, let us sit down together and see if we can address them and provide as much help as we can.

12.2 Deputy I. Gardiner:

I would like to ask the Minister what preparations or plans the Minister put in place to create Jersey as a safe destination to travel during the coming summer.

Senator L.J. Farnham:

That is very much a work in process with Visit Jersey. Visit Jersey have worked hard in recent months to change the angle of their marketing, shall we say, in light of the COVID and to deal with the ramifications of COVID-19 and are very much promoting Jersey along those lines. Of course, it is challenging because we are not through this yet. The world has had a very difficult second spike and, of course, we just, touching wood, seem to be coming through that now very well in Jersey. But, of course, our tourism sector does not just depend on how well we do here. Before we start releasing or, shall we say, relaxing our border regime, we are very much dependent on the situation and the prevailing conditions in the countries from where our visitors come, namely the U.K. and neighbouring European countries. But I can assure the Deputy and Members that Visit Jersey are very advanced, they are very switched on to the challenges and are responding accordingly with some first-class marketing. I would invite Members to visit the Visit Jersey website and their social media pages to see exactly how they are dealing with this.

12.2.1 Deputy I. Gardiner:

There is a chance that the U.K. and mainland Europe will not be out of the woods by the summer. Does the Minister consider to engage with small jurisdictions with none or low cases and airlines as well to create a travel corridor to enable Islanders to travel and to boost our hospitality industry outside of usual standard connections that we have now?

Senator L.J. Farnham:

Yes, I think that is an excellent idea and I see it as not just necessary, I think it will be essential for us to do that as we move into the summer. We want to try and attract visitors to Jersey but only if it is safe to do so. I think when we look to our neighbouring Channel Islands and the other Crown Dependencies and perhaps some other regions that have very low levels of COVID-19, there are certainly opportunities to do that. Of course, we are also seeing vaccination programmes ramping up in many other countries so I very much hope that we will start being able to safely see a return for our visitors probably towards the middle to the end of the summer. But as the Deputy said, it very much depends on what happens around us and I do not wish to compromise the progress we have been making.

12.3 The Connétable of St. Brelade:

We learned from the national press on Saturday that U.K. courts have told insurers to pay claims for business interruption over COVID. Would the Minister confirm to Members whether or not he has had interaction with insurers to give support with any claim they may have had locally?

Senator L.J. Farnham:

I have not personally but I understand some work has been going on with officers. I also understand that some businesses have received support from insurance they have had but many have not. I do not have much more of an update at this stage, but it is a work in progress and we shall keep our ear very much to the ground on it. I am happy to update the Constable when we get more information.

12.3.1 The Connétable of St. Brelade:

Are insurance payments taken into account when making COVID support grants?

Senator L.J. Farnham:

I believe they are in certain circumstances but I would have to double check on the detail.

12.4 The Connétable of St. Helier:

Does the Minister share my concerns over the loss of yet more hotels in the Island? Does he feel we are going to have enough beds for tourists as the recovery that we are all hoping for takes place and people choose Jersey as a safe and exciting destination? What strategies does he have for replacing some of the lost beds in terms of new hotels?

Senator L.J. Farnham:

Of course, Members will know that we have seen significant loss in beds in the last 20 years especially, partially because visitor expectations have been changing as time has gone on. One of the most I think important changes for the tourism sector was the removal of the prime site policy from a previous Island Plan. That removed the necessity for hotels to stay in the industry and allowed those who wanted to to leave. That led to a significant amount of new investment in new hotels. We all know we have seen a number of new hotels and there are a number of new and modern hotels wanting to start up, and I think that is very much the future. Of course, it is a great shame to look at some of the hotels that served us very well in previous decades leave the industry, but in truth many of them at their own admission are a product now that visitors would prefer something different. Of course, we all know that the highest value for land use in Jersey is that for housing so we are losing some of these hotels to housing, especially those in the centre of town. Visitors tend to want views and beachside accommodation. Just moving on to the reduction in bed numbers, even with the announcement that we are losing some hotels, we are still going to be in the region of about 9,000 bed numbers and there is capacity at certain times of the year to make the industry more productive. We want to fill up those beds well into the shoulder months. So I still think with the loss of beds we will still have a very successful and more productive ...

The Bailiff:

Senator, I have to ask you to bring your answer to a close, I am afraid.

12.4.1 The Connétable of St. Helier:

The Minister will be aware that a hotel like the Mayfair with such a long and proud tradition of serving the Island's tourists is now earmarked for development. Would he agree with me that we do not simply have to accept that every hotel that closes is converted into housing? Would he consider looking at how owners of such buildings could be persuaded to have them redeveloped as new hotels?

Senator L.J. Farnham:

I agree, the Mayfair is a very long-established hotel: 507 beds, 222 rooms. That is a significant loss in numbers, but I would be reluctant to force owners of properties to be told what to do with their properties as such. Running a hotel can be a very profitable business but, of course, with the very high values of land I think it takes some doing to persuade hotel owners to stay in that industry when their property is potentially worth so much money. In addition, any significant investment in a new hotel, with the exception of some brands such as a Premier Inn, would be likely to be more steered towards perhaps a more scenic or quieter location, perhaps on the outskirts of town or on the coast. While we are seeing some hotels going, I feel confident that in the years ahead we will see a number of new hotels being developed which will be more, shall we say, sustainable for the future of tourism.

12.5 Deputy S.M. Ahier:

In the most recent report from the Jersey Gambling Commission, the chairman notes that the memorandum of understanding proposed by the commission has remained unsigned for another year.

Can the Minister inform the Assembly whether the M.O.U. (memorandum of understanding) has now been signed and could he explain why it has taken such an inordinate amount of time to do so?

Senator L.J. Farnham:

I have to say that while we have a very good relationship with the Gambling Commission and they are doing a very good job, their M.O.U., which is a request from them, is not top of my priority list at the moment. That does not mean to say it is not important. Clearly, had we not had to deal with COVID I think that would have been signed last year. I am hoping to look at that with the Assistant Ministers at some stage in the early part of this year and we will deal with it in due course. I would say, though, it is a memorandum of understanding and, as I understand it, it is not holding up any of the good work that the commission are doing.

13. Questions to Ministers without notice - The Chief Minister

The Bailiff:

That in effect brings the period of questions for this Minister to an end. The final 15-minute period is for the Chief Minister and the first person who has listed a question is the Connétable of St. Saviour.

[15:15]

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

As it has been nearly a year now, does the Chief Minister think that he did the right thing by locking us down, unlike Guernsey? If so, could he tell me what the benefits were for us Islanders in the last 11 months?

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

Yes, I think it is the other way around. We have not particularly locked the Island down in the terms i.e. close the borders. We have obviously had a hospitality circuit break, which is presently in hand, and then that was extended as of Christmas Eve and obviously we had the measures that we put in place in March. But we have not locked the Island down and I think the point I have said previously is that we are an open community. We have about 25,000 people, or did have, who are from mainland Europe and therefore we felt from the overall views of the community that the strategy we have taken has been beneficial. Unfortunately, the only way we will be able to assess the final outcomes, and it is not a competition this, I think is going to be in 2, 3 years after we come out of this when we will know what the long-term effects are from both mental health and the economic side as well as the direct impacts of COVID.

13.1 The Connétable of St. Saviour:

I said that we were not locked down, unlike Guernsey who was in lockdown, but I want to know what the benefits were to us Islanders. Because at this moment in time, myself and a lot of my parishioners are finding it very hard to find out what the benefit was for allowing the borders to stay open and to import, so please could you just tell me what the benefits are to the Island? Because in 3 years' time I might not be here at my age.

Senator J.A.N. Le Fondré:

It was about allowing us to have as many of all of the freedoms that we do enjoy as possible and within all that is the fact that Jersey ... sorry, to continue with as much normality as we have been able to. But that does include the connectivity that we have outside the Island and about allowing the services that we do use that are external and that includes allowing relatively - not perfect - a easier travel for students, for families with connections to the United Kingdom, with people who suffer bereavements, all those types of areas, and that is just naming but a few. To make those connections under a 14-day isolation period which is, as I understand it, what Guernsey are operating,

it would have been a lot harder. But, as I said, each jurisdiction, so Guernsey is different, may have followed what they considered to be appropriate for themselves.

13.2 Deputy M.R. Higgins:

Does the Chief Minister think it is acceptable for people to be evicted during the pandemic due to the shortage of public and private sector accommodation and will he consider a moratorium similar to those in England and even that proposed by President-elect Biden?

Senator J.A.N. Le Fondré:

As I think we have said previously, I know there is a particular case that Deputy Higgins is working on, I am certainly of the view that the courts, if it was an eviction, do take, particularly in present times, a much softer approach - I think that is the right expression - than might ordinarily be the case. It is difficult to comment because sometimes it very much depends on the circumstances and how much notice has been given and all those types of areas but, equally, we do need to recognise the difficulties that some families are facing. So it does depend on the circumstances within each case but we did put measures in place in March and April time, which have obviously subsequently expired. The question is, which is obviously one for the Minister for Children and Housing as well, is it the right time and are they needed to bring back when one takes the community as a whole into account versus perhaps individual cases?

13.2.1 Deputy M.R. Higgins:

Can I ask the Chief Minister again, and I do not like the idea of families having to be put into hotels or similar, but if they are having to be put into hotels, will he ask his Minister for Social Security to try and supplement their income? Because many of the people who are being evicted are the poorest in this Island or the lowest paid in this Island.

Senator J.A.N. Le Fondré:

Sorry, I was pausing about people having to be put into hotels. I am very happy to have a discussion with the Minister for Social Security to determine if there are any gaps in what we are providing at the moment which are COVID related.

13.4 Deputy I. Gardiner:

Our chief executive stood down more than 2 months ago, would the Chief Minister advise if his departure date has been estimated or assumed or finalised? If yes, what date has been estimated or assumed or established?

Senator J.A.N. Le Fondré:

I am very cautious around, as I said, dealing with H.R. issues and employment matters but we have previously indicated that we want to make sure there is an appropriate handover period between any incoming interim position and the outgoing chief executive. At the moment that is not envisaged to be any later than the end of March.

13.4.1 Deputy I. Gardiner:

Chief Minister, it is a common practice for a deputy to be in place in case of emergency. What succession planning was put in order to deputise for the chief executive to allow transition to be managed without an interim chief executive while the new appointment will be made?

Senator J.A.N. Le Fondré:

Apologies, the Deputy broke up, certainly on my laptop, in the last 10 seconds of that question.

Deputy I. Gardiner:

I will recap. There is a common practice for a deputy to be put in place in case of emergency for the chief executive. What succession planning was put in place to deputise for the chief executive to allow transition to be managed without an interim chief executive once the new permanent appointment will be made?

Senator J.A.N. Le Fondré:

Again, I am cautious around getting into H.R. matters here. States Employment Board, this is from recollection, did consider this and the view was that the better approach, given the matters facing the organisation and particularly in the middle of the COVID pandemic as well, was to bring in an interim.

Deputy I. Gardiner:

I am sorry that I am interrupting, it was not about specific H.R., it was a general question if the C.E.O. (chief executive officer) has a deputy and if it could be deputised.

The Bailiff:

Well I am sorry, Deputy, I understand but we really must move on otherwise we will run out of time and there are other people who are looking to ask questions.

13.5 Deputy L.M.C. Doublet:

I ask a question that cuts across several different departments; therefore, it is for the Chief Minister. Can the Chief Minister recognise the importance of education that takes place before school age, such as toddler classes, and also education that takes place in after-school clubs such as swimming, music and dance lessons, and outline how he will ensure that these educational activities can take place in their appropriate venues, please?

Senator J.A.N. Le Fondré:

I understand exactly the question that the Deputy is asking and there is no easy answer on this. We are continuously balancing the issues around trying to keep the freedoms that we can enjoy while limiting the spread and that is why the premise was to go for obviously full-time education. The issues around dance classes and swimming, the problem we have, and we see it all the time, is as soon as one makes one exception we then get more and more exceptions being asked for, and therefore the principle of trying to suppress the virus as we are going at the moment then gets significantly weakened. So, while the Deputy is being eminently logical and very sensible in her question, I do not have an easy answer in saying that we can yet release the classes she has talked about, recognising all the points she has made, but again it always based on the advice that we get from the medical professionals taking the whole thing into account and we have had that debate previously. But competent authorities are meeting tomorrow to determine the next steps. I do not know if they will be in that step or if they will be then considered in the next one.

