

**STATES OF JERSEY**  
**OFFICIAL REPORT**  
**MONDAY, 25th NOVEMBER 2024**

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[14:15]

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

## **QUESTIONS**

### **1. Written Questions**

#### **1.1 Deputy K.M. Wilson of St. Clement of the Minister for Sustainable Economic Development regarding the Island's ferry tender process: (WQ.403/2024) (Revised Answer)**

##### **Question**

In relation to the Island's ferry tender process, will the Minister advise –

- (a) what consideration, if any, was given by the Government to improving Jersey's resilience and reputation during the process;
- (b) whether he has received the support of all members of the Council of Ministers, and the impact, if any, the level of such support has had on the decisions being made;
- (c) what impact, if any, the tender process is having on inter-Island relationships with his counterparts and how the relationship will be strengthened post the tender process;
- (d) what assessment has been undertaken on the impact the actions of the Chief Officer of the Department for the Economy have had on the process, and what has been done, if anything, as a result of those actions;
- (e) the total expenditure on the tender process, including contingencies, and how value for money has been demonstrated; and
- (f) what lessons have been learnt from this process for joint working between the Islands, and to avoid future reputational and financial risk to Jersey?

##### **Answer**

- (a) A range of technical, commercial, financial and legal factors were considered as part of the tender process, including matters related to resilience such as fleet modernisation and maintenance. As to reputation, that is something Ministers consider in all decisions they make.
- (b) All Ministers have been supportive and constructive throughout our discussions, appreciating the importance of securing a sustainable long-term service that best serves the interests of Jersey. This has helped considerably in decision-making.
- (c) The Council of Ministers remain confident in the strength of inter-Island relations, respecting that our counterparts in Guernsey must make their own decisions. Ministers will continue to engage with our sister Island constructively using all available avenues.
- (d) The Chief Officer immediately recused themselves, and a replacement Senior Responsible Officer was appointed swiftly. It is regrettable that this needed to take place, but it has not had a material impact on the speed or effectiveness of the process.
- (e) The tender process has been conducted by existing officials of the Government, including those in the Economy and Treasury Departments, and the Ports of Jersey. Additional costs (including legal fees and expert professional advice) have been incurred during this process as expected when conducting a procurement of this size and complexity. As of 31st October, Jersey's share of these costs stood at around £750,000 since the tender was launched in 2024.

As to value for money, securing a sustainable high-quality ferry service is crucial for our economy and way of life, and the processes undertaken have been designed to demonstrate and secure this outcome.

It is important to note that the costs of contingency are not connected to the procurement process. The spend on contingency to date has been £2.97m.

(f) It was appropriate to follow an open and competitive pan-Island process, and the ultimate outcome will be a more sustainable ferry service. Ministers and officials are constantly considering how to improve, and a lesson learnt exercise will be conducted at the appropriate stage, including any lessons for improved pan-Island arrangements and relations.

## **1.2 Deputy M.B. Andrews of St. Helier North of the Minister for Education and Lifelong Learning regarding the use of mobile phones by students in schools: (WQ.410/2024)**

### **Question**

Will the Minister advise what consultation, if any, has been undertaken with teachers and parents regarding the use of mobile phones by students in schools, and if none, will he consider undertaking such a consultation?

### **Answer**

As Minister, I have discussed mobile phone use policy with headteachers of Jersey schools in group meetings and when on school visits.

Mobile phone use in schools is a decision delegated to head teachers as they are best placed to know the individual context of their school and its students. No whole system survey has taken place, as it would be inappropriate considering the delegated decision making on this topic.

Some schools have run their own surveys, but we do not hold records of these centrally. Many schools limit or ban the use of mobile phones during the school day already. Some schools have made recent changes to their policies (Victoria College for example), and this indicates the reality that schools do continually review and adapt their policies in the best interests of all concerned and the context of their school.

## **1.3 Deputy I. Gardiner of St. Helier North of the Minister for Health and Social Services regarding the average daily cost of hospital admissions: (WQ.411/2024)**

### **Question**

Will the Minister provide information on the average daily cost of hospital admissions for 2022 and 2023, as well as anticipated costs for 2024 in line with inflation, broken down by the following types of stay –

- (a) Elective (Planned);
- (b) Non-elective (Emergency);
- (c) Critical Care (Intensive Care Unit); and
- (d) Standard Bed?

### **Answer**

The below table shows 2022 information extracted from the Person Level Information & Costing System (PLICS) analysis:

Admission Type	Total 2022 Cost (£)	Number of episodes	Number of individual people	Average cost per episode (£)	Total Length of stay	Average 'cost per day' (£)
Non Elective	84,379,294	15,547	7,217	5,427	75,580	1,116
Elective	16,783,296	4,487	2,826	3,740	8,898	1,886
Day Case	14,376,141	9,998	8,142	1,438		1,438

From the 2022 Person Level Information & Costing System (PLICS) analysis, we can provide the above figures, we are unable to provide the specific breakdown into categories a)-d) requested above.

This includes all admission costs, not just direct ward costs i.e. if patients have had a theatre procedure, diagnostic tests, drugs, critical care etc these costs are included in the above table.

The different wards (i.e. Critical care or a general ward) costs are not broken down in the PLICS dashboard. It is therefore not possible to provide a breakdown as requested to differentiate between 'Critical Care' and a 'Standard Bed'.

The PLICS model is currently only updated to 2022, so equivalent numbers to the above table for 2023 and 2024 are not available.

#### 1.4 Deputy J. Renouf of St. Brelade of the Chief Minister regarding funding allocated to the Chief Minister's Pilot Project Fund:(WQ.412/2024)

##### Question

Will the Chief Minister detail the funding allocated to the Chief Minister's Pilot Project Fund each year since its inception, and the total spend each year, including any money committed so far in 2024?

##### Answer

##### EXPENDITURE BY YEAR

2020 FUND CREATED – Senator John Le Fondré	
Cadets	£36,000
RAF	£8,000
<b>Total Spend</b>	<b>£44,000</b>
<b>Budget (funding allocated)</b>	£44,000

2021 - Senator John Le Fondré	
Island Identity Project	£31,000
Ask the Ministers	£2,000
Ports of Jersey – sea connectivity work	£97,000
Jersey Lifeboat Enquiry	£100,000



Cadets	£36,000
OurGov	£2,000
CEO Recruitment	£65,000
Children & Digital World	£4,000
<b>Total Spend</b>	<b>£337,000</b>
<b>Budget</b> (funding allocated)	£1,000,000

<b>2022 - Senator John Le Fondré &amp; Deputy Kristina Moore</b>	
Town Bus Service	£125,000
Cadet Grants	£27,000
Island Identity Project	£43,000
Children and the Digital World	£55,000
Our Hospital Review	£25,000
Ex-Gratia Payment following Complaints Board Findings	£69,000
Financial Stability Board	£65,000
PFAS Testing	£67,000
ArtHouse Jersey Short film	£20,000
Jersey Policy Forum	£16,000
Children's Day	£38,000
Lifeboat (unrequired PY accrual)	-£62,000
<b>Total Spend</b>	<b>£488,000</b>
<b>Budget</b> (funding allocated) (including any budget carried forward from previous year)	£1,525,000

<b>2023 – Deputy Kristina Moore</b>	
Ambassador packs	£1,000
Island Fan Zone	£10,000
Island Identity Project	£12,000
PFAS	£20,000
Oceanslab (yacht sponsorship)	£347,000
Butterfly Café	£155,000
Cadets	£36,000
Town Link	£233,000
School Shades	£200,000
Our Hospital consultancy	£3,000

<b>Total Spend</b>	<b>£1,017,000</b>
<b>Budget</b> (funding allocated) (including any budget carried forward from previous year)	£1,727,000

<b>2024 – Deputy Lyndon Farnham</b>	
Salvation Army Pantry	£127,000
Sanctuary Trust	£188,000
Butterfly Café	£35,000
Euros Screen	£45,000
Move More Toddler Scheme	£77,000 (committed not yet paid)
Brighter Futures	£150,000 (committed not yet paid)
<b>Total Spend</b>	<b>£622,000</b>
<b>Budget</b> (funding allocated)	£699,000

**1.5 Deputy H.L. Jeune of St. John, St. Lawrence and Trinity of the Minister for Treasury and Resources regarding grants and subsidies provided to third parties and States bodies: (WQ.413/2024)**

**Question**

Regarding grants and subsidies provided to third parties and States bodies, will the Minister advise –

- (a) the total amount provided in 2023 and 2024, set out as per Appendix A to the report [Organisations receiving Grants of over £75,000 in 2020, 2021 and 2022](#);
- (b) any increase or decrease in Grants funding identified within the Proposed Budget 2025-2028; and
- (c) what mechanisms are in place to establish feedback on the outcome-based impact from those receiving grants and subsidies?

**Answer**

- a) The Annual Report and Accounts (ARA) 2023 includes a detailed note on grants (Note 4.9, starting on page 231). This includes details of all significant grants (£75,000 and over). Both the ARA and the report the question refers to are based on a full year's audited figures. 2024 figures will be included in the ARA2024 in due course.
- b) Approvals in the Budget are at a Departmental Heads of Expenditure level. All departments in the 2025 Budget have received an allocation to allow for inflation on non-staff expenditure, alongside allocated savings targets. In line with the Council of Ministers Common Strategic Policy and individual Ministerial priorities departments may choose to reprioritise allocated funding which could either increase or decrease grants, but this information is not collated centrally. In some cases the Budget has identified specific growth and savings measures that directly relate to grants e.g. the savings to be delivered through a review of ALOs will be effected via a reduction in the relevant grants. Individual Ministers and their Accountable

Officers will be discussing 2025 business plans with grant receivers as part of the governance requirements.

c) The Public Finances Manual includes a number of requirements relating to both Grants and Arm's Length Organisations. Amongst these are that:

- grants must be used for their intended purpose;
- a funding agreement must be in place for all grants; and
- value for money outcomes must be maximised.

Individual Accountable Officers have legal obligations relating to propriety, regularity and value for money. It is for the Accountable Officer of the department issuing the grant to ensure that they are achieving the desired and documented outcomes.

### 1.6 Deputy A.F. Curtis of St. Clement of H.M. Attorney General regarding Planning and Building (Jersey) Law 2002 potential offences: (WQ.414/2024)

#### Question

Further to [Written Question 245/2024](#) and in relation to [Planning and Building \(Jersey\) Law 2002](#) potential offences, will H.M. Attorney General advise –

- (a) what processes are in place between the Government's Regulation Department and the Law Officers' Department to pursue offences;
- (b) how many cases have been passed from the Regulation Department to the Law Officers' Department between 2020-2024, broken down by year, referencing the relevant Article where possible;
- (c) how many cases his Department is currently pursuing, broken down by relevant Article where possible; and
- (d) whether his Department follow a specific methodology for establishing public interest when considering cases?

#### Answer

- (a) The process is set out in the Attorney General's [guidance note](#) for officers of regulatory departments when considering whether or not a suspected breach of the law should be referred to the Attorney General.

(b) and (c) – Answered in the table below

	How Many Cases	under which articles have been determined	ongoing offences	outcome
2020	0			
2021	0			
2022	2	Article 44(7) Articles 86 + 89	1	Fine - £7,000

2023	3	Article 44	1	1 – Advice given – No further action 1 – Advice given – retrospective planning granted
2024	0			

(d) Guidance on the public interest test is set out in the Attorney General’s [Code on the Decision to Prosecute](#) (paragraphs 13-19). The public interest test (the second of two stages in any decision to prosecute) is fact specific and each case is determined on its own merits.

**1.6 Deputy D.J. Warr of St. Helier South of the Minister for Housing, regarding the future of the Haut du Mont site: (WQ.415/2024)**

**Question**

Further to [Written Question 238/2024](#), will the Minister advise what progress, if any, has been made regarding the future of the Haut du Mont site, and whether any engagement has taken place with the bereaved families and displaced residents on the site’s future, and if none, will he explain why not?

**Answer**

Work is progressing towards the finalisation of plans, which are due to be submitted as a planning application early next year. Engagement has taken place with bereaved families and displaced residents, all of whom have been kept updated throughout and have contributed their thoughts and opinions to the ongoing process.

**2. Oral Questions**

**2.1 Deputy J. Renouf of St. Brelade of the Chief Minister regarding the decision-making process for the appointment of a new ferry operator: (OQ.226/2024)**

Will the Chief Minister explain what involvement, if any, he has had in the decision-making process regarding the appointment of a new ferry operator, and state what actions he has taken in relation to this matter since the Assembly last met?

**Deputy L.J. Farnham of St. Mary, St. Ouen and St. Peter (The Chief Minister):**

As I explained in the previous sitting, as Members know, Deputy Morel, as Minister for Sustainable Economic Development, is responsible politically for this area and he continues to have my full support. My own role has related to my capacity as Chief Minister in this instance, so providing guidance and support to the Minister, and ensuring that Ministerial business is conducted in the appropriate way. In relation to what involvement I have had with the decision-making process, we have not made any decisions as yet as to who the preferred bidder will be. What we have done, though, is put in place a new process, which is underway, which is aimed at enabling the Council of Ministers or the Minister to do that by the end of this week, hopefully. That is what we are focusing on now.

**2.1.1 Deputy J. Renouf:**

In the previous process there was mention made that there was an indicative vote in the Council of Ministers about the options before them. Will he confirm whether the decision, the recommendation from officers that will be put to the Minister, will that be put to a vote in the Council of Ministers

and, if so, will this be a formal vote as opposed to an indicative vote and will it include Assistant Ministers?

**Deputy L.J. Farnham:**

I anticipate there will be a formal vote of the Council of Ministers, not including Assistant Ministers, because they do not vote at Ministerial meetings, although they are generally always present which is welcome. I anticipate there will be a vote but that will be a vote on the Council's view of who the preferred bidder should be. Ultimately it is up to the Minister to make a decision, although I do not anticipate him deviating too much from the view of the Council of Ministers.

**2.1.2 Deputy I. Gardiner of St. Helier North:**

In the previous Assembly concerns were raised regarding the reaction from France, because we need to develop a relationship. Would the Chief Minister advise if he or somebody else at the Council of Ministers had any engagement with the ...

**Deputy L.J. Farnham:**

I did not quite hear the last part of the question but we are in constant ...

**The Deputy Bailiff:**

Well, I think is important you do. It is any engagement with the French authorities.

**Deputy I. Gardiner:**

What can happen and was there any conversations regarding the ferry operation going forward?

**Deputy L.J. Farnham.**

Officials are in constant communication with their French counterparts in Ports. Through External Relations we have an ongoing dialogue in all of these communications of the potential logistics of the new ferry operator or existing ferry operator, whatever that works out to be, has been discussed. At a political level, the Minister himself has discussed the matter with French regional politicians.

**2.1.3 Deputy I. Gardiner:**

Can the Chief Minister advise if he had any engagement with other stakeholders regarding the ferry tender and the contract?

[14:30]

**Deputy L.J. Farnham:**

Outside of all the stakeholders involved in the process I do not think I have, no. I think primarily, together with the Minister, I have met with both bidders and relevant officials, but that is ... I was just trying to think on my feet, I do not think there is anyone outside of those involved with the ferry process and the shareholders. That does include discussions, like I say, with the shareholders in relation to Brittany Ferries, the executive team of DFDS and recently with the lenders to one of those organisations. But outside of that, no.

**2.1.4 Deputy H.L. Jeune of St. John, St. Lawrence and Trinity:**

Would the Chief Minister say if there were any changes to the procurement criteria and selection requirements of the tender compared to the joint process? If so, what were those changes?

**Deputy L.J. Farnham:**

There were changes because a lot of the work had begun in the previous process, so it was an abridged version of that. I do not have all the exact detail in front of me but it was - I am trying to think on my feet - predominantly an extension of that. The criteria was largely the same in respect of service level, albeit a different fleet configuration might be acceptable given the change in circumstances.

### **2.1.5 Deputy H.L. Jeune:**

Were any lessons learned from the failed joint process that informed this process? If so, what were they?

### **Deputy L.J. Farnham:**

I cannot identify exact lessons learned currently, because we are moving ahead with the new process rather than going back and scrutinising the former process. I think it will stand up to scrutiny. I am sure that is an exercise we will engage in at the appropriate time.

### **2.1.6 Deputy P.F.C. Ozouf of St. Saviour:**

I wonder if I could ask what the reaction has been with the outreach by the officials that have met in France. Can the Chief Minister kindly give any indication as to what the reaction has been from those French individuals that have been cited? Is there concern? Is there understanding?

### **Deputy L.J. Farnham:**

I think, generally speaking, for French officials at all levels there has been a broad understanding, albeit a desire for us to make a decision as quickly as possible. In all circumstances, we have always led with from Jersey's point of view, we are going to be acting in Jersey's best interest but working closely with our partners moving forward.

### **2.1.7 Deputy P.F.C. Ozouf:**

There has been no negative vibes about the right of the Jersey Administration to effectively favour potentially a Danish firm rather than a French firm? There has no negative connotations? Well, indeed, of course, Condor are backed by a British equity fund.

### **Deputy L.J. Farnham:**

I do not think one would have to be a detective to probably recognise that the French would prefer to deal with a French company but at a professional level with officials, on both sides, they have taken a most professional view on the matter. I have said in the past there are a number of ramifications, material considerations, that we have to consider in the process, including a potential for political ramifications based around the decision, together with logistics and the potential for any disruption to service depending on what that decision is.

### **2.1.8 Deputy M. Tadier of St. Brelade:**

On 30th October, Guernsey announced they were choosing Brittany Ferries as the successful bidder. The Minister for Sustainable Economic Development said he was surprised when he heard that announcement. Was the Chief Minister also surprised when he heard that announcement or can he confirm that he had actually been given prior notice, along with the Minister, that Guernsey would be making that announcement?

### **Deputy L.J. Farnham:**

I think the Deputy has his date slightly wrong and that might have been due to it being misreported. We were informed of Guernsey's decision, I believe, on the Friday, I think - whether that was the 17th or 18th October, I cannot remember - that Guernsey had made their decision and were going to announce it that afternoon. After further discussions, they agreed to push that forward to the following week and we understood they were going to announce it on the Wednesday potentially, which is what they did. So I was not surprised but I think because the announcement, as I remember, came after close of play and contained some quite extensive detail as to the rationale that may have been the cause of the Minister's surprise, but for that he will have to answer himself and explain that one.

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

Insofar as it speaks to the confidence that we, or indeed the Chief Minister, can have in his Ministers or the team working on it, is it a problem when the Minister either misspeaks or misremembers and says that he was surprised at something which he actually fully knew about when the Chief Minister had the same knowledge and was not surprised? Would he confirm that he has full confidence in the Minister and the officers, both current and the ones managing the previous tender bid, in this whole process?

**Deputy L.J. Farnham:**

Yes, I do have confidence and I have worked closely with the Minister since I was asked to become more involved around the time of the 17th when we had the surprise call from Guernsey that they were going to go on their own. I retain that confidence. On top of that, I can assure Members that all Ministers have provided good support to the Minister in helping him through this rather challenging task. I am pleased to report that we are getting close to a solution to provide some confidence and surety around the future of the ferry service.

**2.1.10 Deputy K.M. Wilson of St. Clement:**

Can the Chief Minister confirm whether he and the Minister for External Relations visited counterparts in Guernsey 2 weeks after the announcement was made by the Guernsey Government?

**Deputy L.J. Farnham:**

No, we did not.

**2.1.11 Deputy K.M. Wilson:**

Can the Chief Minister state what involvement he has had in the development of the new process?

**Deputy L.J. Farnham:**

This is being led by the Minister for Sustainable Economic Development and his team. I have been kept briefed as to the progress of that and that is the extent of my involvement.

**2.1.12 Deputy K.L. Moore of St. Mary, St. Ouen and St. Peter:**

In answering a previous question, the Deputy referred to a list of stakeholders that he had engaged with. Would the Deputy like to outline to the Assembly which organisations those stakeholders are, please?

**Deputy L.J. Farnham:**

Predominantly Brittany Ferries, DFDS, the lending group to Brittany Ferries. I think that is about it. Other than that it is internally, officials and other Ministers.

**2.1.13 Deputy K.L. Moore:**

When the indicative vote was taken at the Council of Ministers, could the Chief Minister confirm that he was one of the 2 votes against that indicative vote?

**Deputy L.J. Farnham:**

No. When I say indicative votes, there was a general discussion around the table with Ministers expressing their views, a discussion evolved and at the end of the discussion the Council of Ministers took a decision to proceed with the new process that we started, with no dissensions.

**2.1.14 Deputy J. Renouf:**

I was interested to hear that the Chief Minister has met with the lenders to one of the parties, which suggests he is playing quite a close role. Has the Chief Executive been involved in these discussions as well?

**Deputy L.J. Farnham:**

No, the Chief Executive has not been involved with the discussions. Thank you.

## **2.2 Deputy P.F.C. Ozouf of the Minister for External Relations regarding the decision to reduce Government funding for Jersey Finance from 2025: (OQ.232/2024)**

In relation to the decision to reduce Government funding for Jersey Finance from 2025, will the Minister explain the rationale behind the decision, state what projects will be impacted as a result, and explain what consideration he gave, if any, to the impact the funding reduction would have on economic growth?

### **Deputy I. J. Gorst of St. Mary, St. Ouen and St. Peter (The Minister for External Relations):**

The Council of Ministers has proposed a range of measures to prioritise expenditure. This has included reductions in the budgets of Government departments as well as arm's-length organisations. In regards to grant reductions, I am not aware of any analysis being undertaken. I will, however, continue to work with Jersey Finance with regard to the work they undertake in 2025, primarily supporting the use of their reserves. I will also continue to explore other funding opportunities, particularly to ensure that they have sufficient resources to increase their presence in the U.S. (United States), where we are seeing significant levels of growth.

#### **2.2.1 Deputy P.F.C. Ozouf:**

Could I just clarify that there has been no analysis that the Minister is aware of about what would happen as a result of this cut? If I have understood it, it may not be a cut because they may be using their reserves. Perhaps he could just clarify that, please?

#### **Deputy I.J. Gorst:**

In relation to the second part of his question, that is correct. Not only am I supporting them in the use of their reserves, I would like to find additional money for them - I cannot tell him exactly where that will be at this point - in order to increase their footprint and the work that they do in the U.S.

#### **2.2.2 Deputy H.L. Jeune of St. John, St. Lawrence and Trinity:**

Following on from that, will the Minister ensure that the sustainable finance work that Jersey Finance implements will not be cut as part of the savings or part of the rearranging using reserves, so that they can continue to deliver Jersey for good?

#### **Deputy I.J. Gorst:**

The Deputy is probably aware that my Scrutiny Panel approached Jersey Finance for comment. I am not sure whether their letter is in the public domain but it is extensively quoted from in the report that it has done in regard to the Scrutiny review for the Budget. In there they say they are going to do everything in their power to mitigate any impact and their careful planning and focus will be on the most essential initiatives that will help them to navigate through that period. That would indicate to me that they do not intend to take the action that she has just requested they do not.

#### **2.2.3 Deputy H.L. Jeune:**

Can the Minister confirm that they believe their essential actions includes sustainable finance work and the work that has just been published with the support they will do for the Sustainable Finance Action Plan? Is that essential for Jersey Finance?

#### **Deputy I.J. Gorst:**

I think it is essential for Jersey. My understanding is that while they will do that prioritisation and I will work with them to give them the level of assurance that they need to use their reserves during 2025 - in the way that I have just said in answer to Deputy Ozouf - I will also be looking to see if there are other funds that we can use to increase their work in the U.S. The Sustainable Finance



Action Plan is a priority and it will be in 2025 and 2026. We know, of course, that in 2026 we will have the money coming in from the Pillar 2 tax take as well, which will enable greater support for the action plan that she has questioned in there.

#### **2.2.4 Deputy I. Gardiner of St. Helier North:**

I am sure that the Minister was aware of my question that I asked in written questions and followed up in the oral for the Chief Minister to produce a list of projects that were stopped or delayed as a result of reprioritisation of the Government. I have received a summary late Friday but it looks like External Relations is not applicable. Would the Minister advise what are the projects in his portfolio that were stopped or delayed due to reprioritisation?

[14:45]

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

Minister, it is rather outside the question that you have been asked.

#### **Deputy I.J. Gorst:**

Indeed it is. There are other pieces of work ... if the Deputy wishes to read the Scrutiny Panel review, I was questioned on that extensively when I appeared before them and it is included in there. There are 2 or 3 other elements of my portfolio that will either be being cut back and the work that we will be doing will not happen or they are being reprioritised. I have not seen the answer that the Deputy alludes to on Friday but I am more than happy to point her in the direction of the clear answers that I gave to the Scrutiny Panel on the matter.

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

Absolutely. It was actually the answer from the Chief Minister putting all responses to Scrutiny together and somehow there was no response to Scrutiny from the Minister. But, going back to the question, for the workstream within the Financial Services, what are the projects that were stopped?

#### **Deputy I.J. Gorst:**

The projects within Financial Services are those in regard to the grant to Jersey Finance Limited, which is the subject of Deputy Ozouf's question.

#### **2.2.6 Deputy M. Tadier of St. Brelade:**

In response to my Scrutiny Panel's letter to Jersey Finance asking about how this reduction in their grant might affect them, they said: "If the reduction in grant is limited to one year, we are confident in our team's ability to plan carefully and manage. That is not to say that it will not have some impact, which is impossible to quantify at this stage." Given that statement, does the Minister agree with the panel's recommendation that he should closely monitor the financing of grants to Jersey Finance and that he should accept that next year they should be given a full grant based on this year's grant?

#### **Deputy I.J. Gorst:**

The officers in my department do closely monitor the grants given to Jersey Finance Limited. I have got to say, I am not always pleased with scrutiny of budget proposals in my department but having read their recommendation in this regard, I am more than fully supportive of it. As I remind the Chair of the panel, when I appeared before him, it was a compromise. I did not actually support the cut to this budget in the first place. The proposed cut initially was, rather than 1 million across the A.L.O.s (arm's-length organisation), 3 million. The Minister for Sustainable Economic Development and I made our case, we had this cut reduced. But I will do everything in my power, as I have already said in answer to the original questions, firstly to allow Jersey Finance to use their budget; secondly, to seek to find additional money so that it can do that important work, which will drive economic

growth, which is critical; and, thirdly, to make sure that when we come to allocate the competitive money from the Pillar 2 income that their budget is restored.

### **2.2.7 Deputy P.F.C. Ozouf:**

I am grateful for the Minister's answer. I wonder whether he would conclude by answering absolutely clearly, for the avoidance of any doubt, that the challenges that the Government is facing, we as an Assembly are facing, in having challenging times, finding money for frontline services, the health service ... does he agree with me that rather than having a constant discussion about cutting the cake, he must lead the charge in delivering a message of growth and an appetite and a need for growth? There is a correlation between the money that this Assembly votes for Jersey Finance, the economic recovery and the money that this Assembly has. But it is a worrying message when you are effectively cutting the money for the Island's most important economic provider. Will he give a storming vote of confidence to the industry that otherwise might not understand?

### **Deputy I.J. Gorst:**

I am not sure I need to, because the Deputy has just done so and I congratulate him on doing so.

### **Deputy P.F.C. Ozouf:**

Not a Minister.\*\*

### **Deputy I.J. Gorst:**

Our economy, like many economies around western Europe, is facing a challenge of growing public services and an increasing cost of a health provision. If we look at the division of our current budget, we see that growing number going into health services. It is not affordable in the longer term unless we grow the economy. Whether Members like it or not, whether members of the public like it or not, the only game in town to grow our economy in such a way, that means we do not need to raise taxes, is through Financial Services. That is why I made the case, together with the Minister for Sustainable Economic Development, that these cuts, while balancing the budget in 2025 might seem sensible and reasonable, they were absolutely cutting off our nose to spite our face. They were absolutely short term and he and I will be completely aligned in making sure that the economic sectors of Jersey have growth, they have the promotional money that they need so that we can see a growing economy and we in this place do not have to make difficult decisions about increasing taxes because that is not what the public want, sir. [Approbation]

### **2.3 Deputy M. Tadier of St. Brelade of the Minister for Sustainable Economic Development regarding the safety record of the tendering companies for passenger and freight ferry services: (OQ.230/2024)**

I will bring us back down to earth. Will the Minister state if the safety record of the tendering companies was a factor in the previous decision-making process for passenger and freight ferry services, and whether it will be a consideration in the current tender process, and, if not, why not?