13.5.1 Deputy L.M.C. Doublet:

Can the Chief Minister give some reassurance that these sorts of activities will be allowed to recommence before activities such as visiting pubs and non-essential shops, please?

Senator J.A.N. Le Fondré:

The latter absolutely; the former this will be a matter for competent authorities. It is all about overall impact within the community but I am also aware that this matter is being looked at.

13.6 Deputy R.J. Ward:

I have a question that came from a constituent I said I would ask and I will paraphrase; it is probably best to. Can I ask the Chief Minister why the Assembly is still virtual and does he believe this is

because it is unsafe for us to meet in person, in particular when schools are physically in attendance and other key workers are face to face with people day to day?

Senator J.A.N. Le Fondré:

Part of it is around the whole issue of gatherings, so in other words, the Assembly has 49 in a very close, confined space being one of the issues, but in general we have gone through this debate a number of times and we have talked about the overall balance of the harms. We have also talked about if we use education as the area that the risk to date in Jersey of transmission in the educational sphere is less than what we have been seeing in the community and therefore the risk is low versus the damage that is caused by not having the schools open. That is the fundamental principle we have been sticking to and that is very clearly, as we all know, and it is hugely difficult, based on the advice we have received. I will say I did visit one of the primary schools last week with the Minister for Children and Housing and it was really great. The reaction of the children particularly was really heart-warming as to why. They were so pleased to be back in that safe environment. That is all around (a) long-term benefits of education and (b) also the mental health side.

13.6.1 Deputy R.J. Ward:

I will just check with the Chief Minister then that he remains confident that the return to school is safe for students, for teachers and for the wider public and he will maintain that position.

Senator J.A.N. Le Fondré:

To date I remain confident. We monitor this position very, very regularly and that is why, for example, the extra measures and the testing regime is being trialled I think this week and then will be rolled out further. Those are extra measures we have put in place, and that is the testing regime in the schools, and so we monitor regularly and obviously we want to assess the impact of the opening of the schools as well. That is one of the deliberations that is going on in discussions during the course of this week but to date I remain confident.

13.7 Senator K.L. Moore:

As the Government finalises its extended payroll support at further cost both to the public purse and also in terms of the well-being to those struggling business people and their staff, will the Chief Minister acknowledge that (1) elimination is still possible as an alternative strategy and (2) that he will give serious and careful consideration to an alternative strategy in order to allow our internal economy to reopen within the shortest timeframe possible?

Senator J.A.N. Le Fondré:

I need to clarify the question. When the Senator refers to an alternative strategy, is this the one that she, Senator Pallett and the Deputy of St. Martin emailed to a number of people, including the Chamber of Commerce, approximately 2 weeks ago?

Senator K.L. Moore:

Yes, the Chief Minister is aware of an alternative proposal and also the elimination strategy as proposed by Deputy Perchard some months ago.

Senator J.A.N. Le Fondré:

The proposal that was certainly emailed to myself has been forwarded to S.T.A.C.

[15:30]

It is my understanding they were looking at it yesterday and I will await their response. My initial view, and I emphasise this as a layman, as it were, was that the requirement to ... essentially one cannot force someone to take a test and I think that may be the flaw in the requirement that was being suggested. In terms of elimination, I think where we are is we are rolling out the vaccination

programme, that is going exceptionally well, and I think that has got to be our focus rather than changing horses in mid-stream.

APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS - resumption

14. Appointment of Members to the Economic and International Affairs Scrutiny Panel - resumption

The Bailiff:

That brings the period of questions for the Chief Minister to an end and that concludes all of the periods allocated for questions. Before moving on to public business, I understand, Deputy of St. Mary, that you would like to resume with the proposition to fill the vacant membership of the Economic and International Affairs Scrutiny Panel.

The Deputy of St. Mary:

Yes, please, Sir.

The Bailiff:

You are proposing, I think, the Deputy of St. Martin and Senator Pallett, is that correct?

The Deputy of St. Mary:

That is indeed correct.

The Bailiff:

That was already seconded. My understanding I think was that the proposition proposing Senator Mézec had now been withdrawn with his agreement, is that correct?

The Deputy of St. Mary:

I am informed by Senator Mézec that he was not aware that he was being proposed and he, for the moment, does withdraw that, yes.

The Bailiff:

I cannot recall who proposed Senator Mézec and I wonder if that could be confirmed.

The Deputy of St. Mary:

I think it might have been Deputy Higgins.

The Bailiff:

Indeed, I think it was Deputy Higgins. Deputy Higgins, do you confirm that position?

Deputy M.R. Higgins:

I have not been consulted. Mind you, I did not consult Senator Mézec when I put his name forward but ...

The Bailiff:

Well I think it is a bit difficult to put someone forward for a job if they do not know you have proposed them.

Deputy M.R. Higgins:

Well he had indicated in his speech that he would be prepared to sit on the panel and therefore I thought it was fine. However, if he and the Deputy of St. Mary have both decided they cannot work with each other, then I will withdraw it. Thank you.

The Bailiff:

Well I am not sure that is a necessary assumption to be taken from the fact that there is that but you do withdraw that. Very well, are there any other nominations? Senator Mézec, I think I should afford you the courtesy of being able to speak, given that your name has been bandied about.

Senator S.Y. Mézec:

Yes, it was just to confirm that I spoke to the Deputy of St. Mary over the lunch break and he has decided an immediate way forward on this with it potentially being open to working together in future and that is clearly the best way to proceed rather than have me forced on to the panel on terms that are not necessarily clear.

The Bailiff:

Thank you very much indeed, Senator, so that makes the matter clear. Then I ask again, are there any other nominations? If there are no other nominations, then I declare that the Deputy of St. Martin and Senator Pallett are members of the Economic and International Affairs Scrutiny Panel.

PUBLIC BUSINESS

15. Draft Amendment (No. 51) of the Standing Orders of the States of Jersey (P.161/2020)

The Bailiff:

Very well, we now move to Public Business. I will remind Members that we are operating the time limits for speeches which the Assembly approved on 7th October and the Greffier will ring the famous bell now when the time is up. The first item of public business is the Draft Amendment (No. 51) of the Standing Orders of the States of Jersey, P.161, lodged by Deputy Wickenden. The principal respondent will be the chair of the Privileges and Procedures Committee, I ask the Greffier to read the citation.

The Greffier of the States:

Draft Amendment (No. 51) of the Standing Orders of the States of Jersey. The States make the following amendment to the Standing Orders of the States of Jersey under Article 48 of the States of Jersey Law 2005.

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

So we will try this one again. I am bringing this amendment to the Standing Orders of the States of Jersey to improve and strengthen the independence of our system of Scrutiny and to improve public confidence in the system. My objectives in lodging this proposition are solely to enhance our procedures and make them stronger, involving clear structures of accountability and to ensure better public perception of those procedures. Currently within our Standing Orders it is possible for a political party to have one of their members be a Minister and another to the chair of a Scrutiny Panel that reviews the said Minister's policies. I believe that this weakens the public perception of Scrutiny as the independent critical friend of Government and undermines trust that Government Ministers are being held sufficiently to account and that their decisions are being appropriately and properly challenged. In this amendment I am asking that we change Standing Orders specifically to Scrutiny Panels and the Public Accounts Committee so that any Member would not be able to be the chair of a Scrutiny Panel if they are simultaneously in the same political party as any of the Ministers set out in Standing Orders 120 and that Members cannot be the chair of the Public Accounts Committee if any Minister is in the same political party as that Member. I have just left this to Scrutiny chairs and not to Scrutiny members. Scrutiny chairs and panels, unlike panel members, have the ability to call in draft legislation for scrutiny that are lodged by the Ministers they hold to account. Additionally, they are able to set the tone of reviews as the author of the foreword and are publicly seen as the face of their respective panels. Really, what I saw here, and when I was looking at this, the reason I have brought this amendment, is I was looking at our procedures. If I gave a hypothetical and said that we had a political party in the next election that put a lot of people forward and won a lot of seats and

they won a majority, currently within our Standing Orders it would be possible for that political party with a majority to elect in all the Council of Ministers and at the same time put all of their party members in as Scrutiny chairs because of their sheer voting power within the Assembly. I just do not think that is right to hold the checks and balances as well as the policy-making decisions within the framework of our current Government, which is why I brought this proposition and the changes to the Assembly to say this is how I feel and ask Members of the Assembly if they feel the same way too. With that, I am going to propose my proposition. Thank you very much.

The Bailiff:

Is the proposition seconded? **[Seconded]** Very well, then I open the debate. Senator Mézec, you have indicated a desire to speak.

15.1.1 Senator S.Y. Mézec:

I have got the Hansard up in front of me from the last time we had this debate and it is tempting to just read the same speech out again but I will not put Members through that. I have to say that I think it is disappointing to be back in this position again because the facts have not changed at all since the last time this was before the Assembly, those facts being that this is not a good proposition, that it is based on misunderstandings and the P.P.C. comments which have been lodged to the original version of this proposition make clear in the report that it is littered with factual inaccuracies and misrepresentations of how the situation works in other jurisdictions and that is all still true. But there is a better way forward to deal with the issue that Deputy Wickenden alluded to. He talks about making sure that there are safeguards in our processes to ensure that Scrutiny is defended and upheld as an important part of our parliamentary process and that we can have confidence that it is being done without fear or favour and it is being done objectively. Obviously, we will support that aim and that is the right thing to do. His proposition is flawed for what it does not include and to uniquely make this imposition on members of political parties is to treat one category of the Assembly as second-class Members, which is clearly unfair, but it misses the point that there are plenty of other ways that the objectivity of Scrutiny could theoretically be undermined depending on who held positions of chair. It is not just the case that party colleagues will work closely together and be associated, certainly in the minds of the public, together but it is the case that they are making Members of the Assembly who are related, who are known to be very close friends or, and this is the case for Deputy Wickenden, who were elected on a joint electoral platform with other Members. Now none of that is wrong in itself. I certainly believe, certainly within my memory, that those who have held the positions of chair have, without any exception that I can recall, conducted their roles properly and whether there were any concerns behind the scenes or not that I am not aware of, that would have been dealt with by the other members of the panel holding their chairs to account and the officers, who would presumably step in and advise members purely in an objective way if they were crossing any lines in terms of code of conduct or impartiality. So it is weird to impose it on one category of Member and it is not in line with best practice in other jurisdictions and the reasons he gave for this in his report have been dispelled by Privileges and Procedures Committee. As the leader of the only party that is represented in the Assembly, I think that there is a smarter way forward on this issue because it may, to some, feel like a bit of a novelty that there is a party in the Assembly but we have demonstrated over 2 elections that we are not going anywhere. If the public are happy for at least a number of us to remain in the Assembly in future then that is down to them, not down to the Assembly, that, rather than adopt this proposition which prescribes something weird and unusual in isolation with no reference to any of the other issues that could arise, a better way forward is to reject this proposition and instead vote for P.166, which is on the Order Paper for later today which I have lodged, which says openly that the Privileges and Procedures Committee should investigate and bring forward amendments that are appropriate. This is the key word there, appropriate to Standing Orders to account for the fact that in future there may well be some Members of the Assembly who are associated with a political party and that if there can be a framework that is put in

place that is clear on what the roles and responsibilities of those elected States Members are, without giving them a privileged position in the Assembly, but also without infringing on their ability to do the job that they were elected by the public to do, then that is a more sensible way forward because it can be a holistic approach, look at the other issues.

[15:45]

Because it is not just Scrutiny that some might want to pick an issue with, there can be other things as well that ought to be looked at properly. I guess the backdrop to this is in the very first part of Deputy Wickenden's amendment to Standing Orders, he has to put in the Standing Orders the definition of what a political party is because currently it is not even in the Standing Orders. There is no reference to it whatsoever and it is the case that another political party could form tomorrow and not meet the definition that he is putting in Standing Orders because they choose not to register with the Royal Court immediately. Right now, if a party registers with the Royal Court, it only offers them one tangible thing and that is to have the name of a political party on the ballot paper. That is literally the only thing a party gets from registering with the Royal Court. So, some may ask: "Well why bother registering at all then?" or we could theoretically register in order to fight an election and then de-register immediately afterwards so that we could go the next 4 years without having any of these rules applied to us, without having to submit our accounts to the Royal Court and all of that, and we would be better off for doing that but that is clearly wrong and inappropriate. There are also no procedures in the Assembly or in the offices of the Greffe to recognise who is or who is not a member of a party. There is no requirement to submit membership lists, there is no requirements on me as the parliamentary leader of the party to divulge any such information or say who has the whip or who does not have the whip or anything like that. So, none of this is taken into account, it is one issue in isolation, badly presented with misinformation underpinning it. I ask Members, let us do this in a more sensible way because we, as the only existing party, are more than happy for us to be held to account to important rules and standards that meet best practice, that tell us what our responsibilities are as Members of the Assembly, what the demarcations are, what is inappropriate for us to do. We are more than happy to abide by all of that but it makes more sense for it to be done in a holistic way with a proper investigation led by P.P.C. so that it would be impartial, that by the end of this year can bring forward those changes and say: "Right, this is what parties can and cannot do when they are in the Assembly" the whole package and that, to me, seems like a much more sensible way forward. So I ask Members to reject this proposition and instead support P.166 shortly which I think provides a much more sensible way forward.