### **Deputy K.F. Morel of St. John, St. Lawrence and Trinity (The Minister for Sustainable Economic Development):**

I thank the Deputy for his question. I think it is an important one. As part of the previous tender process, all bidders were required, as part of that invitation to tender, to submit a health and safety plan, which was evaluated as part of the technical evaluation criteria. Tenderers were asked to demonstrate an effective safety policy and the necessary organisation to implement it. The invitation to tender document also set out that any successful tenderers must comply in all respects with the provisions of the Health and Safety at Work (Jersey) Law 1989 and other relevant health and safety legislation. Now, the procurement exercise was focused on the information provided in the tenders

and so did not take into consideration, any past incidents the bidding parties may have been involved in. But I do personally want to add, from my perspective, that I have been involved in the recovery operations around the loss of the L'Ecume and the 3 lives on board. From my perspective, while I fully accept that the tender process does not take that into account, the loss of those 3 lives lives with me and in my thoughts at all times, not just within this process but in all matters around maritime matters. It guides me in terms of the health and safety implications of all the decisions we make with regard to administering the seas.

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

I learned today from a written answer I got to a written question that Jersey does not have corporate manslaughter on its statute book. So, where maybe we could have expected, in other places like England and Wales, for a company to be held to account for certain criminal offences which might result in manslaughter, in Jersey that is not the case. We currently have a live case where 2 individuals who work for Condor are being prosecuted for manslaughter, which might otherwise, as I said, be a corporate manslaughter charge if that was within our statutes or within the Jersey law framework. Given that is the case, can the Minister clarify why it is not a criteria to look at current safety records and any prosecutions that might be hanging over either company when deciding whether or not to trust them with the safety and lives of visitors coming to and from Jersey?

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

I think the Deputy raises some interesting questions around corporate manslaughter, not ones I am able to answer directly in that respect but I think the Deputy is right to raise them. I cannot say why those records are not taken into account, except in order to ensure a fair tender process. The process itself looks at the bids and looks at those tender documents that are recorded. The awarding stage of the process ultimately involves political discussion, I think if those matters are to be raised that is where they will be raised but the process itself could only look forward in that respect. I believe that is most likely why those records were not involved.

## **2.4 Deputy T.A. Coles of St. Helier South of the Minister for Children and Families regarding raising the age of criminal responsibility in Jersey: (OQ.224/2024)**

Will the Minister explain what consideration, if any, has been given to raising the age of criminal responsibility in Jersey (the age below which a child cannot be tried as a criminal) from 10 to 14 in order to match the UN Convention on Rights of the Child's recommendation, and if not, why not?

### **Connétable R. Vibert of St. Peter (The Minister for Children and Families):**

Consideration has been given to the minimum age of criminal responsibility and will be referenced in the Youth Justice Strategy, due to be published in early 2025. Changes to the age of criminal responsibility are more complex than simply changing the age in a law. Guidance from the Attorney General provides safeguards against the criminalisation of children but we cannot safely raise the age of responsibility without answering the fundamental question of how we deal with children under the age of 14 who appear to have committed a criminal offence. The Youth Justice Strategy will be co-ordinated under the Building a Safer Community Framework and a Youth Justice Partnership is being convened in the coming months to work through the proposed key outcomes and action points from the strategy. The proposed group membership consists of Justice and B.A.S.C (Building a Safer Community) Co-ordinator, Deputy Chief Officer of the State of Jersey Police and representatives from Criminal Justice and Community within S.o.J.P. (States of Jersey Police), representative from the Law Officers' Department, Director of Children's Service, Head of Youth Service, Head of the Probation Service, Chef de Police from the Honorary Police, representatives from the Courts and Health and the Children's Commissioner's Office, and other members will be co-opted as required.

I trust that this answers the point about whether it will be considered. At this point, it is difficult to say when we will be able to comment further and deliver on that specific item.

**2.4.1 Deputy T.A. Coles:**

Can the Minister confirm whether he believes that exposure to the criminal justice system for children under the age of 14 is a benefit or a hindrance in their development?

**The Connétable of St. Peter:**

I believe we would consider that a hindrance in their development. The current guidelines is anyone under the age of 15, the presumption is that they will not be charged. I think that everything we are doing under the Youth Justice Strategy is starting with early intervention to prevent children from coming into contact with the criminal justice system.

**2.4.2 Deputy H.L. Jeune of St. John, St. Lawrence and Trinity:**

Does the Minister know how many children have been held criminally responsible for their actions between the age of 10 and 14 in the last 3 years? What has been the consequence?

**The Connétable of St. Peter:**

Actually, I do not have that information to hand but I am quite happy to provide that to the Deputy and I shall make arrangements for that information to be provided.

**2.4.3 Deputy H.L. Jeune:**

I am quite surprised. I am assuming it is quite a lot of children or not that many if the Minister for Children and Families is unable to understand how many children he has in under his care in this regard. Going on from Deputy Cole's question about the consequences of youngsters being held criminally responsible, has the Minister reviewed or will the Minister agree to review the impact of children being held criminally responsible at such a young age and how will the Youth Justice Strategy respond to this? Again, I am again extremely disappointed that in a written question the Youth Justice Strategy was going to be published in April. Why has it taken so long to now only be published in 2025?

[15:00]

**The Connétable of St. Peter:**

I have only actually taken responsibility for the Youth Justice Strategy in the last 10 days, so I do not think I can be responsible for its delay between April and next year. In fact, I think the fact that I have been given responsibility is to actually bring the Youth Justice Strategy to the fore and ensure that it is delivered within this Government. I think that I have already answered the question as to whether we are considering moving the age of criminal responsibility from 10 to 14. We certainly are considering that within the Youth Justice Strategy and I do not think there is anything else that I can add to that.

**2.4.4 Deputy J. Renouf of St. Brelade:**

For the avoidance of doubt, can the Minister state whether he is in favour of raising the age of criminal responsibility to 14?

**The Connétable of St. Peter:**

I think it is something that we definitely have to consider. As I have said, it is not a particularly simple matter. It needs a great deal of thought before we go along those lines. I notice in Scotland the age of criminal responsibility is actually 12, which is halfway between 10 and 14. They have somewhat different legal procedures but, as I say, it needs a great deal of thought and at this point I would want to see all the evidence before me before making any decision.

#### **2.4.5 Deputy J. Renouf:**

Can the Minister state how long he thinks it will take him to get his head around this particular difficult question?

#### **The Connétable of St. Peter:**

Well, that is going to depend on the delivery from the B.A.S.C. network and where the age of criminal responsibility rests within that. There are a number of important deliverables here and I would say that my first priority is actually looking at early intervention and for children to avoid entering the criminal justice system in the first instance. I do not think at this stage I can say when that will be delivered.

#### **2.4.6 Deputy I. Gardiner of St. Helier North:**

I would like to understand from the Minister what has happened between January and February when this Government took on their roles for Youth Justice to have only found a home 10 days ago. Why has the Youth Justice Strategy not progressed over the last 10 months?

#### **The Connétable of St. Peter:**

Right, thank you. I would not say it has not progressed. However, as I say, my own responsibility for it started 10 days ago. As to what has happened prior to that, I would need to look into that. Certainly, the idea of making an Assistant Minister responsible for that area is to ensure that it progresses faster than it has done. I would not want to comment on why it has not progressed and why there was not delivery in April this year without having had the opportunity to review everything. So I cannot answer that at present.

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

I thank the Minister for his response. A follow-up from his previous answer where he would like to put an emphasis on the prevention in the first place to avoid 10 to 14 entering into the criminal system. Could the Minister let us know what specific actions or specific steps he is planning to do in the area of prevention?

#### **The Connétable of St. Peter:**

I think prevention starts perhaps at an age even earlier than 10 and some of the things we are looking at, in the first instance, is for the Youth Service in fact to undertake some of those early conversations with children who may have drifted into perhaps areas where they might become criminally responsible and work with the families. Moving on from there, if there continued to be a problem then possibly the next step would in fact be the Honorary Police system, which has been certainly been very useful in the past. Then there would be diversionary measures, restorative justice. Through those measures we would hope that children who potentially might have gone into the criminal justice system would avoid that altogether. We are looking at very early intervention in the first instance.

#### **2.4.8 Deputy M. Tadier of St. Brelade:**

While the U.N.C.R.C. (United Nations Convention on the Rights of the Child) does not stipulate an age, it does strongly recommend that no child should be criminalised under the age of 12. Given the fact that the Minister has already indicated Scotland has a midway point, shall we say, of 12 years old, is that a model that the Minister might be looking to replicate for Jersey's criminal justice system?

#### **The Connétable of St. Peter:**

We would certainly look at that. I am certainly aware of it, the problem is that the Scottish system is so very different from our own that it is not possible to lift and shift and take it in its entirety. They have differences in their youth justice system that would date back to the 1960s in fact. Yes, it is

something that we will look. They introduced that in 2021 so, in fact, any data that may be available is fairly new, but it certainly is something that we will look at. It is a jurisdiction which has changed the age, I would like to see how that is working and what results they have had.

**2.4.9 Deputy M. Tadier:**

Does the Minister accept that there is not a need for a legal system to be very similar to Jersey's, that this is ultimately a philosophical and political question about when children are old enough to know the difference between right and wrong and about legal right and wrong? Could the Minister, again, give an indication of what age he thinks, generally, children should know the difference between right and wrong when it comes to the law?

**The Connétable of St. Peter:**

I did actually answer that earlier. In fact, I said before making any judgment I would want to see all the evidence in front of me. I am very aware that it is not necessarily the legal system, nevertheless, the Scottish system would need to be ... it is very different from our own. At this point I am not going to say anymore, because after 10 days I do not have the evidence in front of me. I would like to see all the evidence from other jurisdictions as well.

**2.4.10 Deputy T.A. Coles:**

As the Minister has confirmed that they will be reviewing the Youth Justice Strategy, will the Minister commit to reviewing all U.N.C.R.C. recommendations and producing a report for States Members to acknowledge which recommendations they have accepted, partially accepted or rejected, so that Members can be better informed?

**The Connétable of St. Peter:**

I am not sure that all the U.N.C.R.C. recommendations are relevant to the Youth Justice Strategy. I would be quite happy to produce a report for those that are relevant to the Youth Justice Strategy and I can ask officers to do that. We certainly will review them but it is not just the Youth Justice Strategy, I have to say that there are elements of the U.N.C.R.C. where our other laws do not seem to take them into account. The right of a child to a home, for instance, I have mentioned this one before. Within the Planning Law it appears that a child can live in a house but if that child is a cared for child then it requires planning permission, because as soon as that child moves into that house, it is, in effect, a child's care home. We have actually had an instance of that and I am still working through that at the moment. I think there are numerous laws that are not compliant with the U.N.C.R.C.

**2.5 Deputy K.M. Wilson of St. Clement of the Minister for Sustainable Economic Development regarding merging Digital Jersey with Jersey Business: (OQ.229/2024)**

Will the Minister advise whether he has any intention to merge Digital Jersey with Jersey Business, and if so, whether he foresees any implications for Jersey's aspiration to be a leader in the adoption of advanced technologies and artificial intelligence?

**Deputy K.F. Morel of St. John, St. Lawrence and Trinity (The Minister for Sustainable Economic Development):**

I thank the Deputy for her question. As the Minister for Financial Services discussed earlier, there has been a requirement through the budget to reduce the amount of spend in regard to arm's-length organisations, of which £571,000 falls within my portfolio as a whole. That is one element of work that is ongoing. Another element of the work that is ongoing is understanding how best the A.L.O.s work. I have invited both leadership of Digital Jersey and Jersey Business to work with myself and Government to understand how best we structure those 2 A.L.O.s in order to make sure we provide full business support for businesses in Jersey, relocation services and attracting business to Jersey.

Also research and development and innovation because, as Members will know, the desire to increase productivity significantly is a part of the future economy programme - a main driver of the future economy programme - and everything that we are told about increasing productivity rests very much on research and development and innovation within the jurisdiction. I have invited the leadership of both those organisations to join me and Government in trying to understand how best do we structure - it could be Digital Jersey, Jersey Business and any others - in order to deliver on business support, business relocation and also research and development. It is possible that a joint venture or working together may be a part of it. Equally, it might not be. It might be just a redefinition of the work within those 2 organisations. But what I have asked is that the leadership works very collaboratively with me and with my officers to help design that best way forward, because I think it is really important that we ensure there is not duplication between organisations, and we also ensure that we have got a really good opportunity to ... I use the word and it is very colloquial, but to turbocharge research and development and innovation in the Island. We are working together on all of that. The outcome; I am open to all outcomes.

### **2.5.1 Deputy K.M. Wilson:**

I would like to hear, if possible, if the Minister could give us some more detail around the implications of that and what progress is being made in the adoption of the advanced technologies and how they are working together, or is it too early to say at this moment in time?

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

It is too early to say at this time, but the implications that the Deputy talks about in her question - advanced technologies, artificial intelligence, and many more - I have talked in this Assembly of the medical technology sector that is a ... 'cluster' is the word I was looking for. A cluster that is developing in the Island as well. How can we help all of these areas by providing a suitable environment for research, development, and innovation in the Island? With artificial intelligence, it is really interesting because it is potentially about the use, it is potentially about the development, it is also potentially about the safeguards. In that one subject alone, there are lots of different areas that the Island could look at. I know recently the U.K. (United Kingdom) has come into criticism for focusing very much on the safety element at the expense of the development and innovation element. It is too early to tell about the actual outcomes, but the outcomes that I am looking for are a much more robust research and development and innovation environment in the Island, as well as business support and business attractivity - is that a word - element, so that we can bring businesses and investment to the Island and support start-ups and support those businesses that are already here. It is about trying to create those environments.

[15:15]

### **2.5.2 Deputy M. Tadier of St. Brelade:**

From what the Minister said in his opening answer, it seemed to be that the starting point for the 2 A.L.O.s in question, Digital Jersey and Jersey Business, is to say: "We are cutting your budgets by hundreds of thousand pounds for next year and now we would like to have a conversation with you about how we can work together and how you can improve." Does the Minister think that that conversation could have come first to see what the relationship between Government and those A.L.O.s should have been, then decide whether a budget cut was in order or, in fact, whether they might need more investment from Government before that decision was made?

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

I had a feeling the Deputy may frame it in that way, but no. I had already been thinking about the missions of the A.L.O.s long before any budget cuts were around. But there is a reality that the budget cuts make you focus more keenly on these areas. No, it is not the case that it is driven by budget cuts but now that the budget cuts are there, they need to be taken into account and this piece

of work becomes more pertinent as a result. But I had been very much thinking about these things before budget cuts were in the picture.

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

I frame it that way because that is the way it is. But, of course, it can be spun in any particular way I or the Minister would like to spin it, I am sure. That notwithstanding, the Minister accepts that he wanted to have a conversation with the organisations before these cuts were forced through, and we know that it is not the Minister's choice necessarily to put these cuts, he is being asked to do these from on-high, but does it not therefore perhaps prejudice any outcome from those conversations about what working might take place, given the fact that there is already an outcome at the beginning to reduce their budget significantly?

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

I do not think that that is the case. The reason I do not think that is the case is because, from a budgeting perspective, should the Budget be passed as is proposed in the coming days, those budget issues will happen in 2025. With regard to work about how best to structure the A.L.O.s going forward, I do not expect that to be delivered until 2026; so in that sense they are separate as well.

### **2.5.4 Deputy J. Renouf of St. Brelade:**

A recent note from the Policy Centre's meeting on how Jersey could become a technologically advanced economy stated that: "Technology is the only industry capable of providing similar financial benefits to the Islanders' financial services yet it has a low priority in the political system compared with, for example, agriculture and tourism." Does he worry that merging Digital Jersey with Jersey Business would send a negative message to a sector that already feels unloved?

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

As I have said, the project that we have ongoing is how best to structure the organisations in order to deliver a really good environment for research, development and innovation, and a really good environment for support and for attracting investment and businesses to Jersey. In that sense, no, I do not worry about any element because, one, the final outcome has not been decided. We are a long way from that. Secondly, the whole point of the project is to work out how best to structure these and any other entities to deliver those improved environments with regard to research, development, business support, and attracting business and investment to the Island. The outcome should be an improvement. That is the idea, that the outcome is an improvement on where we are today.

### **2.5.5 Deputy J. Renouf:**

Digital Jersey is a specialist in the area of digital technologies. Jersey Business obviously has a much wider brief. How does he see the potential subsuming of Digital Jersey within a bigger organisation as enhancing the priority given to the digital sector?

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

I have to go back to my previous answers, which is no outcomes from this piece of work have been decided and so there is not a question of one entity subsuming any other entity; that is not the case as we stand here today. If I come back in the future to say that that is the road we are going down, then that would be different, but at the moment that is not the case.

### **2.5.6 Deputy P.F.C. Ozouf of St. Saviour:**

The Minister in answering the questions is not ruling out a merger, and I would expect him, if I would be the digital champion, knowing that all the economic forums such as the World Economic Forum, the Public Policy Research Institute, the Carl Benedikt Frey Institute, all say that there are significant opportunities for creating new jobs in the A.I. (artificial intelligence)-evolving world in maintenance and oversight, and the differential ... does he not understand that a discussion about Jersey Business,



which is helping businesses to keep up, versus Digital Jersey, which is out there trying to advance us, are 2 different things and a merger is confusing for Members like me?

**Deputy K.F. Morel:**

I have to refer to my previous comments about the fact that this idea of the merger is not something that is happening at the moment. I have a piece of work that is ongoing with both organisations and Government to understand how best to structure organisations in order to make sure we have a superb environment for research, development, and innovation, and that artificial intelligence and other technologies would fit very much within that frame, as well as an excellent environment for supporting existing businesses, helping Islanders start up businesses and also a superb environment for attracting business and investment to the Island. Those are the 3 main parts of that piece of work. The outcome is yet to be decided.

**2.5.7 Deputy P.F.C. Ozouf:**

May I ask the Minister if he has had any discussions with his Financial Services Ministerial colleague about what Digital Jersey and Jersey Finance can do together to create and research and develop and imagine and get and secure the jobs of the future that are undoubtedly going to be needed because A.I. is going to disrupt and reduce jobs? Has he had any discussions between Jersey Finance and Digital Jersey to give Members an indication, and the public outside, that we are really keen on growth? Because it is the first conversation, I think, we are having in this Assembly about economic growth for a while.

**Deputy K.F. Morel:**

I thank the Deputy for the conversation on economic growth. I am really pleased to have such a conversation; I think it is really important. There were 2 parts: have Digital Jersey and Jersey Finance spoken about that? The question is I do not know. But has the Minister for Financial Services and myself had direct conversations as of yet? No, we have not, but I think it could be a good idea, as the Deputy suggested, for us to do.

**2.5.8 Deputy D.J. Warr of St. Helier South:**

I think we all know what the purpose of Jersey Business is, but could the Minister explain what he understands is the purpose of Digital Jersey?

**Deputy K.F. Morel:**

From my perspective, Digital Jersey has a wide-ranging remit but it is very much focused on helping the Island to become much more digital, to become digitised, and that means that its remit extends from developing the digital skills base in the Island, through to - and it has played a role in attracting digital business to the Island - developing the wider digital ecosystem as well as, as we know, also advising Government on digital matters. It also plays a role in bringing forward new technologies and developing and helping the Island become involved in the development of new technologies and innovation. We really see that very well in the Impact Jersey programme, which I am a big fan of, as well as things like the drone pilots with agritechs and other areas as well. It has this future-looking element in terms of the research and development. It has also got this element of trying to help the Island develop its own digital capabilities with it from where we are today.

**2.5.9 Deputy I. Gardiner of St. Helier North:**

My question was asked by Deputy Ozouf but following the same route: was any consideration given to also include Visit Jersey into the merger?

**Deputy K.F. Morel:**

I do not know which merger we are talking about because I repeatedly said that there is not a merger.

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

Would the Minister concede that, in order to make efficiencies and the good management of the A.L.O.s, Visit Jersey would be included in Jersey Business and Digital Jersey, delivering services which are to find a framework that they will work together and be more efficient?

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

From that perspective, I had thought myself about asking Visit Jersey to be involved in this piece of work. I decided against that principally because I felt that Visit Jersey's work was so specialised in the area of marketing the Island from a visitor economy perspective its remit did not fit very comfortably, very easily, with the idea of asking Digital Jersey and Jersey Business to work with Government to work out how best to structure ourselves for the future. I must say that it is also really important when I talk about structuring ourselves for the future I include Government in that. My department in Government has elements like Locate Jersey, we also go out looking for business and trying to attract business to the Island. It is where do we play that role? Should that role be more within either of those 2 A.L.O.s or should it sit within Government? So Government's functions are also part of this piece of work.

### **2.5.11 Deputy K.M. Wilson:**

Thanks to the Minister for those answers. With regard to the final point on innovation and development, can he tell us if we are optimising the benefits of 5G and what benefits the Technology Accelerator Fund is bringing forward?

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

5G is something which is still very much early days. We are not exploiting 5G in Jersey particularly at the moment. From the business of the Technology Accelerator programme, we have had one ... the open programme has completed and we saw 6 - I believe it is 6 - I think I answered this just 2 weeks ago, 6 projects that were funded and they have met all their K.P.I. (key performance indicators) gateways to access the full amounts of funding that they were meant to. The open programme appears to have been a success. As far as the CareTech programme is concerned, that has not been ... we are not far enough down the road yet to know whether it has been a success or not. The Customer eXperience programme is similar. We are at the bid stage, we are waiting for the bids to come in for that. It is too early to say overall whether Impact Jersey has been a success. What I would say though is that the indications from that first open programme are looking good.

### **2.6 Deputy I. Gardiner of St. Helier North of the Minister for Sustainable Economic Development regarding the process for choosing a new ferry operator: (OQ.221/2024)**

It is another question about the ferries. Will the Minister provide an update on the process for choosing a new ferry operator by the first week of December, and advise what the current financial implications are for the new ferry operation?

#### **Deputy K.F. Morel of St. John, St. Lawrence and Trinity (The Minister for Sustainable Economic Development):**

Pending the outcome of the current live procurement process, and we are in that process as we speak, it is my intention to announce the preferred bidder ... my intention is that I would like to be able to do that by the end of this week. I have said before that we are working to the end of this week, but because of the very tight timescales it may bleed into the early parts of next week. The preferred bidder will need to assume the financial obligations required to fulfil their role, including the mobilisation of their fleet and their day-to-day operation as well as future fleet investment.

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

Would the Minister advise if any of the bidders would require ongoing financial support from the public and if one company contract will bring higher prices for the Jersey consumers.

**Deputy K.F. Morel:**

Because we are in the live tender process at the moment and those submissions are yet to come in - they are meant to come in within the next 24 to 36 hours - none of that information has been provided yet. But I have to say, from my perspective, I want to be able to award to a company that will not require any public funding. That is part of this whole issue, that I want to make sure and be certain that public funding will not be required.

**2.6.2 Deputy J. Renouf of St. Brelade:**

It has been commented that, in the previous process, that DFDS were mandatory failed because they wanted the right to vary conditions such as price and level of service during the contract period. Could he comment on why he did not regard this as a showstopper at the time, and if it is still a live issue in terms of the bids that are coming in?

**Deputy K.F. Morel:**

Again, I do not want to go into it. I do not believe all the information has been provided in the way that people may think it has been, but what I will say is that part of the clarification ... so, 2 things; one, the contract had yet to be negotiated. All of that information around those legal technicalities was information that was yet to be negotiated.

[15:30]

That was one of my concerns as to why it would be mandatory to fail it, because it was an area that had yet to be negotiated. Part of the clarification questions that we asked as an Island, and we asked Guernsey if we could ask, was to understand about the level of negotiation that would be accepted from DFDS's perspective around that. But I think it will make sense to most Islanders that if something has yet to be negotiated in full why would it then become a mandatory fail so early on, before that negotiation had taken place.

**2.6.3 Deputy J. Renouf:**

Is he able to say anything about, in terms of the current process, whether a similar mandatory fail process has been gone through and whether that issue is still live?

**Deputy K.F. Morel:**

I do not believe that issue will be live in this process but, as I have just said with regard to Deputy Gardiner's question, bids are yet to be in. They are to be in in the next 36 hours or so, and until we see those bids we do not know what they will have in them.

**2.6.4 Deputy K.L. Moore of St. Mary, St. Ouen and St. Peter:**

Does the new bid have a requirement for a service to Guernsey?

**Deputy K.F. Morel:**

The new tender process has minimum service requirements. It also has minimum vessel requirements. The minimum service requirements are very much about the Jersey-U.K. and Jersey-French routes. The tender is about the Jersey-only service, but it is absolutely understood that the winning tenderer, whichever of the parties is the winning tenderer, would likely want to provide services to Guernsey, or not, as the case may be. The tender does not ask about services to Guernsey, but services to Guernsey would be something that could be added on afterwards by either party.

**2.6.5 Deputy K.L. Moore:**

Perhaps, as a supplementary, the Minister might like to outline why he did not think it was a requirement to stipulate a service to Guernsey.

**Deputy K.F. Morel:**

That would be because this is for a Jersey-only service.

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

Although Christmas is approaching, I think it is not Father Christmas that the Minister needs to help him, but it is probably the Fairy Godmother, I suspect, as we also approach pantomime season. Given the fact that this new tender process is effectively for a smaller market, does he expect that the new tenders, which will be put in, will factor in the fact that the tenderers are dealing with a smaller market, therefore a less profitable one potentially? Is he expecting that the prices that might be included in that for both freight and passengers is likely to be higher than what it would have been under the old tender process which served both Islands?

**Deputy K.F. Morel:**

As I have said, we have not received the bid submissions yet. We expect them in the next 36 hours and until those submissions are received it is not possible to say.

**2.6.7 Deputy M. Tadier:**

But in terms of what is being demanded by the Minister and the criteria, could he clarify whether or not he has given more latitude to the companies in terms of what their charges could be? Indeed, could he just clarify whether he is able to publish any of the criteria that is being asked for from the companies, criteria which he would not and they would not consider necessarily to be commercially sensitive, so both we as Members and the public could look at those criteria and have more knowledge about what is being tendered for?

**Deputy K.F. Morel:**

I am just trying to remember the beginning of that question. Would the Deputy please remind me the beginning of the question?

**Deputy M. Tadier:**

It was about whether more latitude is being given in terms of pricing, given the fact that it is a smaller market share potentially.

**Deputy K.F. Morel:**

It is not a question of more latitude being given. The pricing that is submitted is the pricing that we will see submitted. But, it has to be said that in our own analysis, because a Jersey-only service requires a smaller fleet, requires therefore less maintenance, *et cetera*, we are in the realm of swings and roundabouts. From our analysis, we do not believe that there is a particular need for large swings in pricing either way. There are benefits to having a Jersey-only service and we do not believe that pricing should be affected.

**Deputy M. Tadier:**

Could I ask for an answer on the second part of the question about, or could the Minister ...?

**The Deputy Bailiff:**

Yes, the second part about publishing material. Do you want to re-ask the second part?

**Deputy K.F. Morel:**

No, it is OK, Sir. I am going to reserve judgment on that. I would have to take counsel from legal advisers, *et cetera*, as to whether that is possible. I genuinely do not know.

### **2.6.8 Connétable R.D. Johnson of St. Mary:**

An earlier question referred to the capacity of a sole service from Jersey to the U.K. to include one to Guernsey. Is he aware of whether the contract apparently entered into between Guernsey and Condor permits the embarking and disembarking of a rival service into their port?

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

I do not know anything about the contract entered into between Guernsey and Brittany Ferries, but my understanding is that there is not any, in general, prohibition against vessels from other ports sailing into that port. The issue here is about protecting the routes from the U.K. and from France, rather than between the Islands.

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

There were lots of conversations on Condor, Brittany or both, either of them. We all know that Condor was, and still is, in financial difficulties. It was explained at the previous Assembly. Does it make any difference if the contract would be signed with Brittany and not with Condor regarding the risks for the Island if Condor is going out of business after?

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

That is a very pertinent question, one that I ask myself, and it is also one of the reasons why it was not possible to just follow Guernsey's lead in the previous procurement process. It may make a difference if one party signs rather than the other but, as the Minister making the decision, what I would want to understand is in the situation where one entity enters administration and those vessels enter with it, I need to make sure that if there is a different counterparty signing that they will be able to maintain the services in that situation. That is a very important situation, from my perspective, and answers to that question are pertinent.

## **2.7 Deputy M.R. Scott of St. Brelade of the Chair of the Privileges and Procedures Committee regarding the Code of Conduct review: (OQ.228/2024)**

Further to Written Question 377/2024, will the Chair advise how many Members responded to the Code of Conduct review, whether the consultation process is now closed following its extension, and when the committee will be sharing the results of the review?"

### **Connétable K. Shenton-Stone of St. Martin (Chair, Privileges and Procedures Committee):**

A total of 18 people responded to the Code of Conduct consultation, and having only received 10 responses at the end of the first month-long consultation period, P.P.C. (Privileges and Procedures Committee) then extended the process twice in order to allow Members sufficient opportunity to engage with this incredibly important review of the rules which govern our behaviours. We closed the consultation and the matter was included on P.P.C.'s agenda on 11th November but, due to competing pressures, we were unable to dedicate sufficient time for there to be a detailed discussion. We agreed, instead, to meet specifically to consider this matter on Monday, 2nd December, and it is anticipated that in due course a revised code will be brought forward for endorsement by this Assembly. The responses from the consultation will be included as an appendix to the report, which will accompany any proposed revisions. Although the formal consultation has ended, I would urge any Member, who still wishes to make a submission, that they are still able to. In answer to the second part of the question, I will be in a better position to know when we will share the results after we have met to specifically discuss this.