15.1.2 Senator K.L. Moore:

I am pleased that this debate is taking a swifter and so far more congenial tone than it did last time. At the heart of it Deputy Wickenden is suggesting that the current procedures weaken Scrutiny yet he has provided no specific evidence as to his particular concerns in that respect. As Senator Mézec has outlined, he has brought P.166 which will seek to confirm how best political parties, which will inevitably develop in the space between now and the general election, should form and be managed within our Assembly structure. But it is of absolute importance that the Scrutiny process is an objective process, it is one that is carefully set out and well understood along with the terms of engagement that are agreed between the Government and the Scrutiny Liaison Committee and all Scrutiny members each term. It is my feeling that all members of Scrutiny have participated wholeheartedly during this Assembly and officers have demonstrated a significant commitment to their work and have coped with a very responsive group of Scrutiny members who are keen to properly do their work with gusto and great dedication, as we have seen a great rate of work within the Scrutiny panels, which is to be commended. I have no concerns as president of the Scrutiny Liaison Committee about any such conflicts. Accountability and transparency are of course of paramount importance within any Government's framework and if I may offer the Assembly an example of the seriousness with which Scrutiny takes the rules that are there to govern us, it is very

clear that the Scrutiny minutes are all shared publicly for all to see if they so wish whereas perhaps the Government is not meeting its part of the bargain at this time. We have the Council of Ministers' minutes, the competent authorities' minutes, the Emergencies Council minutes and also the S.T.A.C. minutes that are not properly recorded and openly either for Scrutiny members or for the public to see as requested. So, I would respectfully recommend that the bringer of this proposition might focus, as a Member of the Government, on strengthening the processes of his Government rather than seeking to pursue this proposition any further. I will not be supporting this proposition; however, I will wholeheartedly be supporting the proposition of Senator Mézec when it does come. With that, I hope that we will swiftly despatch this proposition.

15.1.3 Deputy L.B.E. Ash:

I believe I owe it to the Assembly to speak in this debate because I feel that I am partly to blame for the controversy that this topic appeared to generate last time as it was myself who nominated Deputy Ward for his role as a Scrutiny chair. This was partly because he was a teacher and I felt he fitted the role well and, of course, partly because I did not know him very well at the time. But on a more serious note, I do feel that this controversy should never have become a personal matter and I am sure no one would cast any aspersion in the direction of Deputy Ward. From where I observe, he has acted in the very best traditions of the role. He is also a man who has personally shown excellent judgment, not least in choosing to support Leyton Orient rather than the somewhat unsavoury alternative of West Ham United. But this is not about Deputy Ward, this is about: should we allow a situation to exist where there is a potential for conflict of interests? The role of Scrutiny is deemed to be that of a critical friend. I have of course realised that at times this has strayed from that concept and the only occasion it would be the case were should one's critical friends number Ronnie and Reggie but the principle still stands. Let me leave you with the one thought that was raised by Deputy Wickenden that I think is very worth considering: should we in the future of the Assembly have a party that enjoys an overall majority it would be possible for them to vote in party members to every single Scrutiny chair position. Would that be a desirable situation for this Assembly to find itself in? I personally think not.

15.1.4 The Connétable of St. Ouen:

Before I start, I would just say I listened with great interest to Senator Moore's speech and the principles she outlines I would agree with, they should apply equally to both Scrutiny and to Government, and she is entirely right to make that point. The last time this was debated this proposition stirred up a lot of emotion, quite unnecessarily, in my view. Corporate governance, due diligence and the management of conflicts and management of interests, perceived or real, are something that in a lifetime of working in financial services and of having served as a director of a regulated entity are second nature to me. One quickly learns that the perception of a conflict and the effective management of same are paramount. A protest should not in any way be seen as personal and to interpret it as such is not, in my view, either correct or realistic. Indeed, the reverse is in reality true as such guidelines are there to protect individual office holders from such accusations. With appropriate safeguards and segregation of duties and responsibilities, accusations of bias or favouritism in any decision can have no realistic basis and are entirely defensible even against the most cynical critic. This proposition does not preclude any Member who is also a party member from sitting on a Scrutiny Panel, even if that panel scrutinises a Minister who is also a member of the same panel, but it would not allow a party member to chair any such panel and this, to me, makes sense. In the previous debate, there were suggestions in a particular situation cited that this cast doubt over a Member's integrity; however, to suggest this is to entirely miss the point. One needs to look at the issue from a perspective of a neutral party. Neither side of the equation, i.e. the Minister or the Scrutiny chair, can be perceived, and that is the important word, as impartial because both are members of the same party and have an agreed manifesto position on any issue or policy. In reality, we of course know that both will act with complete integrity but it is their role and not the individual

with a potential conflict which is less than ideal and indeed is the very issue that this proposition seeks to address. To cite a rather extreme example to put this into a rather clear context, similar conflicts exist in the Honorary Police. A Centenier cannot process the prosecution of a case either at Parish Hall Inquiry level or indeed subsequently if the process leads to the Magistrate's Court if that Centenier is the investigating or the arresting officer. It is not that anyone thinks the Centenier will not act with integrity, it is the perception that counts, that of complete objectivity and impartiality. As I said, this is an extreme example but it does clearly illustrate the clarity with where the issue lies. So I am in support of this amendment, not least because it provides a degree of protection to party members who find themselves in this situation and it also ensures that the Scrutiny process recognises and manages perceived conflicts of interest and is seen to do so. So I will support this amendment and indeed I will also support Senator Mézec's rather widely-cast proposition on the same issue because I think it is a good proposition and seeks to achieve broadly the same thing.

15.1.5 Senator T.A. Vallois:

I am grateful to follow the Constable of St. Ouen for a number of reasons. I think we are at a juncture in terms of where we are with regards to machinery of government. The reason why I say that is because listening to both Senator Mézec and Senator Moore and some reference to the terms of controversy, I do not think this needs to be seen as controversy. So, there is an issue that we have with regards to party politics, which Senator Mézec has referred to in his proposition that he is bringing forward. Conflicts of interest are something that is mentioned time and again but not necessarily referred to in a way that we all comply with. I have to also refer to the fact that any Member standing for a position for chair or for a ministerial position is agreed for by the States Assembly. The Constable of St. Ouen referred to management of due diligence and perception of conflict which is extremely important, particularly in roles that we observe in terms of public life. From my perspective, and I am grateful to Deputy Labey for nominating me and being appointed to the Privileges and Procedures Committee today to look at machinery of government because, going forward, if we as a States Assembly agree that machinery of government is the right way forward for this Island and the right way for us to represent our Island in the way that we see fit, then many of these things are going to have to be continuously considered in a respectable, objective and evidence-based way, not because we see others whether they are part of a party or whether they are partly friends or whatever that might be, in which people term their speeches on. The issue that I see here, I respect Deputy Wickenden for bringing this, because it raises issues in a wider context around where we are moving in terms of our representation as a democracy to the public that we represent. So, Senator Moore referred to the objectiveness of processes with regards to Scrutiny, absolutely totally and utterly agree with that, and it is extremely important that we do recognise that. But conflicts of interest, whether that is within the Council of Ministers or whether that is the civil service or whether that is within Scrutiny, it has never been resolved in terms of understanding perceived or actual conflicts of interest. Determining that in the right way I think is important to assure, not just ourselves as a States Assembly, but also as the public that we recognise the perimeters that we work within to assure the trust and confidence that we work for the public. I am not sure whether there are any other Members willing to speak. I recognise what Deputy Wickenden is trying to achieve here but I think we are on a pasture in terms of machinery of government where we are moving towards more party politics.

[16:00]

Whether I personally agree with that or not, this raises some questions, in particular about how we move forward with what we do in terms of governing our Island, conflicts of interest, management of due diligence and assuring trust and confidence among our population that we represent as representatives to make the right decisions for our population.

15.1.6 Deputy R.J. Ward:

I thought I would speak earlier, and I do not know how many people will speak, I remain disappointed that this proposition has been brought to the Assembly and when it was initially debated, it did indeed make me very angry. I would like to apologise to the Assembly for showing it; it is not the way to represent your constituents and, therefore, let us look at this in a more considered way. I see the proposition has the possibility of debate in 2 different levels. The first is a really simplistic level of association of 2 roles and by default seeing a lack of integrity and professionalism in a person who may take them on. It is a classic strawman argument that drives this form of simplistic and misguided debate. A strawman fallacy occurs when someone takes an argument of point, distorts it or exaggerates it in some kind of extreme way and then attacks the extreme distortion as if there were absolute reality in the claim they were making and that is what we have seen. I think we have seen a slight example of that in one of the previous speakers when we talk about this is a good way for people to be protected. This is a strawman proposition. It is full of unsubstantiated suggestion and inaccuracies. Indeed, the original comments paper on P.143 stated: "Deputy Wickenden has not provided any evidence of how public confidence in the Assembly or Scrutiny system has been diminished because Deputy Ward leads the panel scrutinising the work of the Minister for Children and Housing." This is where we are at in a simplistic level with this debate but we need to move beyond this simplicity as this proposition will have implications for the nature of Scrutiny and the Assembly. It seems that the proposer does not understand the role of Scrutiny, the processes surrounding it and the interdependency of Scrutiny of individual members, Scrutiny officers, the Greffier and the agreed processes that underlie Scrutiny itself. I have several concerns regarding the purpose and implications of this proposition and it is difficult to ignore the personal effect it would have had on myself. The change to the Minister came after this proposition and so the personal nature of this proposition still disappoints me. At no time did the Deputy approach me to discuss what he intended to do regardless of the implications which would have been immediate and I would have been removed from position. This proposition seeks to ban members of a declared political party from chairing a Scrutiny Panel that has another member of that party as a Minister. There are significant consequences to this. I have to give a context as the detail is vital in a deeper discussion. The only Member of the Assembly this will have affected is me. The proposition came into effect immediately, meaning I would have been removed from the chair of Children, Education and Home Affairs Scrutiny Panel, this is the scrutiny of 3 separate Ministers, without any opportunity to respond. It seems the procedures in place in Standing Orders when removing Scrutiny chairs would have been ignored. Any panel is made up of Members from across the Assembly. Any declared party membership or not is not relevant to the panel. As a chair of a panel, you must be elected by the Assembly. Any concerns regarding allegiance can be questioned during this time and Members can vote accordingly. Indeed, the Ministers themselves cannot vote in that election. I would like to ask as well, the Deputy, what he thinks the role of the chair of the panel is. Does he really think that the entire thoughts and actions of the panel can be controlled by the chair? I have been on a panel with Deputies Doublet, Higgins, Pamplin and Pointon and previously Deputy Huelin and, with greatest respect, good luck in telling these elected Members what to do. I have also worked on a number of panels with Members from across the Assembly and I believe I did so in the spirit of Scrutiny and left my party allegiance behind in doing so. Scrutiny is a process accompanied by several regulations and procedures. For example, any Scrutiny review has a full set of terms of reference that need to be agreed with the whole panel before moving forward. They are specific and they are the actions of the panel. They must further be agreed by the Scrutiny Liaison Committee, a second check in the process. Scrutiny panels are overseen by the Scrutiny Liaison Committee that is set up to ensure processes are followed, currently chaired by Senator Moore. The outcome of this proposition is to question this panel's ability to oversee work, not directly but by suggestion. Panels scrutinise more than one Minister. Should this proposition be agreed, an elected Member would have been banned, and not just for a fellow party member, but from chairing a panel of non-party members. The change of Minister does not change this implication. All party members will be banned from chairing P.A.C. if any member of the party is a Minister. Should future parties be created, this could