#### **2.7.1 Deputy M.R. Scott:**

In the committee's comments on proposition P.75/2023, presented to the Assembly on 10th October 2023, the committee agreed the Code of Conduct should be revised and reported the Commissioner

of Standards had, at that time, already identified a number of issues with the code. Here is the question: how do members of the Privileges and Procedures Committee justify the consultation being a cause of delay of the bringing of specific changes to the code that reflect the commissioner's recommendations, given that the States of Guernsey implemented changes to its Code of Conduct in response to her recommendations in January of this year, importing content that discourages bullying and discrimination?

**The Connétable of St. Martin:**

I would like to assure the Deputy and the Assembly that this is something that we take incredibly seriously and we had really hoped that something as important as this would be answered by more Members, so we extended the review deadline which is why we have been delayed in making our ... sorry, in releasing the report so this is why we ... sorry. We have agreed to meet on 2nd December, we will be in a better place to report on this. I am really disappointed that so many Members chose not to respond, especially as the deadline was extended twice and the purpose of the code is to build a common understanding of what behaviours and attitudes we wish to promote. These are the rules which underpin our working practices and engagement with our electorate, they protect and enhance the reputation of this Assembly and help to instil public trust in us as parliamentarians. They also ensure accountability and transparency and I had hoped that by extending the consultation we would hear from a wider range of Members, as this code applies to us all. But less than a third of Members chose to respond. I hope that helps the Deputy.

**Deputy M.R. Scott:**

That does not answer my question.

**The Deputy Bailiff:**

Which part was not answered, Deputy?

**Deputy M.R. Scott:**

The question why the committee delayed bringing the specific changes in response to the commissioner's recommendations rather than wait for the results of the consultation.

**The Deputy Bailiff:**

Yes, that particular part of the question; do you want to respond to that?

**The Connétable of St. Martin:**

We thought it would be better to actually have the results of the consultation before we fully implemented the changes.

**Deputy M.R. Scott:**

But that does not ...

**The Deputy Bailiff:**

No, I think you have had the answer.

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

Would the Chair indicate how this session, this term, compares with other previous terms in terms of the number of complaints that have been received by the commissioner, including perhaps the number of vexatious complaints that have been put to the commissioner?

**The Connétable of St. Martin:**

I obviously do not have that to hand and I have only been Chair for this session. But I would say that it is my opinion that there have been far more vexatious complaints than in previous Assemblies.

### **2.7.3 Deputy M.R. Scott:**

How does the committee square the lack of transparency in its process with the current Code of Conduct's principle of conduct of openness? What lessons and conclusions has the committee reached regarding the lack of engagement by States Members with the States Greffe?

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

I do not really agree that there has been a lack of transparency. I cannot see that if we go out to consultation and we do not receive the results ... we have been very open about this. We put out the consultation 3 times, and after this I will be sending out another link to see whether any States Members wish to respond. We have said that we are having a specific meeting to discuss this and I do not really see that there has been a lack of transparency with this.

### **2.8 Deputy M.B. Andrews of St Helier North of the Minister for Sustainable Economic Development regarding political discretion in selecting an operator for the original ferry contract: (OQ.223/2024)**

Will the Minister advise whether the original ferry contract tender process allowed for the possibility of political discretion in selecting an operator, and if it did not, why not?

#### **Deputy K.F. Morel of St. John, St. Lawrence and Trinity (The Minister for Sustainable Economic Development):**

Ultimately, the procurement process and evaluation of the bids were officer-led and were intended to produce a recommendation for award. That recommendation was always going to lead in itself to political decision-making. In that sense, the process always had a political outcome and ultimately political decision-making to be made at the end of it.

#### **2.8.1 Deputy M.B. Andrews:**

Is the Minister not concerned if there was a hold up with legalities involved in the first process, then the same thing may happen in the second process?

[15:45]

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

I am the first person to have said that there is lots to be learnt from the first process. But we are in a very streamlined process now. I believe both bidders have very willingly signed up to that process, and I know that we are undertaking this in a fair and equitable manner with ultimately a recommendation will be made by an independent assessor, and that recommendation will be made to an officer. If the officer agrees with that recommendation, they will make that recommendation to me and I will then ask the Council of Ministers or seek Council of Ministers' support in that recommendation. I am not overly concerned at this stage of the concerns that the Deputy has raised.

#### **2.8.2 Deputy M. Tadier of St. Brelde:**

Reading between the lines of the question - I do not know whether I am right to do so - it might seem to me that one matter arising from this could be the fact that when, in the previous tender, the Minister was presented with a fail on one of the criteria, which he said he did not fully understand, he did not understand or necessarily agree with but he had to go along with it, that could have been an example of where political discretion could be used to say: "Actually, I disagree that this company has failed on this criterion and therefore I am willing to award it." Could the Minister clarify, in fact, whether or not it was possible for him to override any of the advice that he was given on any of the criteria assessments or whether he simply had to go along with the recommendations being put to him?

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

That is a good question. I am not fully able to answer it in the sense of maybe it would have been possible, but I think in order to have done so, the advice I was receiving would have perhaps led to higher potential for legal risk in that respect in terms of the last process. But that is given the specific circumstances of that process. In this case, where we are one awarding party, not 2 awarding parties trying to come to an agreement, I think we are in a better position to avoid that situation.

**2.9 Deputy P.F.C. Ozouf of St. Saviour of the Minister for Treasury and Resources regarding tax revenue received from the cannabis sector: (OQ.233/2024)**

Will the Minister advise how much tax revenue has been received to date from the Island's cannabis sector, and whether she has considered any increase to the tax regime for medicinal cannabis providers, and if not, why not?

**Deputy M.E. Millar of St. John, St. Lawrence and Trinity (The Minister for Treasury and Resources):**

The Income Tax Law was amended from year of assessment 2022 to tax the profits of companies that cultivate, process or distribute cannabis at a rate of 20 per cent. As the filing deadline for 2023 for companies is 30th November 2024, the only available information relates to the 2022 year of assessment. Due to high upfront costs, it was acknowledged at the time of introduction that revenue would probably not be forthcoming until the year of assessment 2024. In line with this, fewer than 12 companies who identified they received income in 2022 as a licensed cannabis cultivator had a positive tax liability for that year. As a matter of policy, the Comptroller will not specify numbers of taxpayers below 12, nor the amounts payable at this stage, to avoid inadvertent breaches of taxpayer confidentiality. As we have only received one year of tax returns from this industry, it would be premature to review the tax regime at this stage.

**2.9.1 Deputy P.F.C. Ozouf:**

I thank the Minister for the first part of the question, but it is not very bold and encouraging I do not think. But my question related to the medicinal cannabis prescribers and I was inviting her to consider whether or not - now we know that there have been 25,000 medicinal cannabis prescriptions issued and we know that there have been some fairly large amounts of money paid for them - the Minister would consider taxing that? Because it does not seem to be entirely health-related.

**Deputy M.E. Millar:**

I beg to differ. The question related to medicinal cannabis providers, which I have interpreted as growers and cultivators. Certainly, the version I had was 'provider'. So the question was not clear. However, as regards the dispensing of cannabis, several of the pharmacies and dispensers of medicinal cannabis take corporate form. Under Jersey's Zero/Ten regime, they are subject to the same zero per cent income tax rate as other Jersey retailers, provided that they are not directly involved in the cultivation and processing of cannabis or are not connected to a company that is. Government and Revenue Jersey are monitoring this nascent industry closely to ensure that tax treatment of its profits and gains remains appropriate. As regards general practitioners, general practitioners are typically organised as partnerships and are taxed at the individual personal income tax assessment level based on their share of profits and gains. If there is any concern about the level of cannabis prescription that is a matter for regulation by the Minister for Health and Social Services, and the tax system is not designed to regulate any particular industry.

**The Deputy Bailiff:**

Question 10 ...

**Deputy P.F.C. Ozouf:**



Final supplementary, Sir?

**The Deputy Bailiff:**

That is because no one else asked any questions. That is the way it works, unfortunately.

**2.10 Deputy I. Gardiner of St. Helier North of the Chief Minister regarding goals for diversity, equity and inclusion in 2025: (OQ.222/2024)**

Will the Chief Minister outline the Government's 2025 plans and goals for diversity, equity and inclusion?

**Deputy L.J. Farnham of St. Mary, St. Ouen and St. Peter (The Chief Minister):**

One of the Government's goals for 2025 is to deliver greater diversity, equity and inclusion for the Government both as an organisation and as a public service. The Government has the real benefit of Deputy Alves, as our diversity, equity and inclusion political lead, and the Deputy is overseeing several projects, engages with key stakeholders, the community, and ensures interested parties are convened to promote the D.E.I. (diversity, equity and inclusion) agenda. That includes such projects as including diversity, equity and inclusion in all policy decisions. Policy officers use a policy template that requires diversity, equity and inclusion considerations to be clearly articulated when policy is being developed. We will enhance gender equity by implementing the Violence against Women and Girls Taskforce recommendations, which are currently being worked on; enhance greater gender equality by working with the private sector on the gender pay gap reporting; we will redevelop the International Cultural Centre, something the Deputy is and has been close to through the political lead of Deputy Alves. The International Cultural Centre will be redeveloped during 2025. Those are just some of the projects in motion.

**2.10.1 Deputy I. Gardiner:**

Thank you for raising all workstreams and actioning the International Cultural Centre that was promised back in February and I hope we will see it in 2025. What is the budget allocation for diversity and inclusion or several projects that the budget was allocated to diversity?

**Deputy L.J. Farnham:**

I think I would need notice of that question because those projects crosscut a number of departments. I do not think there was one particular budget for the whole process but it is part of a number of other budgets. If the Deputy would like to put that in a written question, I would be prepared to provide the detailed information.

**2.10.2 Deputy H.L. Jeune of St. John, St. Lawrence and Trinity:**

In answering my Written Question on what timeline has the Government put in place to deliver a voluntary reporting framework to support businesses on gender pay gap reporting, the response was there was not one. Is the Chief Minister concerned that not having a timeline for action means that there will be no action, and could the Chief Minister put a timeline on delivery before the end of term of Government?

**Deputy L.J. Farnham:**

No, I am not concerned about not having a timeline because the commitment there is to make progress with gender pay gap reporting, working with the private sector, with the organisation that the Deputy is *au fait* with, and I have great confidence in the work they are doing. I can reassure Members that the Government will be a responsible partner and will support the private sector to introduce the pay gap reporting that we need. It is impossible to put an accurate timeline on it but I will say we want to do this as soon as possible and as soon as practicable.

**2.10.3 Deputy H.L. Jeune:**

I believe the commitment from the Government in the last discussion was to deliver a voluntary reporting framework, which of course is needed ahead of the businesses being able to actually do some voluntary reporting. This is what I was asking for, for a timeline to help those businesses. But could the Chief Minister as well confirm how many businesses does he feel should be consulted as part of the gender pay gap review, and does he think this consultation needs to include senior management of businesses to engage?

**Deputy L.J. Farnham:**

I think the engagement consultation needs to be as encompassing as possible to make sure we are consulting with a good representative sample of businesses of all sizes. But specifically, in the first instance, I think it is going to be easier to get a universal reporting from the larger businesses if challenges come when we move down to the small to medium-sized businesses.

**2.10.4 Deputy J. Renouf of St. Brelade:**

Can I ask the Chief Minister, he described quite a few workstreams and so on, when was the last time diversity, equity and inclusion was discussed in the Council of Ministers?

**Deputy L.J. Farnham:**

I cannot actually remember, but it is discussed and Deputy Alves is leading on the matter. I believe she has had a number of meetings in her capacity with that political lead, but I cannot give any specific ... I cannot remember off the top of my head any specifics other than reiterating it is one of the Government's goals to make progress with this subject.

**2.10.5 Deputy J. Renouf:**

Can I just clarify: the Chief Minister cannot remember the particular discussions or how many, but can he clarify that it has definitely been discussed at the Council of Ministers?

**Deputy L.J. Farnham:**

Off the top of my head, I cannot. I am pretty sure it has, but I would not like to mislead the Assembly. I would have to check back in minutes and agenda items. But I just want to make it clear, and I am sure I speak for all, if not at least most of my colleagues, this is a subject that we are alive to, which is why it is one of our goals to deliver a greater diversity, equity, and inclusion. It is why we have a policy framework, which policy officers adhere to when creating policy.

**2.10.6 Deputy B.B. de S.V.M. Porée of St. Helier South:**

If I may just go back and ask the Chief Minister with regards to the budget for the International Cultural Centre. Would the Chief Minister be in a position to look at the budget if it needed to be increased to further support the different cultural groups in the Islands?

**Deputy L.J. Farnham:**

I think that the Government and the Assembly are always prepared to revisit that subject. The Budget for 2025 I think has been agreed so any meaningful increase of that would have to be 2026. We would have to revisit that during next year once we have seen the progress that is being made. The short answer is that we are prepared to keep all issues under review.

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

Could the Chief Minister confirm that it is the general policy of his and his Government that there should not be any discrimination in Jersey on the basis of race and nationality?

**Deputy L.J. Farnham:**

Yes.

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

I am glad to hear that. The Minister will be aware of P.65/2024 that I have lodged, 'Public Elections: Extension of eligibility criteria', which would seek to remove the discrimination that non-British nationals in Jersey face to be able to stand for election. While I do not necessarily expect the Minister to commit his personal support today on the floor of the Assembly, given his previous votes on the matter, would he ensure that his Council of Ministers is at least given a free vote when it comes to this debate, as I believe it should be, and that he will not try and exert any kind of Ministerial whip in that regard?

### **Deputy L.J. Farnham:**

As colleagues will, I am sure, testify, I am not very keen on exercising the Chief Ministerial whip and do it very rarely, simply because I believe that we all reach decisions by consensus. It is made absolutely clear to Ministers where they have strong views or manifesto pledges and promises they are free to vote as they will.

[16:00]

I think that is one of the reasons why the Council of Ministers is working so well together. So, yes, I can make that.

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

I am grateful for the Chief Minister for stating all workstreams. Would the Chief Minister advise, what are 3 specific ... for example, 3 or maybe 2 outcomes, the Assembly can expect before the Budget debate end of 2025 that we know that this Government, his Government, will make a difference in the area of diversity and inclusion? Yes, 3 specific outcomes that we can expect.