create a significant problem for this key post. At no time had there been any issues raised over my conduct as chair. Indeed, we heard from the head of P.P.C. who stated publicly in this Assembly that the review into teacher recruitment and retention was the best report he had ever read. In the June sitting of this Assembly, Scrutiny Liaison brought an amendment to Standing Orders to add the Minister for Children and Housing to my remit. It was voted on 40 *pour* and zero *contre*. I note that Deputy Wickenden was absent and did not vote. Before this, the only Scrutiny undertaking of the Minister for Children and Housing was via the review panel set up to look at the response of the Care Inquiry. Meetings and hearings of this type of panel are not compatible to normal Scrutiny Panels, so when the time came to change that scrutiny and make it more in depth, it came to the Assembly and it was clear as to what would happen and there was not a single contrary view. Why that was suddenly changed now, I do not know. Questions planned or agreed by the entire panel before any hearing of the Minister, they are shared out to be asked by any member of the panel, that is the way I run the panel anyway, and any member has the freedom to add questions and follow up with further questioning in the hearing. Indeed, that is a vital part of the hearing and I would say we hope in Scrutiny that Ministers are just a little bit anxious about sitting in front of us, even though we are a critical friend. The question topics, the general subject areas, the headings, if you like, for the paragraphs, are sent to all Ministers across panels because otherwise there is no preparation and it is not a particularly useful Scrutiny process but that is as far as it goes. I think that element of Scrutiny has to be maintained and should be by everybody. I have never had any suggestion from a member of the public, a panel member or a Member of the Assembly that my party membership has shown in any hearing. I have great personal disappointment in the question of my integrity in this role and, regardless of what Constable Buchanan says, and I think what he is doing is convincing himself of something that does not exist, it does question my integrity as a Scrutiny chair. I work tirelessly and commit a significant time to the role. Reviews have been thorough and produced numerous recommendations that are challenging to all Ministers. This included amendments to decisions made by the Minister for Children and Housing in the last Government Plan, which was subsequently agreed by the Assembly and changed track of that Minister. I have worked collaboratively with Members from across the Assembly on the panel which do not include any other Reform Jersey member. As for this notion that if a party had so many people elected they would take over Scrutiny, we are so far away from that, and I think the better option is to do exactly what Senator Mézec is doing, and very openly doing, is saying we need P.P.C. to look at that possibility in those rules, and I would absolutely agree with that. I will come back to the simple reason why that is the case at the end. So I see this proposition as badly considered. I am afraid I do see it as a slightly personal attack, which I cannot account for and why this would be the case. I suppose that is the rough and tumble of politics we need to ignore. The comments paper from P.P.C. outline several factual inaccuracies in the accompanying report to the proposition and there is an irony that such a report would never have passed the fact-checking process in Scrutiny. There seems to be a lack of understanding regards the independent role of Scrutiny governance as a process. I would suggest there is a very good course offered by the C.P.A. (Commonwealth Parliamentary Association), the Advanced Certificate in Parliamentary Governance, that addresses these and many other issues of governance. I know that several new Members have been undertaking this study and I humbly suggest that Deputies and people look at this course because it does open your mind to this. I urge Members to look at the C.P.A. benchmarks for Parliament. If there was a feeling that we need to discuss the role of parties in our Assembly, let us do that, but in an intelligent, informed and constructive way. Indeed, in discussions I have had with politicians from around the world during the course, our Scrutiny process is robust with key features that are a model for others, one being the importance and clarity of roles in Government, the need for clearly-defined opposition and the need for clearly-defined Scrutiny roles. They are separate and they must remain so but if they exist we have stronger governance because everyone is held to account. But why attack political parties? The most transparent alliances are from Reform Jersey members. We have declared our party in the Royal Court, you know the Members in this Assembly, the manifesto was to run in the 10 key areas we will pursue. Whether

you like the notion of parties, whether you like Reform or whether you like individual Members is irrelevant in a debate. This is important. This is about whether you believe that independent scrutiny is possible or not and whether arbitrary barriers will be put in place to formally say that. Be careful what you vote for, how far we have to go in declaring of alliances. Will we inevitably ban chairing panels for those in some way who went to school together, who are Masons, who stand together on the election platforms, appear on collective election posters but not declared as a party, friendship groups, those who attend the same church. I am being careful now because I am straying into the areas of the strawman debate. The answer is no because Scrutiny is a process that requires objectivity and cross-party or Assembly working. There is a process available if that process is not working. It is called a vote of no confidence in the Scrutiny chair. If the Deputy has concerns over mine or any other Scrutiny chairs' conduct, bring a vote of no confidence with evidence and a reasonable argument. This proposition is neither of these. We must strive to improve the transparency, objectivity and professionalism of Scrutiny. This proposition is not the way to do it and in fact offers a genuine threat to the process working. Staffing Scrutiny Panels and having committed chairs could become almost impossible should other parties be formed or other areas of allegiance must be declared as mentioned above. There are far more important areas to be worked on at the moment. I know the Chief Minister is a scrutineer, an active scrutineer in a previous Assembly, and I am sure he understands the argument that I am making. I would not want to see this as an attack on Scrutiny. I asked before, the Deputy to withdraw this, but he did not come back, so there we go. I would say that if he does not believe that anyone is working with integrity or indeed any other chair is, bring a vote of no confidence with evidence and have the Assembly vote on the outcome. Failing that, I urge Members to vote overwhelmingly against this proposition, support Scrutiny in its work it does and do not allow Government to undermine a process of Scrutiny with actions in this way. Indeed, let us look more widely at the role of political parties together with using the vehicle we have, which is P.P.C., as we move forward. I urge Members to reject this proposition.

15.1.7 Deputy K.F. Morel:

Thank you to everyone who has spoken so far. In the last speech there are a lot of mentions of that phrase "strawman argument" and I cannot help but think that the strawman argument in play there was that this is a proposition about Deputy Ward. It is not a proposition about Deputy Ward and to suggest so I think is a strawman argument. For my mind, this is not about Scrutiny today, this entire proposition is about Scrutiny tomorrow and in the years to come because I believe Senator Moore mentioned the likelihood of political parties emerging in the future. Certainly electoral reforms do suggest that there will be a stronger likelihood of political parties forming in the future. So, I think it is right that we look at the effect of political parties, or the potential effect of political parties on Scrutiny which, following my 2½ years in Scrutiny, there is no question I want to remain a champion of Scrutiny. It is so vital to holding the Government to account. There will potentially be a time when a majority party is able to not only control the Government but could potentially control Scrutiny and it is one of the things that I find most difficult to understand about the Westminster parliamentary process, is the way that the Government in Westminster also effectively controls scrutiny through the Select Committee system.

[16:15]

Their scrutiny system is not the same as ours, but it in my mind does mean that the Select Committee system is far, far weaker than our own system. In fact, we have seen a very recent example in the U.K. whereby the Leader of the House of Commons recently dissolved a Scrutiny Committee, thereby making it impossible for them to scrutinise the free trade agreement that has just been signed with the E.U. That, to my mind, is incredibly dangerous and I hope the people of the U.K. can see it for what it is, which is the worst form of politics possible. Similarly, we had earlier in the current U.K. Prime Minister's term, after the election he had a particular Member of Parliament that he wanted to have elected to the Security and Intelligence Committee, but that essentially, as I

understand it - and I do apologise to those people concerned if I have got this wrong - was basically the Prime Minister of the U.K. wanted someone he felt that he would have greater control over chairing that committee, but thankfully the Opposition worked with another perhaps stronger, more independently minded Conservative Party M.P. (Member of Parliament) to make sure that that person was installed, thereby just avoiding the situation where that vitally important committee in Westminster would have become nothing but a puppet of the government.

The Bailiff:

Can I interrupt you? Senator Vallois is raising a point of order. It is not clear to me whether the Senator wants to ...

Deputy K.F. Morel:

She is raising points of all sorts, Sir.

The Bailiff:

It is either a point of order or a point of clarification. Would you like to nail your colours to the mast, Senator Vallois? Which are you after?

Senator T.A. Vallois:

Deputy Morel keeps referring to examples and comparative assessments of our current political regime with regards to the U.K. Select Committees are not the same as Scrutiny Panels.

The Bailiff:

I am sorry, are you asking for a point of clarification from the Deputy of his speech? Because he has not referenced your speech, so it is difficult for you to give a point of clarification on your speech. I am not sure it covered those points.

Senator T.A. Vallois:

A point of clarification then is that will he agree that Select Committees in the U.K. with regards to Westminster are not aligned to Scrutiny Panels in Jersey? They do not reflect each other whatsoever.

The Bailiff:

That is not really a point of clarification. It might be if you could have asked Deputy Morel to clarify his understanding of Scrutiny Panels and whether or not they are similar to Select Committees in the U.K. but I think you put that as an assertion rather than a question. But do you wish to provide clarification, Deputy Morel?

Deputy K.F. Morel:

Indeed, if the Senator is to look back at the Hansard of the speech I am currently making, she will see that I started by saying Select Committees and our scrutiny processes are not the same, so I believe that is the clarification made earlier in this speech. Continuing, nonetheless Select Committees do form part of the scrutiny process in the U.K. and we can see how absurd this situation is where the Government in the U.K. controls that process. It is deeply worrying. I genuinely do not understand how citizens of the U.K. put up with that because while we have heard about the objectivity of the scrutiny process, and I do agree to a certain extent, the scrutiny process in Jersey is still a political process and so, for instance, it is Scrutiny chairs who I would suggest, through the experience that I have seen in these few and a half years, have great influence over the panel. So it is often a Scrutiny chair who will help the panel decide or guide the panel to decide into which subjects reviews take place, into which subjects reviews do not take place, which questions to include on a question paper, which questions not to include on the question paper. While the panel absolutely is able to discuss that, it does depend on how engaged that panel is and how much room they are willing to give the Scrutiny chair as to how much influence that Scrutiny chair has. I am not interested

in the situation today; I am content with the situation today. My concern is for the situation in coming years, as with the likelihood that political parties do develop. I am genuinely worried that we will end up in a situation whereby political parties could end up controlling both sides of the Government scrutiny aspect of the States Assembly. It is with that in mind that I have sympathy with Deputy Wickenden's proposition before us and I do hope that current members of Scrutiny understand that it could be a genuine concern in the coming years. That said, I also have an issue, and referring to Deputy Ward, it is an issue that I have raised a number of times, things like Deputy Ward's proposition on free buses and other suchlike, whereby I do believe some things need to take place within a broader piece of work and I also think that this is one of them. Deputy Wickenden has highlighted one genuine potential problem for the States Assembly, but Deputy Mézec's forthcoming proposition, as he has already mentioned, approaches it from a broader perspective and asked P.P.C. to do a broader piece of work. I think it is in this situation, in the way that that free bus piece of work needed to be part of the sustainable transport plan and not an *ad hoc* proposition of its own, I think it is the same in this case, that while Deputy Wickenden has highlighted a potential problem for the future, it should be dealt with as part of a broader piece of work and not through an *ad hoc* proposition. I hope I have highlighted to Members that let us not get hung on the personalities and the people we see in the States Assembly today, think about the future. Always think - as I did when I sat in Scrutiny - about the worst-case scenario, and there are reasons, when you look around countries we think of as ordinarily in strong democracies, to think about the worst-case scenario. In this case, the worst-case scenario is what happens if one party dominates the States Assembly. We need to think about that and as such we really should undertake a review into the way political parties are dealt with through Standing Orders and into the way that political parties will operate in a Government and Scrutiny situation, but I think it is proper to do that through a broader process and not just through this one *ad hoc* proposition.

The Bailiff:

Thank you very much, Deputy. Does any other Member wish to speak on the proposition? If no other Member wishes to speak then I close the debate and call upon Deputy Wickenden to respond.