### **Deputy L.J. Farnham:**

I would expect to see good progress with the gender pay gap reporting with the private sector. I would expect to see good progress with the work on violence against women and girls being led by the Minister for Justice and Home Affairs. I would expect to see some good progress with the redevelopment of the cultural centre.

### **2.11 Deputy T.A. Coles of St. Helier South of the Minister for Justice and Home Affairs regarding the quashing of criminal convictions for homosexuality: (OQ.225/2024)**

Further to Oral Question 85/2024, will the Minister explain what progress has been made in relation to a law to allow the quashing of criminal convictions for homosexuality, and if no progress has been made, will she explain why not?

### **Deputy M.R. Le Hegarat of St. Helier North (The Minister for Justice and Home Affairs):**

I thank the Deputy for the question. As I explained in my answer to the earlier question, this is a complex subject. I understand the U.K. pardon arrangements apply only where the person involved consented to the acts and was over the age of 16. The particular difficulty in Jersey is that the historic offence of sodomy applied to both consenting and non-consenting sexual activity between men as the old rape offence applied to women only. At this stage, it is simply not possible to establish the facts of each historic offence. Although a review carried out in 2016 could not find any convictions in Jersey of an offence relating to a consensual same-sex act with a person over the age of 16, that would be legal now. Any blanket pardon could therefore apply to convictions for non-consensual acts, which clearly remain an offence today, and would therefore be wholly inappropriate. With that context there has been no movement forward in relation to the legislating for pardon and unfortunately I am not sure that we are going to be able to move forward in that direction. However, what I would like to do is say this: if anyone knows someone that has a criminal record resulting in

relation to consensual acts then I would encourage them to reach out either to me or to a charity or someone as their representative within this Assembly. I would like to address this matter if I can, but unfortunately the data does not help me do so.

**2.11.1 Deputy T.A. Coles:**

Given what the Minister has just said, will she commit a small portion of her budget for some sort of marketing campaign for the appeal that she has just made?

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

I am not sure I necessarily need a marketing budget, but I am committed to doing that in the media if the Deputy thinks that this would help. What I am concerned about is that persons who may have been subject to this scenario may not wish necessarily to come forward to the police potentially. What I ask is that if anybody is aware of somebody, that they look to maybe go to somebody, as I said a charity or a States Member. But I am happy to commit to trying to find a solution to this because I would like to see it addressed.

**2.11.2 Deputy H.L. Jeune of St. John, St. Lawrence and Trinity:**

Has the Minister discussed this issue with Liberate to garner views from the community to ensure that limited resources and efforts are focused on the urgent needs of the community?

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

Yes, I met with Liberate on 8th May following this question and they did not raise any concerns with me. I think the thing is, is that we may not necessarily know any individuals but, as I said, certainly I have also spoken to one other person who believed that they may know somebody but that person may subsequently have been deceased. But the data that is held is not conducive with us being able to do something with this. I am aware what was mentioned in a previous oral question from Deputy Tadier saying that somebody should not have to come to us. Unfortunately, even with P.N.C. (Police National Computer) to be able to search this type of thing with the different terminology, it is difficult and systems have changed since the 1990s. Therefore, if you are talking about research in relation to the P.N.C., for example, you need to have a nominal, which is a person's name. This is why I reiterate again that to be able to achieve this we are really going to have to be able to have data in relation to those individuals.

**Deputy K.F. Morel of St. John, St. Lawrence and Trinity:**

May I just ask, would the Deputy please clarify what P.N.C. is?

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

My apologies, it is the Police National Computer.

**2.11.3 Deputy H.L. Jeune:**

I am a bit confused if the Minister is going to do something or if she is not going to do something because there is no data. I am not sure, so if she could please clarify that because she is not able to get the data and it is also very difficult, and she has explained that several times. If she is going to do something, would she be able to do that with Liberate as well to ensure that the community is supported in this matter?

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

I am happy to do anything to rectify what was a wrong. Therefore, if I am able to identify a person or people that prior to the legislation changing were convicted of offences in relation to consensual offences in private, then I am happy to do something. As I said, I am limited - and I am happy to work with Liberate and any other organisation who can help me with this - but at this stage I am having difficulty rectifying the situation.

#### **2.11.4 Deputy P.F.C. Ozouf of St. Saviour:**

I do not think I need to declare an interest as probably being the only gay States Member for this term - male one - and in a number of years previously. Would the Minister agree with me that while it sounds very time-consuming - and I am not aware myself of a single individual, although if anybody wants to come to me and talk to me about criminal convictions in the past - would she agree with me that we cannot change the past but we can change the future? That resources are better deployed by the police and her other departments making sure that today we are the tolerant open society that accepts people who ... it is not about sodomy. It is about the fact that 2 individuals of the same sex - in this case male - can be in a loving relationship and be soulmates and be recognised by the law and not discriminated for doing so? Would she agree that forward-looking and ensuring problems of today is better use than maybe dealing with a generic and unknown thing of the past?

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

I could not agree more in that we do need to ensure that all parts of our community are treated fairly and equally and with respect. Although I would disagree with the Deputy in relation to the fact that I think it is important, if there is something that has happened in the past that we are able to remove for the future, then we should.

#### **Deputy P.F.C. Ozouf:**

I thank the Minister for her reply. Not all people who are of the same sex are members of Liberate or active and show about it, but I offer the Minister my help in supporting anybody who has been the subject of a criminal conviction, because it means a lot to me and I am more than happy to help a Minister with that. I hope that she will take that on board.

#### **2.11.5 Deputy M. Tadier of St. Brelade:**

It is a chilling reminder to us in the 21st century that not only was consensual homosexual acts for a long time considered illegal and very stigmatised, but actually that no distinction was made between consensual intercourse between 2 adults and rape, effectively. But given that is the fact, does the Minister not agree that there should be court transcripts which are available - court transcripts which I believe actually generally should be public anyway, like our own transcripts - for court proceedings are public? But notwithstanding that they are available to the Minister, including potentially *obiter dicta* that are made around the judgments when they are delivered, that there should have been distinctions made, certainly where non-consensual sodomy occurred, as an aggravating factor in the conviction and potentially in the sentences that were handed out in order to distinguish between consensual acts of which we nowadays would not want anyone to be convicted, versus rape, which on the other hand is of course abhorrent? It is now and it was abhorrent then. Does the Minister believe that there should be a way to distinguish between the 2 when individuals come forward to say that they have potentially been victims of what would now be considered miscarriages of justice?

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

In relation to the court record, the answer to that question is that I am not 100 per cent convinced that that would be available. In relation to any data that would have been held prior to the 1990s then a lot of the data would have been paper data which will be archived. The easy answer is that if someone is able to come forward, the Police National Computer system would have data prior to 1990. What concerns me is trying to find data on archived systems which potentially will not give you the facts, or the full facts, of the case in reality. I am certainly happy to ask the Courts the question but I am thinking that it is unlikely for them to have the depth of information that we would require to be able to identify what the full case was and whether or not those individuals were both still living individuals or either one had passed. I can certainly ask the question but I am not totally convinced that that is a possibility.

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

Would the Minister consider putting an appeal out to the legal sector to ask, in fact, if there would be lawyers in Jersey who would be willing to assist both with the Minister and those who feel that they have been involved in what we might now call a miscarriage of justice to have their convictions quashed, that they could seek private legal advice? Because that seems to me to maybe be an alternative if the Minister is not able to produce a scheme herself.

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

I am happy to do that. I just think the solution which is more conducive with being able to achieve something that is more positive in a more realistic timeframe is for the individuals who have had the miscarriage of justice to be able to come forward and provide that data and information. I fully accept that in an ideal world we should have that information but in reality prior to 1990, prior to computers ... and in fact if you go over the timescales, if you look, we have changed I think 3 or 4 computer systems since the system we have got now in relation to what is recorded by the police. I think the thing is, if there is a way of us doing that then I am happy to ask the question but, as I said, it is simpler for someone to come forward as opposed to us to try and find that somebody.

**The Deputy Bailiff:**

A final supplementary, Deputy Coles.

**2.11.7 Deputy T.A. Coles:**

I thank the Minister for her responses to the varying questions this afternoon. Is the Minister aware of any other blanket convictions that may have been issued previously that may cause a problem in the future?

[16:15]

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

That is an interesting question. I really do not know, I have no idea. I think the difficulty is, that with this particular offence the recording of the data is difficult. It was an offence at the time but is no longer, so I think it is very difficult to say in relation to the question that he has asked.

**2.12 Deputy J. Renouf of St. Brelade of the Minister for Infrastructure regarding recycling collection facilities in St. Brelade: (OQ.227/2024)**

Will the Minister outline whether any decision has been taken, or is being considered, regarding the continued Government support for recycling collection facilities in St. Brelade, and other similar facilities around the Island, and will he explain the rationale for any proposed changes?

**Connétable A.N. Jehan of St. John (The Minister for Infrastructure):**

I thank the Deputy for his question. The provision of bring bank recycling sites is still under review but I must be clear a final decision has not been made, which I confirmed at my Scrutiny hearing last Wednesday. I can also confirm that our current 3-year contract runs until January 2026. The review is part of the department's usual budget-setting process and is considering the fairness and equity of some parishes having multiple bring bank sites plus kerbside collections and others having minimal or no provision. A presentation was made to the Comité des Connétables in July and discussions have continued to take place to understand the individual circumstances of each parish. We will not be closing any bring bank facilities in the first half of 2025 while their engagement with the parishes continues, a position I confirmed with the Connétables yesterday evening and have notified to Deputy Tadier following the lodging of P.85. I am also delighted at the amount of emails from Islanders I have received expressing support for the bring bank facilities and I hope that working together we can significantly increase our recycling rate in the next 18 months. Thank you.

### **2.12.1 Deputy J. Renouf:**

One of the things that was mentioned in that Scrutiny hearing was the possibility that parishes should pay essentially for those facilities. Does he accept that the problem with asking parishes to pay for these facilities is that they are potentially used by people from outside the parish and does this not mean that the appropriate way to provide them is through the Government and that this would also mean that centrally-provided facilities can be provided efficiently without duplication?

#### **The Connétable of St. John:**

That is featured as part of the consultation that we have people moving from one parish to another for the convenience. Currently we have some 17 sites across the Island, not all well located, I would suggest, and there is definitely the potential for consolidation of sites. I would also suggest there is the potential for consolidation for green waste as well. Thank you.

### **2.12.2 Deputy M. Tadier of St. Brelade:**

Notwithstanding the Minister saying that no decision has been made, there was a publication in our parish magazine *La Baguette* last week in which the Constable informed parishioners that the Infrastructure Department has advised the parish “that they will discontinue the provision from 1st January 2025 as a cost-cutting measure”. Can the Minister explain why the parish was under that impression that very clearly the facilities would be closed, that the provision would be discontinued, not from when the contract ends but from 1st January 2025? It has taken a lot, I think, of correspondence from both parishioners, Islanders and politicians for the area to get involved in order to perhaps trigger what appears to be a U-turn on this.

#### **The Connétable of St. John:**

As I said in my earlier response, we presented to the Comité des Connétables back in July. My Assistant Minister received feedback from Constables last Monday at the Comité meeting and our recycling officer has been out and about meeting with each of the parishes. It certainly was our intention to stop the recycling centres from January but we have taken on board all of that feedback and the more recent feedback that we have received. Thank you.

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

Would the Minister accept that there needs to be some continuity here in the sense that St. Brelade is being billed as the second urban centre for Jersey after St. Helier? Whatever we think of that, I think it is probably factually correct that it is certainly an urban hub and that it is not just used, as Deputy Renouf said, by those who live or pay rates in St. Brelade but many people who come to visit or shop in St. Brelade, walk at Les Creux, for example, will also bring their recycling to those areas. Does he accept that there might be consideration about rationalising where in Jersey the recycling centre should be but that they do provide a valuable supplementary to those parishes which may already have kerbside recycling but certainly to those who do not have it?

#### **The Connétable of St. John:**

Yes, I can inform Members that I have been involved in recycling since 2006 when St. John became the first parish on the Island following an initiative by the former Deputy Andrew Lewis to introduce kerbside recycling. We have learnt a lot in the consultation, we can be more efficient. We have currently got, as I said, 17 sites. People may be surprised to know that St. Helier has just one and St. Brelade has 3, along with St. Clement. We are looking to do what we can at best. Absolutely, we have to put more effort into recycling and that is what we are consciously looking to do. Thank you.

### **2.12.4 Deputy J. Renouf:**

Can the Minister say, given that this was, in answer to Deputy Tadier's question, definitely something that had been proposed, to close all the services down, how much money it would have saved and putting that in the context of the total budget, what was the rationale for that cut?

**The Connétable of St. John:**

We have had to look at what services we continue to do within the Infrastructure Department and which services we do not continue to carry out. We have all had to do that in all of our Ministries as we are finding increasing costs and our desire not to put up prices to match those costs; 58 per cent of the Infrastructure budget goes on fixed costs and not on staff, so we have seen significant pressure in that area. I am happy to write to the Deputy with the exact figure, it is a significant figure, but it is commercially sensitive because of the contract. Thank you.

**2.13 Deputy M. Tadier of St. Brelade of the Minister for Sustainable Economic Development regarding the ferry service tender process: (OQ.231/2024)**

Will the Minister advise whether he has received confirmation of which entity, specifically either Brittany Ferries or Condor Ferries, Jersey would be entering into a contract with if Brittany Ferries are the successful bidder in this ferry service tender process?

**Deputy K.F. Morel of St. John, St. Lawrence and Trinity (The Minister for Sustainable Economic Development):**

As the tender process for the Jersey-only service is live and the successful bidder has not yet been selected, I am unable to discuss specifics regarding the procurement or individual tenders.

**2.13.1 Deputy M. Tadier:**

That is a strange answer that I was not expecting, although I should learn to expect the unexpected when it comes to Jersey's ferry tenders. It seems to me on the one hand we are very clear about who the tenderer is, it is DFDS, I do not think we have got any secrets there, and on the other it is Brittany Ferries or Condor Ferries. I am sure the Minister is aware of the concepts of Schrödinger's cat but we have got maybe the concept of Schrödinger's catamaran here going on in the sense that Guernsey seems to be very clear about who they are doing business with; they have said that they are signing a contract with Brittany Ferries. Is it the case that Jersey will not know who they are signing with and, when it comes to who is going to be running Guernsey's service even, is it dependent on who Jersey chooses whether it will be run by Condor or Brittany Ferries?