15.1.8 Deputy S.M. Wickenden:

Can I thank everyone that has contributed to this debate and the much better tone that it has taken this time around? Where to start on this one? I think I have to say that this proposition is not about attacking Scrutiny, like some people put forward. It is not about attacking an individual Member, as other people have put forward. This is the fact that I was looking at the Standing Orders, and the Standing Orders are not owned by Scrutiny and they are not owned by Government, as Senator Moore kind of alluded to. They are owned by this Assembly and I have brought a proposition to make a change in a conflict that I saw. Now, I could have brought this at the end of a term, I could have turned around and said: "Right, let us just leave that for now, this conflict, and we will just leave it there" but I worked for many, many years in the finance industry and there was one thing that you do not do, is that you see something wrong happening and you say: "All right, do you know what, we will leave it because it affects this person. They are gone in a few years. They are benefiting for it, but they are gone in 2 years' time and we will just support them for now and we will just leave it until that person goes." You do not say that. When you see a conflict or a problem, you have to address it straightaway. I am not willing to sit and wait back, so when I saw a conflict, as I perceived, I put in a change for it. I have not at all ever in my proposition, in my speeches, in anything that I have done, questioned anyone's integrity. I have seen a problem and I have seen somewhere where I think that I can strengthen our rules and I have put it through. It feels like people are not looking at this rule change objectively, like they are saying it is all about what we do. Now, I am going to deal with P.P.C. because their comments paper I absolutely totally disagree with. I have sent them an email, individually to each of them, explaining exactly why I do not agree with them. It is not their place to write a comments paper that creates conflict in the Assembly, that tries to say that I am doing

something that is not written within the report and accuses me of being vindictive to another Member. That is not their position. In their comments paper, there were 647 words and only 128 of them were about the process that I am trying to change, which is their job. Out of those 128 words that they use within the process, it was to say they were not going to look at it. I am sorry, I was disgusted by P.P.C.'s position and the way that they went about it and I totally reject the fact that they even did it. It was their job to create conflict in the Assembly and to asperse my motives for my proposition. I do not agree with the P.P.C.'s comment paper and I do not accept it. I want to deal with Senator Mézec's great speeches, and we all know that he is absolutely brilliant with a microphone in front of him and he can talk and he comes across brilliantly. However, he mentioned Hansard at the very beginning. I am going to go back to Hansard of P.73/2017 amendment, which was the then Deputy Mézec's proposition to say that all Ministers should not be allowed to vote for the Scrutiny chairs of all Scrutiny chair positions. Within his speech, he says these words: "I think it is fair to say that even if Ministers were going to act with professionalism, which as the Deputy of St. John said, they certainly have done previously when it comes to this, there is certainly at least a perception of conflict there. I will turn it around and I will ask Members to think of it this way and imagine the hypothetical not so distant future, where I was serving as a Minister. Who would I prefer to have scrutinising my department, Deputy Southern or somebody else? Well, of course I would want Deputy Southern scrutinising it because he is somebody who I know is very politically sympathetic to my position and he is my friend. Great, so speaking of which, I would prefer to have him scrutinising me. Would Members of the Assembly feel comfortable with me getting a job in Government in a ministerial department with Deputy Southern being the chair of the Scrutiny Panel that is scrutinising my work? Well, I would say that would not necessarily be appropriate. It would be better to get someone else in that political instance." Now, the then Deputy Mézec makes a very clear point about the fact that there is a perceived conflict within this hypothetical situation, so how is it now, when I bring a change to this exact scenario for the future, that now it has changed? Because it is no longer hypothetical, it is now actual. So I also reject what Senator Mézec has said in that way, because it seems that the argument changes when it feels like it. I am sorry, I absolutely have tried to make this change for the future to strengthen our procedures. It is in no way a personal attack on anyone and it is not attacking Scrutiny, it is not attacking people. It is purely about a conflict that is in our procedures that needs to be addressed. It does not affect Senator Mézec's proposition; it could be included. Just before Christmas, just before we debated this proposition last time before it was withdrawn, we agreed to Deputy Doublet's changing in Standing Orders for parental responsibilities. Even with that report for Deputy Doublet, it says: "More needs to happen.

[16:30]

This is just a piece of it that needs to go on and others, possibly Ministers, need to go and look at other areas that we can change." But the Assembly agreed to change that one part of Standing Orders knowing that it was not the full piece of work. How is this any different, I say. I think I will stop there and we can move on to the next item of business. I uphold my proposition.

The Bailiff:

Then I ask the Greffier to place a voting link in the chat. The link is there. I open the voting and ask Members to vote on the proposition. If Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. The proposition has been defeated: 16 votes *pour*, 23 votes *contre* in the link and 4 votes counted *contre* in the chat.

POUR: 16	CONTRE: 27	ABSTAIN: 0
Senator S.C. Ferguson	Senator L.J. Farnham	
Senator J.A.N. Le Fondré	Senator K.L. Moore	
Senator T.A. Vallois	Senator S.W. Pallett	
Connétable of St. John	Senator S.Y. Mézec	

Connétable of St. Mary		Connétable of St. Helier		
Connétable of St. Ouen		Connétable of St. Clement		
Deputy J.A. Martin (H)		Connétable of St. Lawrence		
Deputy of Grouville		Connétable of St. Brelade		
Deputy K.C. Lewis (S)		Connétable of Grouville		
Deputy J.M. Maçon (S)		Connétable of Trinity		
Deputy S.J. Pinel (C)		Connétable of St. Peter		
Deputy S.M. Wickenden (H)		Connétable of St. Martin		
Deputy L.B.E. Ash (C)		Deputy G.P. Southern (H)		
Deputy G.C.U. Guida (L)		Deputy M.R. Higgins (H)		
Deputy of St. Peter		Deputy of St. Martin		
Deputy of Trinity		Deputy L.M.C. Doublet (S)		
		Deputy of St. Mary		
		Deputy G.J. Truscott (B)		
		Deputy J.H. Young (B)		
		Deputy K.F. Morel (L)		
		Deputy of St. John		
		Deputy M.R. Le Hegarat (H)		
		Deputy S.M. Ahier (H)		
		Deputy R.J. Ward (H)		
		Deputy C.S. Alves (H)		
		Deputy K.G. Pamplin (S)		
		Deputy I. Gardiner (H)		

The Greffier of the States:

Starting with those Members who voted *pour* using the link. That would be Senator Le Fondré, Deputy Lewis, Deputy of St. Peter, Senator Vallois, Deputy Martin, Constable of St. Ouen, Deputy Pinel, Deputy Wickenden, Deputy of Trinity, Deputy of Grouville, Deputy Guida, Deputy Ash, Deputy Maçon, Senator Ferguson, Constable of St. John and the Constable of St. Mary. Those voting *contre* using the link were: Deputy Ward, Deputy of St. Martin, Constable of St. Clement, Senator Mézec, Constable of Grouville, Deputy Doublet, Deputy Ahier, Deputy Morel, Deputy Le Hegarat, Constable of St. Martin, Constable of St. Brelade, Deputy Young, Deputy Pamplin, Deputy Higgins, Deputy Truscott, Deputy Gardiner, Constable of St. Peter, Senator Pallett, Constable of Trinity, Deputy Alves, Deputy of St. John, Constable of St. Lawrence and Senator Farnham. There were also some votes in the chat, all votes *contre*: Deputy of St. Mary, Deputy Southern, Constable of St. Helier and Senator Moore.

16. Draft Financial Services Ombudsman (Board - Amendment) (Jersey) Regulations 202-(P.162/2020)

The Bailiff:

The next item of Public Business is the Draft Financial Services Ombudsman (Board - Amendment) (Jersey) Regulations, P.164, lodged by the Minister for Economic Development, Tourism, Sport and Culture and I ask the Greffier to read the citation.

The Greffier of the States:

Draft Financial Services Ombudsman (Board - Amendment) (Jersey) Regulations 202-. The States make these Regulations under Article 2(5) of the Financial Services Ombudsman (Jersey) Law 2014.

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

This allows members of the board of the Channel Islands Financial Services Ombudsman to be appointed for a term shorter than the existing legislation allows. This would be in exceptional circumstances and when recommended by the chair. Despite being a pan-Island body, the ombudsman acts as a single entity effectively with a single combined board of directors empowered through legislation in both Jersey and Guernsey. Appointments to the ombudsman's board are made jointly between the Minister for Economic Development, Tourism, Sport and Culture and the Guernsey Committee for Economic Development. Last year the chair of the board wrote to me and the chair of Guernsey's Committee for Economic Development requesting that an existing board member's term be renewed for a period of one year. This was in large part due to the refocus of resources that was required due to the pandemic. This proposition therefore proposes to allow the reappointment of board members for a one-year term, and I emphasise "reappointment". The board maintains appointments on a staggered basis, ensuring that board members' terms do not expire at the same time. This ensures continuity of corporate knowledge and experience. This one-year reappointment will fit in with this structure. The request has been supported by the Guernsey Committee for Economic Development and a proposal for Guernsey legislation to be amended has also been presented. The board member in question is Mr. John Curran, who has held the position since 2014. In addition to bringing forward these regulations, I am required, as Minister, to formally notify the Assembly of my intention to reappoint Mr. Curran and accordingly details can be found in R.5/2021. Just to be absolutely clear, Mr. Curran's reappointment is subject to the Assembly's approval of the draft regulations. It is essential that appointments to public bodies such as the ombudsman follow due process. Should the Assembly approve this proposition, the Financial Services Ombudsman (Jersey) Law 2014 will continue to assume that appointments to the board should be made for a period of 3 to 5 years. This ensures that members are appointed for a term sufficient to allow them to carry out their functions under law, while maintaining a proper term limit in line with the appropriate government standards. Of course I will be encouraging for diversity and inclusion in any future recruitment process, but I know I will be pushing at an open door. This will not materially amend the existing governance arrangements of the Financial Services Ombudsman. With that, I move the principles.

The Bailiff:

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

16.1.1 Deputy K.F. Morel:

It is really just questions, and I apologise for not having asked them earlier, but there is a time limit of 9 years on the appointment of members to the board of the Channel Islands Financial Ombudsman, so I was wondering, as the Minister is probably aware from previous speeches I have made in the Assembly, I am very keen on the governance of the length of time that people serve on boards, particularly with an eye on diversity. I was wondering if the Minister would explain how this one-year reappointment element could work with that 9 years, so basically could someone be in their ninth year and be reappointed for a tenth year or is that 9-year limit a hard limit? If the Minister could respond, that would be wonderful.

The Bailiff:

Does any other Member wish to speak? If no other Member wishes to speak, then I close the debate and call upon the Minister to respond.

16.1.2 Senator L.J. Farnham:

To the best of my understanding, the 9-year limit is a hard limit and cannot be exceeded. In this situation, Mr. Curran had served 2 terms, but did not want to serve a third term, but given the resource requirements during the pandemic, had agreed to stay on for an additional year. Of course when we checked the regulations, it did not allow that, so that just corrects that position, which allows a bit more flexibility in the reappointments.

The Bailiff:

Very well. I ask the Greffier to place a link into the chat. The vote is on the principles. I open the voting and ask Members to vote. If Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. The principles have been adopted: 41 votes *pour*, no votes *contre* in the link and 2 further votes *pour* in the chat.

POUR: 43		CONTRE: 0		ABSTAIN: 0
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator S.C. Ferguson				
Senator J.A.N. Le Fondré				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of St. John				
Connétable of St. Peter				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy J.A. Martin (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 R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

Deputy of St. Mary, does your Scrutiny Panel wish to call the matter in?

The Deputy of St. Mary (Chair, Economic and International Affairs):

No, thank you, Sir. The previous panel did consider this and in view of the limited nature of the amendment, they were quite content with it.

The Bailiff:

Thank you very much indeed. Minister, how do you wish to deal with the matter in the Second Reading?

16.2 Senator L.J. Farnham:

En bloc, Sir. There are 2 Regulations. If I can address those, Regulation 1 amends paragraph 1 of the schedule to the Financial Services Ombudsman (Jersey) Law, which requires the Minister to appoint members to the board of the office of the Financial Services Ombudsman. The amendment also takes the opportunity to correct a faulty cross-reference in paragraph 1(4) of the schedule. Regulation 2 concerns citations and provides that the regulations come into force the day after they are made. I move the regulations.

The Bailiff:

Are they seconded for the Second Reading? **[Seconded]** Does any Member wish to speak in the Second Reading? If no Member wishes to speak in the Second Reading, then I close the debate and ask the Greffier to post a vote in the link. I open the voting and ask Members to vote in the Second Reading. If Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. The regulations have been adopted in the Second Reading: 40 votes *pour*, one vote *contre* in the link and 2 votes *pour* in the chat.

POUR: 42		CONTRE: 1		ABSTAIN: 0
Senator I.J. Gorst		Connétable of Trinity		
Senator L.J. Farnham				
Senator S.C. Ferguson				
Senator J.A.N. Le Fondré				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Clement				

Connétable of St. Brelade				
Connétable of Grouville				
Connétable of St. Peter				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy J.A. Martin (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 R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

The Greffier of the States:

The vote *contre* was the Constable of Trinity.

The Bailiff:

Do you propose the matter in the Third Reading, Minister?