**Deputy K.F. Morel:**

I am not in a position to know who or what Guernsey is or has done in regards to signing anything with anyone else but perhaps it would have been better for me to phrase it this way. As the tender process for a Jersey-only service is live and the successful bidder has not yet been selected and, in fact, we are waiting for the submissions to be provided this week, until we receive those submissions it will not be possible for me to know the answer to the question that the Deputy has posed.

**2.13.2 Deputy J. Renouf of St. Brelade:**

Can I ask the Minister, as part of the tendering document - I cannot remember the phrase for that document - could he state whether clarification around ownership was sought as part of that process?

**Deputy K.F. Morel:**

Having an understanding of the financial structure and everything around the finances is a very important part of this tender process. Understanding how any of the entities are structured, understanding any liabilities around that is very important, and understanding who we will be signing a contract with will be very important as well.



**2.13.3 Deputy J. Renouf:**

Can I therefore confirm that in 36 hours, counting down now, that he will know who he is trying to deal with on the French side of this?

**Deputy K.F. Morel:**

Well because that will be in the process, that will be with officers, so in 36 hours it is quite possible that I will not know but the officers or the independent evaluators will know. I will find out subsequent to that because, quite rightly, I am not taking these submissions and doing that work myself. As I said earlier, not this week but a couple of weeks ago, or perhaps in Scrutiny last week, one of the reasons why tender processes are undertaken by officers is so that political influence is removed from that evaluation process. The political part is then added on at the end.

**2.13.4 Deputy K.M. Wilson of St. Clement:**

Could the Minister tell us who is involved in handling the tender process and who will be the agent who will make the recommendation to him?

**Deputy K.F. Morel:**

I will be receiving a recommendation from the senior reporting officer and prior to that it will be the independent evaluator who he engages with to understand their recommendations.

**2.13.5 Deputy K.M. Wilson:**

If the Minister is not likely to accept the recommendation, what plan does he have then?

**Deputy K.F. Morel:**

I think we are definitely in the realm of hypotheses here. A hypothetical future is not something that I believe I have to answer on in terms of Standing Orders and I will not answer in that respect.

**2.13.6 Deputy H.L. Jeune of St. John, St. Lawrence and Trinity:**

Were there any changes to the selection requirements of the tender compared to the joint processes? If so, what were these changes?

**Deputy K.F. Morel:**

The principal change is around the fact that we are now asking for bids for a Jersey-only service. As a result of that, the overall minimum service requirements have changed and obviously the minimum vessel requirements as well have changed.

**2.13.7 Deputy H.L. Jeune:**

I am asking the same question as I asked the Chief Minister earlier, did the Minister learn any lessons from the failed joint processes and did they inform these changes to this current process? If so, what were they?

**Deputy K.F. Morel:**

I have learnt and am in the process of learning many lessons. I think it is too early to go into what those lessons are right now, but certainly in terms of joint processes I think there are certainly lessons to be learnt.

**2.13.8 Connétable R.D. Johnson of St. Mary:**

I apologise if I might have misunderstood the Minister's reply to my earlier question where I think he said that the focus had been on the route from France-Jersey-U.K. rather than involving Guernsey. Can I ask the basic question as to whether the extra Island stop was involved in the tender process on both counts?

**Deputy K.F. Morel:**

Sorry, the extra Island slot, I ...

**The Deputy Bailiff:**

He means Guernsey, I think.

**The Connétable of St. Mary:**

Sorry, on both sides. I am just concerned to know whether the tender process involved from Guernsey's point of view the fact that the ferry would stop at Jersey on the way to Saint-Malo otherwise and similarly the other way round.

**Deputy K.F. Morel:**

Guernsey appeared to have made their decision based on what was then a joint process and that joint Channel Island process certainly included calling into both Islands. Obviously I do not know what Guernsey have signed up to in terms of their agreement with Brittany Ferries. I am not in a position to know that, and so I cannot speak to that, but the question that we are asking in this process is for a Jersey-only service. As far as inter-Island elements are concerned, that will happen after we have made our preferred bid of recommendation.

**2.13.9 The Connétable of St. Mary:**

At the risk of making an obvious point, does that mean that there is a possibility, if not likelihood, that there will be no service between the 2 Islands in the future?

[16:30]

**Deputy K.F. Morel:**

I think that is highly unlikely that there would be no inter-Island service. I think that is highly unlikely either way but it is not something that we need to deal with at this stage. That will come after we have reached that preferred bidder status.

**2.13.10 Deputy M. Tadier:**

I think in previous statements the Minister confirmed that there would be no new tenderers in this second round, and so the Minister presumably can confirm that these tenders coming forward were by invitation. I presume that the Minister wrote to 2 entities to invite them to tender, could he simply say whether the company he wrote to asking them to tender was Brittany Ferries or Condor Ferries?

**Deputy K.F. Morel:**

Off the top of my head I believe it was Brittany Ferries, but I would need to double-check in case it was not because those 2 terms, Brittany Ferries and Condor Ferries, have often in the past month or 2 months been used interchangeably, but I believe it is Brittany Ferries.

**The Deputy Bailiff:**

That brings that period of questions to an end. We now go to questions without notice and the first period of questions are allotted to the Minister for Infrastructure. The first question is from Deputy Renouf.

**3. Questions to Ministers without notice - The Minister for Infrastructure**

**3.1 Deputy J. Renouf of St. Brelade:**

Regarding liquid waste, do the proposed capacity increases in the drains network for rural areas like St. Peter build in future capacity for potential new housing developments?

**Connétable A.N. Jehan of St. John (The Minister for Infrastructure):**

I thank the Deputy for his question. Significant investment is planned for liquid waste to enable predominantly the new homes that were identified in the Bridging Island Plan. St. Peter is going to be the first part of that work when we hope to submit a planning application later this year, go out to tender in January next year, where we will be looking to put in an attenuation tank in St. Peter and upgrade the network around that area. We are also looking to do similar at West Hill and also in Maufant. Thank you.

**Deputy J. Renouf:**

Part of the question was not answered, I believe, in fact, the main part, which was whether it included potential for a new housing development, not just the affordable housing site.

**The Connétable of St. John:**

Sorry, my apologies. Yes, there will be additional capacity within those attenuation tanks. Thank you.

**Deputy J. Renouf:**

Can I have my supplementary?

**The Deputy Bailiff:**

We have got so many Members wanting to ask questions but, yes, if you want to.

**3.1.1 Deputy J. Renouf:**

To what extent has this future development been modelled and estimated, in other words, in plain English, how many new houses have been put in beyond the Island Plan allocation?

**The Connétable of St. John:**

I have to apologise to Members, I do not have the exact figure in front of me but I am happy to circulate that later today.

**3.2 Deputy H.L. Jeune of St. John, St. Lawrence and Trinity:**

The Minister has told the Environment, Housing and Infrastructure Scrutiny Panel that to get Fort Regent ready for construction by February 2026, in 2025 planning permission will be sought for the Fort Regent roof. He also plans indicative works, including layout planning, planning applications, building control designs and, I assume, planning fees. Could the Minister explain what budget line in the 2025 budget will be paying for all this work if S.o.J.D.C. (States of Jersey Development Company) is just funding the feasibility study?

**The Connétable of St. John:**

The one element that the Deputy did not talk about was the funding decision for Fort Regent which we hope to make by February of next year. We are very confident with the work that has taken place with the S.o.J.D.C. and we look forward to sharing that with Members and the public in the very near future.

**3.2.1 Deputy H.L. Jeune:**

What we are hearing from the Minister is that though he is putting indicative works for 2025 to get construction ready for early 2026, there is no funding available. The funding needs to be not only found but also spent in 2025, which means it has to come from the Budget 2025. Can the Minister explain a little bit what that means and where he thinks that that will be found? What kind of ideas does he have?

**The Connétable of St. John:**

I clearly do not do a very good job of explaining myself. S.o.J.D.C. have been asked to use £3 million which was left over from the College Gardens work and that is to take us up to the planning application stage. We hope that will happen very early next year. Thank you.

### **3.3 Deputy I. Gardiner of St. Helier North:**

Would the Minister advise the progress that has been made with the First Tower playing field for First Tower School?

#### **The Connétable of St. John:**

I do not believe any further progress has been made since I last answered this question to the Deputy. We have been for pre-planning advice and we are liaising with the current owner of the land, and I do not believe that we have had a decision back from that person. Thank you.

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

Is the Minister aware we have pre-planning advice and engagement with the owner of the field that was allocated for education purposes in the Bridging Island Plan for the last 1½ years? When will the Minister consider that we cannot continue more engagement and we need this field for the school to be purchased and build a field?

#### **The Connétable of St. John:**

I am aware that there had been previous plans drawn up but the owner of the land, who currently is the owner of that land, asked us to look at revised plans which would give them a greater return for that land. I do not think that is unusual. We have continued dialogue; hopefully we can come to some form of agreement. I am aware of the importance of providing additional recreational space at First Tower School and I have spoken to the Deputy about another potential short-term solution. Thank you.

### **3.4 Deputy K.L. Moore of St. Mary, St. Ouen and St. Peter:**

I am grateful to the Minister for continuing the work with the S.o.J.D.C. to redevelop Fort Regent but could the Minister please assure our concerned parents that childcare facilities will be retained at the site as the redevelopment work progresses and that it will be included in future redevelopment of the site?

#### **The Connétable of St. John:**

I thank the Deputy for her question. I am not sure which childcare element, I presume that is the nursery? The plans that I have seen include a new nursery provision and I would like to envisage that the current operation would move from its current location to the new location. Thank you.

### **3.5 Deputy D.J. Warr of St. Helier South:**

Will the Minister commit to publishing, before the end of December 2024, a breakdown of the spending that is currently being undertaken on the renovations at the Havre des Pas pools? Can he detail the sums already spent, what is the value of contracts outstanding and how much of the £500,000 budget remains unspent?

#### **The Connétable of St. John:**

I am really sorry but I do not keep those numbers in my head; in fact, they change daily because there is currently work taking place at Havre des Pas pool. The Assistant Minister for Infrastructure is the lead on the Havre des Pas. What I can confirm is that the gates will be open again this week, the sluice gates, and they will have to be opened again next month. Thank you.

#### **Deputy D.J. Warr:**

Sorry, that was not answering my question. My question was about committing to publishing before the end of December a breakdown of the spending that is currently being undertaken.

**The Deputy Bailiff:**

Minister, the breakdown that has been sought?

**The Connétable of St. John:**

I am happy, when the works are completed, to share with Members the breakdown of the costs. Thank you.

**3.5.1 Deputy D.J. Warr:**

Sorry, I asked for end of December. What does the Minister mean by he will share that when they are completed? What timeframe does he envisage?

**The Connétable of St. John:**

I do not have sight of the contract, I do not know the length of the works; some of those works are weather-dependent. If it is before the end of December I am happy to share them then. If it is after, then I will share when the works are complete. Thank you.

**3.6 Deputy A.F. Curtis of St. Clement:**

A recent freedom of information response on pavement widening costs highlighted that the cost of public realm works in La Motte Street totalled £1,008,290, although this did include some civil engineering works for drainage. Has the Minister had a chance to consider whether this funding is value for money in the public realm?

**The Connétable of St. John:**

I thank the Deputy for his question. I have spoken about La Motte Street several times at the Scrutiny Panel that I attend, which the Deputy is a member of, and the Deputy would be aware that it would not have been a priority of mine. Having said that, the team have done a fantastic job in La Motte Street and I do believe that it is a good solution. We are looking at pavements around the Island and I would much prefer to have a 1.2 metre width pavement than no pavement at all. My officers keep telling me that I have to have 1.8 metres but I am slowly winning the battle. Thank you.

**Deputy P.F.C. Ozouf of St.Saviour:**

A point of order?

**The Deputy Bailiff:**

Point of order?

**Deputy P.F.C. Ozouf:**

Yes.

**The Deputy Bailiff:**

Yes.

**Deputy P.F.C. Ozouf:**

I am sorry, the Deputy asked a question in relation to roadworks where he has got a business. Should a Member not declare the fact that they have got a business on the road that they are talking about?

**The Deputy Bailiff:**

Well, under Standing Order 106, a Member of the States must declare an interest at the earliest opportunity clearly stating the nature of the interest, and the interest is recorded in the minutes, so Members are required to declare an interest if they have one.

**Deputy A.F. Curtis:**

For the avoidance of doubt, if Members really want this, I do own a business on La Motte Street. The cost of public works on La Motte Street were those up to Hilary Street and up to 15 La Motte Street; I own 11 La Motte Street. No public realm works were undertaken [Laughter] outside my business and I was asking about value for money and not the delivery of service in relation to the improvement of facilities for businesses in the area.

**The Deputy Bailiff:**

That declaration is noted. Connétable of Trinity.

**Deputy A.F. Curtis:**

Sorry, I did not get a supplementary.

**The Deputy Bailiff:**

Oh, did you not? Well your declaration of interest was quite lengthy. Yes, all right, a supplementary.

**3.6.1 Deputy A.F. Curtis:**

I am glad to hear the Minister is keen on pragmatic solutions to pavements and facilities highlighting that 1.2 metres is better than nothing. Does he have any other suggestions for pragmatic road improvements across Jersey?

**The Connétable of St. John:**

I am sure that our decision-making can be much quicker and I am delighted that, in recent weeks, St. John has received a zebra crossing. Members may be interested to note it has taken some 20 years for that zebra crossing to arrive and I am pleased to say it was agreed and the work was agreed before I became Minister.

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

Could I ask the Minister if he is aware of any plans to relocate the abattoir from its present site at La Collette?

**The Connétable of St. John:**

There are no plans currently, as far as I am aware, to relocate the abattoir from its current site. We do have some challenges with the current abattoir but I believe significant funds were spent on that not too long ago.

**3.8 Deputy H.M. Miles of St. Brelade:**

Will the Minister advise when the sauna and the steam and the children's splash pool will be open again at Les Quennevais leisure centre?

**The Connétable of St. John:**

I have to say I am embarrassed that I was not aware that it had not already reopened. Only on Friday evening I was with a regular user of Les Quennevais who was telling me what a great facility it now was, including the upgraded changing rooms. I am aware that Les Quennevais and all of our swimming pools recently won awards but I have not been told that the sauna and steam has not been opened. I understood that works had been done and I will get back to the Deputy.

**3.8.1 Deputy H.M. Miles:**

Is there a longer-term plan for the redevelopment of Les Quennevais Sports Centre?

**The Connétable of St. John:**

Les Quennevais Sports Centre, like a number of our assets, is getting to a certain age where we will have to invest into that facility. No detailed work has been carried out yet. In fact, significant work was done over the summer when the pool was closed for several weeks to upgrade the columns but we will be looking at all of our sporting facilities in 2025 as to a programme of works.