16.3 Senator L.J. Farnham:

Yes. Can I propose the matter in the Third Reading, and in doing so just put on record a vote of thanks to the entire board, who have worked continuously through the pandemic, and thanks to Mr. Curran for agreeing to continue for one year? This is a good example of pan-Channel Island co-operation and serves as a good example of how we can work together.

The Bailiff:

Thank you very much. Are the regulations seconded in the Third Reading? **[Seconded]** Does any Member wish to speak in the Third Reading? If no Member wishes to speak in the Third Reading, then I close the debate and ask the Greffier to post ... I beg your pardon, the Connétable of St. Ouen.

16.3.1 The Connétable of St. Ouen:

You were speaking quicker than I can type, not that my typing ability is much to write home to my mother about. I could not let the occasion pass without offering my words of praise to the Financial Services Ombudsman. In case Members are in any doubt, it is a valuable service provided to the financial services industry, not least in resolving and protecting consumers and finding a resolution to issues they may have with financial services providers. Having personally worked with them, I can attest to the fact that the job is done very effectively, very fairly and they are very user-friendly. I would like to add my words of praise to their efforts over the years and hope that they have a long and successful future.

The Bailiff:

Thank you very much. Does any other Member wish to speak in the Third Reading? I call upon the Minister to respond.

16.3.2 Senator L.J. Farnham:

Can I thank the Constable for his comments, which I thoroughly endorse? I move the proposition in the Third Reading.

The Bailiff:

Very well. I ask the Greffier to place a vote in the link. I open the voting and ask Members to vote in the usual way.

[16:45]

If Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. The regulations have been adopted in the Third Reading: 43 votes *pour*, no votes in the link and 2 further votes *pour* in the chat.

POUR: 45	CONTRE: 0	ABSTAIN: 0
Senator I.J. Gorst		
Senator L.J. Farnham		
Senator S.C. Ferguson		
Senator J.A.N. Le Fondré		
Senator T.A. Vallois		
Senator K.L. Moore		
Senator S.W. Pallett		
Senator S.Y. Mézec		
Connétable of St. Helier		
Connétable of St. Clement		
Connétable of St. Lawrence		
Connétable of St. Brelade		
Connétable of Grouville		
Connétable of St. John		
Connétable of Trinity		

Connétable of St. Peter				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy J.A. Martin (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 R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

17. Jersey Employment and Discrimination Tribunal: Appointment of Side Members (P.164/2020)

The Bailiff:

We now come to the Jersey Employment and Discrimination Tribunal: Appointment of Side Members, P.164, lodged by the Minister for Social Security and ask the Greffier to read the citation.

The Greffier of the States:

The States are asked to decide whether they are of opinion - in accordance with the Employment and Discrimination Tribunal (Jersey) Regulations 2014, to appoint the following persons as side members of the Jersey Employment and Discrimination Tribunal, each for a period of 5 years, from 25th January 2021: Claire Bowes (side member employer), Scott Hollywood (side member employer), Lorraine Bennett (side member employee), Patrycja Zakrzewska (side member employee), Sue Pallot (side member employee).

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

I am pleased to propose the appointment of 5 new members to the Jersey Employment and Discrimination Tribunal. Subject obviously to the approval of the States Assembly, the appointments will take effect from today. Members of the tribunal hear complaints made under the Employment and Discrimination Laws, including claims of unfair dismissal, redundancy and discrimination on grounds of race, age, sex and disability. Recruitment for these posts took place in October 2020. We received good quality applications and I accepted the recommendations of the recruitment panel. The Jersey Appointments Commission has confirmed that the process was conducted in accordance with its guidelines. I am satisfied that the proposed new members have the necessary skills and experience and I am grateful to them for agreeing to take on these important responsibilities. I am pleased to propose the appointment of Claire Bowes, Scott Hollywood, Lorraine Bennett, Patrycja Zakrzewska and Sue Pallot as side members of the tribunal and I ask Members to support this proposition.

The Bailiff:

Thank you very much. Is the proposition seconded? [**Seconded**] Does anyone wish to speak on the proposition? If nobody wishes to speak on the proposition, then I ask the Greffier to post a vote into the link. I open the voting and ask Members to vote on the proposition. Very well, if Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. The proposition has been adopted: 41 votes *pour*, no votes *contre* and no abstentions in the link, with 3 further votes *pour* voted in the chat.

POUR: 44	CONTRE: 0	ABSTAIN: 0
Senator I.J. Gorst		
Senator L.J. Farnham		
Senator S.C. Ferguson		
Senator J.A.N. Le Fondré		
Senator T.A. Vallois		
Senator K.L. Moore		
Senator S.W. Pallett		
Senator S.Y. Mézec		
Connétable of St. Helier		
Connétable of St. Clement		
Connétable of St. Lawrence		
Connétable of St. Brelade		
Connétable of Grouville		
Connétable of St. John		
Connétable of Trinity		
Connétable of St. Peter		
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 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 R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

18. Amendment of the Standing Orders of the States of Jersey to Provide for Political Parties (P.166/2020)

The Bailiff:

The next item is the Amendment of the Standing Orders of the States of Jersey to Provide for Political Parties, P.166/2020, lodged by Senator Mézec, and I ask the Greffier to read the citation.

The Greffier of the States:

The States are asked to decide whether they are of opinion - that the Standing Orders of the States of Jersey should be amended to take into account that Members of the States Assembly may choose to organise themselves within political parties, and to request the Privileges and Procedures Committee to investigate and bring forward the necessary amendments that are appropriate to facilitate this by the end of 2021.

18.1 Senator S.Y. Mézec:

After the previous debate on a change to Standing Orders, I hope that this can be a relatively simple debate, hopefully because of how open this is and how I have specifically worded it to use the word “appropriate”, so it does leave some room for P.P.C. to investigate these matters and only come forward with things that are deemed to be right and not just token gestures or something for the sake of it. Members will know that I lodged this very soon after Deputy Wickenden lodged his proposition, specifically so this could be seen as a more holistic approach to the issue that his proposition touched upon, which is a fair issue to highlight, that of the role of parties in the Assembly and what rights and responsibilities they should have, but to do so in that more holistic way that takes into account all of the other issues that were not considered in his proposition that we may wish to take a view on. In that previous debate though, some Members spoke as if the full emergence of party politics in Jersey was imminent or as if we are on the verge of having majority party government

in our system, which although I wish that was true, I should say that there is of course no guarantee of that whatsoever. A transition to party politics in Jersey can only happen if there are these 2 things. The first of that is people who are willing to take up the initiative to form other parties, and secondly, a public who are willing to vote for them. There is no guarantee of either of those, so whether Jersey does move to a full party system, whether Jersey rejects the tiny party system that already exists entirely or whether it wants to have some sort of hybrid system is ultimately a matter for the public of Jersey to determine and it is not the role of the Assembly or a majority of Members of this Assembly - a simple majority of Members of this Assembly - to determine one way or the other to either force party politics on Islanders by changing our institutions so they are unworkable without party politics or vice versa, to prohibit the operation of parties that have been elected democratically. It is not our role to do either of those, but it is the case that at the previous 2 elections enough members of the public wanted to be represented by at least one person who was in a political party to justify 5 of us getting elected. That was more than at the previous election, and who knows what the next election will hold to that, but those members of the public who did that knowingly have every right to expect that once their candidates are elected that they be facilitated in the rules of the Assembly to be able to work according to the mandate that the public gave them by endorsing their election on the terms that their candidacy was offered. There are things that we can look at. It is the case that the Commonwealth Recommended Benchmarks for Democratic Legislatures says that there should be, in parliamentary rules, some sort of facility to enable the formation of parliamentary party groups and that their rights and responsibilities ought to be clearly stated in those rules. We are clearly in breach of that right now, where there is no word at all in our Standing Orders that takes into account the fact that there are 10 per cent of Members that are affiliated with a party and who factor that into their work programme. It does not tell us what we can do because of that and it does not tell us what we cannot do because it is right that our rules ought to outline the clear demarcation between when an elected States Member is acting in according with their mandate to be in a party or whether they are administering the party admin functions, which is clearly not a parliamentary duty, and there needs to be clear separations on those sorts of things. So what this proposition does is that it asks to add to the work programme that P.P.C. is already doing, and they outline this in their comments to say that they are looking at some of the Elections Laws and the Parties (Registration) Law in accordance with the recommendations that came from the C.P.A. Election Observers' Mission. That is great, I wholeheartedly support that and have been very pleased with the engagement we have had with P.P.C. so far, but I am saying to add that to the Standing Orders of the Assembly as well so that what amount of a party system we have can be managed properly and democratically in a way that it does not either advantage or disadvantage us, but allows us to fulfil our democratic mandate. I hope that this can have support from all parts of the Assembly, irrespective of what your personal view of party politics is, whether you think it would be a bad thing for the Government of Jersey or whether you think it is an essential way forward, by providing something in Standing Orders to neutrally facilitate it that then allows the public to have their way, whichever way they choose to express it. That is the democratic way forward; that is the rationale for this proposition. I make the proposition and look forward to any comments Members may make.

The Bailiff:

Thank you very much, Senator. Is the proposition seconded? **[Seconded]** I now open the debate. Deputy Labey has indicated a desire to speak.

18.1.1 Deputy R. Labey:

Just very briefly to say that P.P.C. is happy to accept this proposition, as I think our comments paper makes clear. We have already been working with Senator Mézec on a number of these issues and he is very hot on this sort of stuff. We have been grateful to have him join our subcommittee occasionally and we are progressing some. We have asked the law draftsmen, some of whom have very great experience in redrafting this kind of legislation, to keep an eye for where parties should be

made provision for and where they are not at the moment. We are very content to continue this work. He is absolutely right, there is little or no provision for political parties because there have been little or no political parties that have survived in living memory. In that respect, Reform Jersey has broken that mould and appears to be here to stay, so it is right that we take a look at our Standing Orders and rules and regs with elections and the States of Jersey Law to see that proper provision is made. The difficulty, the complexity comes with the amount of variables that there could be and making provision for all those variables, but something positive that came out of Deputy Wickenden's debate is of course that perhaps one should legislate now for the possibility of one party gaining an overall majority, a majority in the Assembly, but there are variables. There is a complexity too with not disadvantaging independent Members by making provision for party members and vice versa, but we have started this work. We have started to put some stuff in in the legislation that will be coming through and we will continue to do that with the Senator, and anybody else who has anything to contribute on this, our door is always open. That is all I have to say. We are happy to work with the Senator and continue that process.

18.1.2 Senator L.J. Farnham:

The history of political parties in Jersey has been a long one and very interesting. It has never really happened, with the exception of perhaps Reform Jersey, who - and I am sure Senator Mézec will correct me if I am wrong - have probably been, in terms of staying power at least, the most successful political party we have had. I am sure the Senator will have researched way back into previous centuries. That is perhaps a sign that perhaps the Island is very slowly inching towards that type of system. I have always said that if the people of Jersey wanted political parties, we would have them. There would be no doubt of course in the correct way, as far as I am concerned, to form a party in the Island itself or in the country, if we can use that terminology. People form a party, they organise themselves and then they put their members up for election.

[17:00]

Reform Jersey have done that, and of course I wish them continued success, but not too much success, of course. Other Members have tried in the past. Every Assembly I have been a part of, there have been conversations behind the scenes between Members to form alliances and parties, and of course our ministerial system does create a sort of party where the Government, although we do not have elective responsibility currently, does tend to sort of act in a similar way to a party. Of course collective responsibility is probably essential in a successful party system, and where I have worked with politicians in different parts of the world, whether it be international level or a council level, I have to say that quite often I see more challenge and more confrontation within the party sometimes than between the parties. I am not sure I am a supporter of a party. I prefer independent politics and our system has been built around that. I prefer team politics and the beauty of our system is that we can all align on certain things and be unaligned on other things. I think that is one of the very special aspects of the States of Jersey. Of course that also worked in the committee system, which although different, had many similar traits to those we see now. Deputy Labey did touch on the complexity and the variables and of course we could almost have a book of Standing Orders purely to govern a government party, so I am not quite sure how that would work. I think Deputy Wickenden's proposition was a short debate we needed to have and I voted against it because I felt that what he was proposing was not necessarily wrong, but it did have to be part of a more co-ordinated approach, and maybe this is the answer. I would like to hear from Senator Mézec perhaps if he has any ideas about what levels of complexity he is thinking about as we put together some Standing Orders which make allowances and create some processes and procedures for members of parties. I am not sure if there is any legislation relating to parties and their registration in the courts and what standing that would give them, but obviously that is a separate issue.

18.1.3 Deputy M. Tadier:

Following on from Senator Farnham, I will take a different angle to his view. When I say this, it is only partially tongue in cheek. He said that we have not had party politics in recent years, apart from Reform Jersey, but I would say that we have not not had party politics since the new Assembly after the Second World War. Simply we have had the same party in power ever since then and that is the view of history that I have learnt and been taught and that I believe to effectively be true, although it is perhaps slightly more nuanced than that in the sense that in I think it was 1948 election, the Jersey Progressive Party got elected pretty much unanimously, perhaps one seat not. They got a landslide victory and they disbanded and they have been in the closet ever since. We are still waiting for the Jersey Progressive Party to come back out of the closet. There is talk of that party perhaps doing so imminently and even keeping the name or calling themselves Progress Jersey, in a tip of the hat to their former reactionary roots that came after the half-hearted reforms in the middle of the last century, but that remains to be seen. The reason I welcome this is that there are changes that need to be made and we need to think of not just this Assembly but what a future Assembly might look like and take, if you like, the Rawlian position of being blind about where we might fit in that Assembly, if at all. We must put any party allegiances aside and any hostilities that we might have even to the concept of political parties and just accept that they may well still be in existence - and there may well be more than one or 2 parties in existence - and ask how would the public and this Assembly be best served and best deal with that kind of scenario. There are a couple of things that I would like to see, just to put some meat on the bones and to give P.P.C. some early indication about the kind of things that they need to be considering. It would seem to me that any party in this Assembly should be able to put forward a comments paper in their own right and that could be on any number of issues, so it could be to do with a Government proposal, it could be to do with a Back-Bench proposition or a committee's papers. They should be able to do that in their own right, and on the basis of that then I think the corollary is that any member of the political party should be able to act as a *rapporteur* on any particular proposition or speech for that party. It would have the added benefit of not necessarily needing everybody to speak on that issue and it would not need a rule for that, it would just, I suspect, happen organically and naturally, that you would get an individual in a party specialising in different areas, and that will be the person who might be the go-to, the spokesperson, the Minister or the Shadow Minister for a particular issue. It also ties in with the new speech time limits that we have put in place. I do not agree with those, not because I like to speak longer than 15 minutes, although I may do that on occasion, but because I do not think it is democratic and it is unnecessary, ultimately. But that said, we do have a 15-minute time limit in place and I am very uneasy about the rigid rules that have been put in place, the guidelines that were circulated, because when the 15-minute limit came into force, we were sold it on a very much light touch, easy-as-you-go basis, that common sense would be applied, but that is of course not going to happen and it probably never could have happened that way because it would contradict the whole ethos of having the time limits in the first place. But it seems to me it should not be as concrete as that. We know in advance who the respondent is to any one given proposition and it seems to me you can have multiple main respondents who should be able to make more substantive speeches on any given issue. That might be the case when you have your Shadow Ministers. For example, if an issue comes up around education, you could potentially have 2 or 3 individuals from different parties as well as Scrutiny chairs who feel that they need to make the party position clear on any given issue. I think it is only right that some kind of commonsense approach is used and translated into Standing Orders. For example, if the Jersey Independence Party, let us call it, gets 5 seats in the Assembly in the future and they want to speak on a particular issue for an hour, but of course they only want one person to do that, I do not see any reason why we would not allow a party to be able to do that on a particular issue because of course if those 5 individuals spoke for 15 minutes each, they would have an hour and a quarter anyway to expound their ideas on any particular issue. I think we need to start thinking in those terms, and also in the terms that what role an Opposition might have in our Assembly in the future, because in the U.K. and elsewhere, certainly in the Commonwealth, the Opposition is referred to as "Her Majesty's Loyal Opposition." It is recognised that that sits alongside the Scrutiny function or the Select

Committee system and that there is an honourable job to be done by an Opposition in the public interest in holding the Government to account, which is completely separate from what Scrutiny would do. That is why I am pleased, incidentally, that the last proposition did not succeed, because it could have created a scenario whereby in fact it was making Scrutiny into an Opposition because of course what happens if you get one party with all the seats? Then by our very own rules under that scenario, you would not be able to have any scrutiny at all because all of the Members would be from that party. A nonsense, of course, and the States did well to give that short shrift in its deliberations. I think there are other issues that need to be looked at perhaps beyond this in terms of party spending. We could have a scenario at the next elections. We know there will be at least one party contesting. Reform Jersey will be contesting seats in that election, but there may be other parties. There may well be parties that contest all seats in all districts and there are going to be implications for spending when it comes to that. I do not know what the spending limits will be, but presumably if you have a district of 5 candidates and you are fielding 5 candidates in that district and multiplying that across the Island, you could have a party that is very well-resourced and that is able to spend literally hundreds of thousands of pounds and still be within the limits of what they can legally spend versus perhaps an individual independent candidate from a traditionally previously small district, now in a super-constituency, or a new candidate who is not aligned to any party, who is going to have to contest against that. I am not saying that we should automatically make provisions for those independents, but these are the kind of thorny issues which will at least need some thought alongside the work that is being requested here in Standing Orders. I do look forward to a non-prejudicial and open-minded approach from whoever is doing this piece of work on P.P.C. and wish them all the best with that.

18.1.4 Senator T.A. Vallois:

I am prompted to speak from the previous speaker. That is purely because the more and more I read of the proposition that has been put forward by Senator Mézec, Deputy Tadier referred to the relevance of the Opposition with regards to particularly the U.K., in particular with regards to the Westminster Parliament. Of course we are not in that position. Machinery of government has been in place for what will be 16 years this year. When it was brought in, it was brought in very much within the bones rather than the meat and bones in terms of good governance, in terms of political offering to our community. If we are going to move forward in terms of parties and the requirement for parties within our jurisdiction as an Island and a self-governing Crown Dependency, I think it is important to refer to what the proposition is asking us to do. I think the main question that I would ask of the proposer to this proposition, Senator Mézec, is he refers in his proposition that: “The Standing Orders of the States of Jersey should be amended to take into account that Members of the States Assembly may choose to organise themselves within political parties.” Then he goes on: “... to request the P.P.C. to investigate and bring forward the necessary amendments that are appropriate to facilitate this by the end of 2021.” I would like to understand from Senator Mézec, in terms of there may not be many Members who are elected in this current term who choose to organise themselves within political parties. We know there is a current political party, but what comes forward before the next States election, May 2022, there may be other political parties that come forward that do not necessarily combine those of us within the current States Assembly. I would like to understand from the proposer of this proposition what he is expecting to achieve or see through this proposition.

[17:15]

Whether it is a case of having a forward-thinking expectation that we will have some form of political parties going into the future for Jersey and therefore what premise or views he would seek with regards to P.P.C. to apply the investigative requirements he is seeking with this respect, but also if this was not to be the case, what improvements would he see being made available in terms of amendments to the States Assembly to improve on where we are.

The Bailiff:

Thank you very much, Senator. Does any other Member wish to speak on the proposition? If no other Member wishes to speak, then I close the debate and call upon Senator Mézec to respond.

18.1.5 Senator S.Y. Mézec:

Thank you to those Members who contributed to this debate. When Senator Farnham asked about the history of party politics in Jersey, I almost thought: “Great, that is an opportunity to talk for a couple of hours about a subject I am thoroughly interested in” but I am sure nobody would want to listen to all of that. I am grateful to the chairman of P.P.C. for his support for this. The proposition is open and I think provides for a constructive way forward. I will do what is necessary from my part to support P.P.C. in achieving it and I am pleased that they are happy to do that work alongside the rest of the work that they are doing. Deputy Tadier referred to potential complications with election expenses for future parties contesting elections, and that absolutely is a live issue and one which needs to be dealt with, because the current rules, as I know from experience, are not very helpful at all when trying to be transparent about your spending and how it is allocated. But that is not a Standing Orders issue, that is for the Election Expenses Law, which P.P.C. are looking at, and they can look at that in the same frame of mind that they may wish to look at this proposition, so that just seeks to be helpful there. Senator Farnham did describe Reform Jersey as being the most successful party in recent times, which is a title I am absolutely happy to claim. It depends what we mean by “recent times” though. It is the case that Jersey had party politics, quite strong party politics, in the immediate aftermath of the Occupation, where there was what you could describe as a Conservative political party, for some reason called the Progressive Party, and then there was a centre left movement called the Jersey Democratic Movement, which was to a degree a coalition of other parties that were involved in that too. It is the case that the Progressive Party existed for some time after those few elections, but it did eventually fizzle out, I think largely because the other party did not pose that much of an electoral threat to it. It is quite interesting that the foundation of our post-war Government and the reforms that came with that, they were built by an Assembly where party politics was dominant and many of the senior political figures from back in that day were very closely associated with that. The obvious one there is Senator Cyril Le Marquand, who was a founder of the Progressive Party. But that is history and this proposition is trying to be forward-looking. Senator Farnham did ask for what sorts of things we might want to look at as part of this. I think first and foremost what this ought to be bringing about is some sort of facility for the basic recognition of parliamentary party groups. I mentioned in the debate on Deputy Wickenden’s proposition that one of the flaws with this proposition was that it referred to members of parties without determining what constitutes a member of a party, because there are no lists that are either registered in the Royal Court or provided to the States Assembly. So at the outset, it should find one way of allowing Members of the Assembly to have it registered with the Greffe that: “We are a party. These are our members” and therefore if there are any rights or responsibilities that will then fall to Members who are also members of parties, that it is clear who they apply to. That may then go on to think about things like how States Members’ resources are being used. When I lived in London, there were regular meetings that members of the public could attend being hosted by M.P.s in Portcullis House, and many of those meetings were overtly political in nature and many of those, certainly some of the ones that I went to, were party political in their nature, so there is a question about whether it is right that facilities can be used for that sort of thing, and if it is okay, to what degree can it go on and just provide clarity, so those Members know what they can and cannot do and there is no arguing it then or trying to get away with things that were inappropriate. Then one day in the future, if it were the case that Jersey moved to a full party system where we fluctuated between either majority Governments or coalition Governments and then would have parties in the Assembly who are not part of Government, then we may well want to think about what would be appropriate in terms of managing who gets the non-Government roles in that parliamentary setting to ensure that they are able to carry that work out effectively. It may well be the case that if there are cross-party committees that you may want to

have some sort of system for determining how parties are represented on those committees where there is an important perspective. We have got the P.P.C. It would strike me as sensible that if there are parties in the Assembly that they should each have at least one Member on that committee just so that view can be transmitted there, but also be prevented from being a majority as well, because that would be undemocratic, to have a takeover of a committee in that way. There are things like that that can be done. I do not know if what I have just said helps with Senator Vallois' question, because I cannot predict the future of what may be the case with other parties in the future. Some seem to know more than me on that and that may well turn out to be true or may well not, so I do not know how that will develop, but at least having a starting point that meant if they did suddenly appear on the platform and did get elected in great numbers, we would not be caught completely off-guard. It may well be the case that we would have to re-evaluate rules and update them periodically, depending on how our future political system evolves, but we would be in a better position than we are now, where there is simply nothing governing it whatsoever. As I have always said, from Reform Jersey's perspective, we want to have clear rules that we can abide by, rather than us have to interpret or make them up ourselves, which is not a position we are comfortable with. So that is the basis for the proposition. I hope it moves us forward, and if it is accepted and work goes ahead, then by the end of this year I think we will be in just a smarter position as an Assembly, just having cleaner rules for this and bringing us more in line with the C.P.A.'s Recommended Benchmarks for Democratic Legislatures, which I hope all Members would support that direction of travel. I ask for the *appel*, please.

The Bailiff:

Thank you very much. I ask the Greffier to place a vote ... a point of clarification from Senator Vallois. Do not open the voting yet.

Senator T.A. Vallois:

I appreciate you recognising that. I did make a particular point in asking the Senator about what he meant about the States Assembly choosing to organise themselves within political parties. I recognise his argument around the standards in terms of the Commonwealth recommendation on benchmarks, but I do not believe that has been answered, so I would appreciate an answer from the Senator with regards to his proposition.

Senator S.Y. Mézec:

I will do my best. I think that that choice of words reflects the fact that party membership should not ever be compulsory for Members of the Assembly and that if Members appear in the Assembly after an election and are members of political parties, it is recognising that that was a choice for them to register, as such, and that choice was endorsed by the public when they were elected. I think I have kind of phrased it that way to recognise that there will be States Members who will choose to do the opposite, and that that is not less legitimate. I do not know if that clarifies that for the Senator, but it is about recognising that it is not compulsory and Members who will find themselves in that position will be there because that is what they have determined is how they want to work. That will be facilitated rather than imposing a method of working on them that does not fit in how they have chosen to fulfil their democratic mandate.

The Bailiff:

The link had been posted. I had not opened the voting; that happens when I say the words: "I open the voting" but clearly I open the voting now. I do not know if your vote has been counted. Yes, it appears to have been logged so, Deputy Tadier, you do not need to vote again. I open the voting and ask Members to vote. I am afraid, Deputy Ward, we cannot indicate whether or not you have voted because we cannot see anything. In any event, if Members have had the opportunity of casting their

votes, I ask the Greffier to close the voting. The proposition has been adopted: 41 votes *pour*, one vote *contre* in the link, and I count 4 votes *pour* in the chat.

POUR: 45	CONTRE: 1	ABSTAIN: 0
Senator I.J. Gorst	Connétable of St. Brelade	
Senator L.J. Farnham		
Senator S.C. Ferguson		
Senator J.A.N. Le Fondré		
Senator T.A. Vallois		
Senator K.L. Moore		
Senator S.W. Pallett		
Senator S.Y. Mézec		
Connétable of St. Helier		
Connétable of St. Clement		
Connétable of St. Lawrence		
Connétable of Grouville		
Connétable of St. John		
Connétable of Trinity		
Connétable of St. Peter		
Connétable of St. Mary		
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 of St. Peter		
Deputy of Trinity		
Deputy of St. John		
Deputy M.R. Le Hegarat (H)		
Deputy S.M. Ahier (H)		

Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

The Greffier of the States:

The vote *contre* was the Constable of St. Brelade.

19. Jersey Police Complaints Authority: Appointment of Chair (P.169/2020)

The Bailiff:

The final item of Public Business is the Jersey Police Complaints Authority: Appointment of Chair, P.169, lodged by the Minister for Home Affairs. The main respondent is the chair of the Children, Education and Home Affairs Scrutiny Panel and I ask the Greffier to read the citation. Deputy Doublet, it would not be normal if we have ongoing business to propose the adjournment before 5.30 p.m. in any event and so we have 2 minutes and then if you want to afterwards, this is the final item of business, but it is a matter for you if you want to propose it after that. Very well, Minister.

19.1 The Connétable of St. Clement (The Minister for Home Affairs):

In making the proposition, I would firstly like to place on record my thanks and that, I am sure, of the Assembly to Mr. Howard Cooper, the retiring chairman of the authority for the conscientious, efficient and effective way he has served the authority first as a member and then as chairman since 2013, some 8 years. We really are extremely grateful to him. We are delighted that after a robust selection process and a very, very strong field, I am able to propose the election as chairman of Mrs. Janet Naylor, whose biography is included in the report.

[17:30]

We are very grateful to her and indeed the others who agreed to put their names forward for this post. I make the proposition. **[Seconded]**

Deputy J.A. Martin:

Sir, you are on mute.

The Bailiff:

My words were falling on deaf ears. There was obviously a reason for that. Deputy Doublet.

Deputy L.M.C. Doublet:

Although I have been advised that I am not required to withdraw, due to the fact that my partner is a police officer, I feel for absolute transparency I would prefer to recuse myself from this debate and also from the voting, so I will be withdrawing now.

The Bailiff:

Very well, Deputy. That is entirely a matter for you and we note that is what you have done. Does any other Member wish to speak on the proposition?

19.1.1 Senator T.A. Vallois:

Recognising the very good work of Mr. Cooper previously, I would like to ask the Minister around the appointment of this particular member as to any conflicts or concerns that may be held with regards to any other work that they may have be involved in with regards to their independence and ensuring separation between the complaints authority and therefore the work of Government, ensuring that the role is respected in the way that it should be.

19.1.2 Deputy R.J. Ward:

Sorry, my internet is dropping out, so I am going to just put the microphone on. The only thing I would mention regards this, and I have no knowledge regards the person who is being appointed, and I am not questioning that or I would be interested to see the answer to Senator Vallois' question. It is just the role of the director general in the appointment of an independent panel member that overlooks complaints made for the police. I do not know, I may be using the wrong words, so forgive me - and I will ask the Minister to forgive me for that - but the appropriateness of that, given the overarching role that the new director general has both in the police and other services and whether there is an issue regards the supporting of the independence of this complaints authority of the police when the appointment is made by somebody who oversees the police force overall in the Target Operating Model. I think it is a very important point that needs to be addressed. At this stage, I do not think it is something to call in for the panel, because I do not know what would be achieved by that, but I think it is something important to answer in this debate before people vote.

The Bailiff:

Thank you very much. Does any other Member wish to speak on the proposition? If no other Member wishes to speak ... Deputy Higgins, do you wish to speak?

19.1.3 Deputy M.R. Higgins:

Yes, Sir. I was not that quick on getting the thing in the chat. Could I ask the Minister to explain how the police complaints body is independent when it is part of the police ... I have forgotten the actual title. It is something to do with the Police Force Law and we have other bodies that are classed as independent, such as the Children's Commissioner and so on, where the States are responsible for overseeing it, but is there not a link between the police and the Police Complaints Authority? Perhaps he will explain that, because that is one of the main criticisms I have had in the past.

The Bailiff:

Thank you very much, Deputy. Does any other Member wish to speak on the proposition? If no other Member wishes to speak, then I close the debate and call upon the Minister to respond.

19.1.4 The Connétable of St. Clement:

I am not quite clear what Senator Vallois was getting at. If she believes that Mrs. Naylor does have a conflict of interest, I think she should tell me what it might be, but certainly as far as her employment is concerned, I am not aware of any conflict whatsoever. To Deputy Ward, I think there may be a misunderstanding. The director general of Justice and Home Affairs has no oversight of the police whatsoever. The accountable officer for the police is the chief of police and not the director general of the Justice and Home Affairs Department. In any event, the whole process was overseen by the Appointments Commission, who ...

The Bailiff:

I am afraid, Minister, I must interrupt you because a point of order has been raised by Senator Vallois. What is your point of order on which you wish a ruling from me?

Senator T.A. Vallois:

I would just like to raise a point of order. The Minister is inferring that I was trying to suggest there was something untoward that was happening.

The Bailiff:

That is not a point of order. The most it could be would be a point of clarification of your speech.

Senator T.A. Vallois:

May I make the point of clarification? Because that was not the ...

The Bailiff:

Only if the Minister agrees to give way. Do you give way to that?

Senator T.A. Vallois:

If the Minister agrees to give way, then I would like to make that point.

The Bailiff:

Minister, do you give way for a point of clarification?

The Connétable of St. Clement:

I am happy to give way to the Senator.

The Bailiff:

Yes, very well. Senator, so what is your point of clarification? Are you clarifying your speech?

Senator T.A. Vallois:

Yes, Sir. I was not trying to make anything untoward in terms of the process or anything that has happened. I was just asking legitimate questions around conflicts of interest and I was asking the Minister to clarify that. I would ask the Minister to relay the response in a way that does not reflect that I was trying to suggest something otherwise.

The Bailiff:

That is all right, Senator. What you have done is clarify your speech. You are perfectly entitled to do that. You have clarified to the Assembly what you meant to convey in your speech and it is not for the Minister to do anything. He has permitted that point of clarification. It may be useful now to deal with Deputy Ward's point of clarification. Do you give way to Deputy Ward, Minister?

The Connétable of St. Clement:

Yes, of course.

Deputy R.J. Ward:

Sorry to interrupt, I know that is a bit difficult. Just a point of clarification on the comment that was made that the director general has no direct oversight of the police force. That was not the point that I was making. I want clarification as to whether the Minister sees that in the end, during the chain of command in the new Target Operating Model, the director general does have influence over the police organisation. I just wonder whether there is any issue regards that and the independence of this appointment. That was the point I would make. Thank you.

The Bailiff:

I think if you are able to clarify that, Minister, and continue with your speech.

The Connétable of St. Clement:

The situation has not changed. The director general has no influence in the way that the Deputy was suggesting.

The Bailiff:

Do you wish to continue with your speech, Minister?

The Connétable of St. Clement:

Yes. The other speaker I think was Deputy Higgins. As far as I recall, the authority operates under its own law, not under the police law. What it does is to oversee, monitor and supervise the investigation by the Professional Standards Department of the police of complaints against the police

and indeed the Honorary Police. As far as I recall, they do operate totally under their own law, not of the police law. Sorry, I beg your pardon, the proposition makes it clear, it is the Police (Complaints and Discipline) (Jersey) Law which is appropriate in this case. I maintain the proposition.

The Bailiff:

Thank you very much. I ask the Greffier to put a link in the chat. I open the voting and ask Members to vote. If Members have had the opportunity of casting their votes, I ask the Greffier to close the voting. The proposition has been adopted: 40 votes *pour*, no votes *contre*, no abstentions in the link and a further 2 votes *pour* in the chat.

POUR: 42		CONTRE: 0		ABSTAIN: 0
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. Brelade				
Connétable of Grouville				
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 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 R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				

Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

That concludes Public Business for the meeting.

ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS

The Bailiff:

I invite the chair of P.P.C. to propose the arrangements for the Public Business for future meetings.

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

The arrangement of Public Business is the same as that which can be found on the Consolidated Order Paper. I have no notifications of any changes.

The Bailiff:

The Deputy of Grouville I think wishes to raise a point in connection with future business.

20.1 Deputy C.F. Labey of Grouville:

I would just like to make a point that if States Members are moving their propositions to a later date, a future date, and other Members have amendments to the proposition, I think it would be courteous for them to inform those Members because unfortunately that has not been the case with the foreshore that was lodged by the Minister for Infrastructure. I have a not insubstantial amendment to that and it would have been courteous, I feel, and I think as a rule of thumb that some recognition should be given to Members that put amendments or have things on a particular proposition that are being moved around the order.

The Bailiff:

Thank you very much, Deputy. Deputy Gardiner, did you have something to say about the arrangements for future business?

20.2 Deputy I. Gardiner:

Yes. I would like to advise Members that my proposition that just has been lodged, it is P.2/2021, I would defer to the 2nd March sitting so that Members will have an opportunity to consider if they need to submit the amendments.

The Bailiff:

Thank you very much, Deputy. That is very helpful. Do you have anything you wish to respond on that, Minister for Infrastructure?

20.3 Deputy K.C. Lewis:

Yes. The reason it was delayed, the amendment was made over the Christmas period, where quite a few officers were on leave, so it was impossible to get everything together that needed to be done. It was also brought up at the Council of Ministers, which the Deputy of Grouville is a member.

The Bailiff:

Deputy Pamplin, did you have something to say about the arrangements for future business?

20.4 Deputy K.G. Pamplin:

Yes, I believe it is relevant. Will the chair of P.P.C. endeavour to have a conversation with the authorities of S.T.A.C., Dr. Muscat, as we are now meeting in 3 weeks' time the probability of the trajectory of where we are on the Island with the management of the pandemic that we could entertain again getting the Assembly back in a hybrid system, as we also show the Island that we are moving back to working within the confinements of the pandemic to show that the Island's Parliament can meet, if it can.

The Bailiff:

Very well. Chair of P.P.C., is there anything you would wish to say in response to those?

20.5 Deputy R. Labey:

I have some sympathy - total sympathy - with the Deputy of Grouville, apologies. Manners cost nothing and it would take very little time to fire off an email to say that you are deferring or withdrawing when there are amendments. That particular matter is one of great public interest, so I can only feel it would have been helpful if the Minister had done what the Deputy of Grouville expects of him. We cannot move until there is a change in the advice in terms of meeting the Assembly, but when the advice changes, we will change. That is all.

The Bailiff:

Thank you very much. So you maintain your proposition for the arrangements for future business then. Senator Farnham, is there something to add about the arrangements for future business?

Senator L.J. Farnham:

I am just checking that Senator Pallett's proposition, P.1, Skatepark at Les Quennevais, I could not see it on the Public Business for the 9th, but I think I was not looking at the Consolidated Order Paper and I just wanted to make sure it was there.

The Bailiff:

It is definitely on there for the 9th. I can say that to you, Senator. May I take it that Members approve the arrangement for Public Business as proposed by the chair of P.P.C.? I will assume that to be a standing vote unless anyone indicates in the chat they would like a vote to be taken. If you wish a vote to be taken, could you please indicate now? I will take that on a standing vote. The arrangement for future business has been approved and the Assembly stands adjourned until Tuesday, 9th February.

ADJOURNMENT

[17:45]