**3.9 Deputy P.F.C. Ozouf:**

A really easy one. I know the Minister will say yes. He knows about a problem with a constituent I have in St. Saviour and once I have written to him, will he agree to come and meet on site to discuss my constituent's problem?

**The Connétable of St. John:**

Yes, I would be delighted to meet with the Deputy and discuss the constituent's challenges.

**3.10 Deputy J. Renouf:**

With regard to Project Breakwater, which the Deputy Chief Minister is in charge of, did he volunteer the Deputy Chief Minister for this work or did the Deputy Chief Minister volunteer himself?

**The Connétable of St. John:**

That is a question that the Deputy would have to ask the Deputy Chief Minister. I am well aware of Project Breakwater. It is an ongoing piece of policy across Government. It is about looking at our long term. It is about investing in our product of Jersey. There is no decision made as to what is and what is not included. There is no decisions made about funding and until such time I am not really able to answer any more questions on that subject.

[16:45]

**3.11 Deputy S.M. Ahier of St. Helier North:**

Will the Minister update us on whether he is intending to build a vehicle testing centre and does he have a site for it?

**The Connétable of St. John:**

A new vehicle testing centre is not in the plan for 2025 or 2026. We continue to look at how D.V.S. (Driver and Vehicle Standards) operates. I believe that we could be offering a lot of our services that are currently at La Collette in our new offices in Union Street, making it easier for customers to visit and we continue to look at how we can be more efficient with our D.V.S.

**3.12 Deputy D.J. Warr:**

I was hoping for this to be my supplementary. On 12th November 2024 I asked the Minister why the incorrect paint was being applied to the steps of Havre des Pas pool. I have to date received no reply from his department. Does the Minister have an answer and, if not, why not?

**The Connétable of St. John:**

Here we go. Teamac Suregrip is a safety coating for use inside and outside where a sure foothold is required for foot or light truck traffic. It can be used on wood, metal, concrete, G.R.P. (glass reinforced plastic) and other suitably prepared surfaces. I have further information if the Deputy would like it.

**The Deputy Bailiff:**

Deputy Warr, if you do not mind, can I move to the Connétable of St. Mary? He has not asked a question so far of this Minister.

### **3.13 Connétable R.D. Johnson of St. Mary:**

At a Scrutiny hearing last week, the Minister referred to the structure of Jersey Property Holdings. Can he advise the Assembly as to whether he has any particular plans as to such a restructure?

#### **The Connétable of St. John:**

I thank the Deputy for his question. There is a serious matter at Jersey Property Holdings. We have to do better with our assets. We are making progress. For example, Property Holdings is some 19 years old and only now are we finalising discussions with our tenants or some of our tenants. There is a lot of work to do and I look forward to working with colleagues across the Assembly, including Scrutiny, when I have plans that I can bring forward.

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

Deputy Ozouf, you have only got 20 seconds. Do you want to ask a question?

### **3.14 Deputy P.F.C. Ozouf:**

Could the Minister confirm whether or not any notice was given on the fuel farm lease?

#### **The Connétable of St. John:**

We are in discussions with the current occupiers of the fuel farm.

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

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

That brings that set of questions to an end. I will now move on to questions for the Minister for Housing and the first question is from Deputy Jeune.

### **4.1 Deputy H.L. Jeune of St. John, St. Lawrence and Trinity:**

In a letter to the Environment, Housing and Infrastructure Scrutiny Panel in September regarding the Jersey Homelessness Strategy, the Minister mentioned actions he is working through with the Homelessness Cluster. One action was to focus on support for care leavers and those with care experience. Could the Minister advise what actions he is working on to ensure care leavers have access to housing as soon as they leave care?

#### **Deputy S.Y. Mézec of St. Helier South (The Minister for Housing):**

We have already in the housing gateway the partnership pathway where Islanders who have particular needs that might not necessarily sit well within other mandates in the gateway can receive extra assistance from the Housing Advice Service to help assist those people into homes that are appropriate for them. That service is being expanded over the year and continuing into next year is having more resource put into it and more people working in it who will be able to help people find bespoke solutions to their housing needs when that is appropriate for them.

#### **4.1.1 Deputy H.L. Jeune:**

Could the Minister advise if he thinks it is acceptable that care leavers are housed in homeless providers' accommodation and will he endeavour to look into why this is happening?

#### **Deputy S.Y. Mézec:**

No, I do not. I think that, as corporate parents, when it comes to those young people who have been in our care, we ought to accept nothing less for them than we would accept for our own children and that means fighting as we can to make sure that they get placed in homes that are just that, homes, not places that they are put temporarily rather than permanent solutions found for them. I know this



is an area that the Deputy is passionate about and I would be more than happy to have conversations with her about that.

#### **4.2 Deputy T.A. Coles of St. Helier South:**

The Minister has just alluded to the Housing Advice Service in the answer to his last question. Will the Minister please provide an update on the Government's Housing Advice Service and state whether there are any plans to make this service more accessible to Islanders?

#### **Deputy S.Y. Mézec:**

I just alluded to in a previous answer that this is a service that is being expanded. It has been fantastic to see this become now part of Government provision where just a few years ago it was not. That service is now proactively reaching out into areas outside of Government to form partnerships to try to help people find housing solutions for them. They have been working with private sector landlords to partner up with tenants that are looking for homes in that sector who might have additional needs that the Housing Advice Service can help them with and help the landlord too. In terms of the accessibility of that service, I am very pleased to say that from 9th December, when services are relocated into the new Union Street office, Islanders will be able to attend that office and be welcomed by someone at the front door and ask to see the Housing Advice Service. They will have a physical place that they can pop into and have a face-to-face conversation with someone in that service. I am very pleased with that development.

#### **4.2.1 Deputy T.A. Coles:**

Can the Minister confirm whether the Housing Advice Service has now been fully briefed with a policy around helping people right size?

#### **Deputy S.Y. Mézec:**

Good question. I am presuming they will have because that has, of course, been on my agenda. I have to be perfectly honest and say I often find the Housing Advice Service one step ahead of me being proactive in those kinds of areas but they also manage the housing gateway where, of course, right sizing in both directions is a big need that is represented in that data, so they will be working with housing providers to try to help people who are both under-occupying and over-occupying to find homes that are right for them. They are in daily contact with our social housing providers to help people make those moves.

#### **4.3 Deputy J. Renouf of St. Brelade:**

The former St. Saviour Hospital site is a grade 1 listed building that is languishing and, according to the answer to a recent written question, no renovation works are planned. Will the Minister state what actions he has taken to move forward Andium's plans to redevelop the site?

#### **Deputy S.Y. Mézec:**

I will have a very frustrating answer for the Deputy for this one, which is that I understand that a cross-Ministerial meeting on this is due to take place at some point soon. I cannot pre-empt that meeting too much other than to say that I have been to St. Saviour's Hospital myself and had a look round it and I have had conversations with Andium Homes about prospective options for that site. It is a very difficult site, speaking frankly, because of the listed nature of that building and restrictions on the land around it. It is difficult to get to a right position on that but there is a meeting due to take place in the next few weeks with the relevant Ministers whose portfolios touch on this and I think we will have more clarity after that.

#### **4.3.1 Deputy J. Renouf:**

I asked a variation of this question at the previous questions without notice. Does he think that he is giving enough priority to this given that the answer has not moved on since then?

**Deputy S.Y. Mézec:**

The problem is that when you make everything a priority, nothing is a priority. I have been extremely active in my portfolio areas and I am very pleased with the progress that I have made in various different areas. I can fully appreciate the frustration that anyone would feel when we see a physical plot on our Island languishing with Government inaction largely to blame for that and that has been the case for many years for this particular site. I accept that that is something, as a Government, we have not been very good at for many years and I can simply hope that the meeting we have upcoming with other Ministers will hopefully begin to represent a turning a point on that and we can give that site the dignity and future vision that it deserves.

**4.4 Deputy D.J. Warr of St. Helier South:**

Following on the P.70/2024 proposition as amended, pets in rented dwellings, how soon will the Minister be sitting down with all stakeholders in developing some useful guidance for landlords and tenants on how the issue of pets in rented dwellings should be managed in a balanced and helpful way? If not by the end of December 2024, why not?

**Deputy S.Y. Mézec:**

Why not? Because the proposition said March next year, for a start, and that was partly in his amendment. He used the term ‘useful guidance’ which in this context I regard to be an oxymoron. I said that I think that that document will not be regarded or used particularly well, in which case I do not particularly want it to distract from the more tangible elements of my Ministerial actions that I am taking. So I will give it the due attention that it deserves as a decision that has been made by the Assembly but with regard to the proportionality of the fact that this document will not play much of a positive role in helping to take the Island forward in resolving our housing crisis. I will get round to it and I will round to it within the deadline that his amendment proposed.

**4.4.1 Deputy D.J. Warr:**

Apologies for the deadline change. This is in response to a written question I placed and I have had a response to today. How soon will the Minister start collecting accurate real world data from landlords on the level of rents in the residential rental sector that could be used by any future rent control tribunal to adjudicate on a fair market rent? We will throw in there December. If not starting December, why not?

**Deputy S.Y. Mézec:**

Sir, that question has nothing to do with his previous question, so you may wish to rule on whether it naturally follows.

**The Deputy Bailiff:**

Well, it does not but these are questions to Ministers without notice. I see what you mean, it was not supplementary to the first question, so I follow. I disallow that question.

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

Will the Minister advise how many people have applied for the First Step scheme? Of those, how many have now purchased their first home?

**Deputy S.Y. Mézec:**

I can give the breakdown of those who applied. In the first tranche it was 125, in the second it was 74 and in the third it was 84. That is not breaking down what might have been reapplications within that. If he wants that data, I can endeavour to get that for him. From that first tranche, 18 transactions took place, from the second 17 took place and from the third successful applicants are in the process

of being contacted to let them know they have been successful. We have a little while yet to work out exactly how many transactions take place from that third tranche.

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

Does that mean that there are not enough suitable homes available for those people on the scheme or is there not enough funding for those people who are requiring a home to get on to the scheme?

#### **Deputy S.Y. Mézec:**

It is very much the latter. The point of this scheme, and in my view the beauty of it, is that it is about homes out in the private sector that have already been lived in, of which there is no shortage. You can go on places.je and you can see plenty of homes that would be eligible for purchase through this scheme. The biggest difficulty with it is the funding and that has meant that people have applied in good faith who have been eligible for it but have simply been unlucky because of the scale of demand there was for it and were not successful. That has been the most difficult part of it but it is very much the funding as opposed to the availability of homes that are eligible.

#### **4.6 Deputy M.B. Andrews of St. Helier North:**

Did the Minister disagree with the Council of Ministers who proposed that stamp duty surcharge be reduced from 3 per cent down to 2 per cent?

#### **Deputy S.Y. Mézec:**

My position on the stamp duty surcharge is clear. I think it is suitable where it is and I do not support changing it. However, I will be supporting the Government amendment on this because I would much prefer the Assembly to be having a debate on whether we have it at either 3 per cent or 2 per cent rather than 3 per cent or zero per cent.

#### **4.6.1 Deputy M.B. Andrews:**

What impact will the stamp duty surcharge of 2 per cent have on Jersey's housing crisis?

#### **Deputy S.Y. Mézec:**

I cannot predict that. I do not know what impact it would have. There may be some out there who would welcome a reduction and think that it would make purchasing an investment property more affordable and, therefore, they would be more likely to do it. There may well be people who say that a reduction of only one per cent is measly and will not influence their behaviour. We will not know unless the Assembly chooses to do it and see where we go from there, but I could not predict what impact it would have.

#### **4.7 Deputy B.B. de S.DV.M. Porée of St. Helier South:**

Can the Minister explain what changes, if any, he may be considering for the extension of the First Step scheme next year providing that budget will allow him to do so?

#### **Deputy S.Y. Mézec:**

If the Budget is approved and I get extra funding to do another round of First Step next year, I will not be looking to do it immediately at the start of the year. I would look to hold off for a couple of months specifically so we can evaluate how the first 3 tranches have gone and decide if any of the parameters need to be changed. I will say that following the first tranche where most of the sales that took place were for one-bedroom flats, we did tweak the criteria a little bit to try to boost the number of 3-bedroom homes that were purchased through that scheme, which we did and we saw that change for the second tranche.

[17:00]

If there is to be a fourth tranche or a 2025 edition, I want to look through the data and see if there is a particular type of housing need that we have not provided for in the scheme so far that perhaps with some tweaks we might better address or if we can tell if there are particular difficulties that particular household types are facing and see if we can better target it. That might take a couple of months to go through the data to do that.

#### **4.8 Deputy R.S. Kovacs of St. Saviour:**

Following the Sanctuary Trust sleepout event on Friday, would the Minister explain what he is doing to reduce homelessness on the Island?

#### **Deputy S.Y. Mézec:**

I thank the Deputy for that question. I think I have just about recovered from the Sanctuary Trust sleepout but a special shoutout, of course, has to be made to the Constable of Trinity, who also took part and, wait for it, was the biggest individual fundraiser for the event and I know some States Members donated, so I think definitely deserves commendation for that. **[Approbation]** When I took office earlier this year the Chief Minister and I very quickly worked with Sanctuary Trust to try to assist them with funding to help them get through this year and I am very pleased with the impact that has had. That has also, I gather from conversations I had on Friday with those who lead that charity, freed up some of their capacity where they have been able to do more working with Government to identify the types of people who are coming to them, what their needs are, what their backgrounds are, so that we now have the richest data on homelessness that we have ever had. We have a good picture for quarter 2 of this year and shortly will have quarter 3 too, which enables our Housing Advice Service to better target its services at those who come to them to understand why they are homeless in the first place and what particular solutions might be best for them. That work from the Housing Advice Service is fundamental to that but, of course, also fundamental to that as well is the building programme for Andium Homes who have been providing many more one and 2-bedroom homes in particular that we can use to help provide people with longer-term solutions and get them back to independent living. It is very important that we support their building programme so they can do that.

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

That brings that period of questions to an end. I will now move on to questions without notice to the Chief Minister and the first question is from Deputy Renouf.

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

#### **5.1 Deputy J. Renouf of St. Brelade:**

Five weeks ago the Chief Minister voted against the amendment of the Marine Spatial Plan that would have reserved one small area for scallop divers who fish sustainably. In the light of the Chief Minister's vote, what message does he have for the scallop divers?

#### **Deputy L.J. Farnham of St. Mary, St. Ouen and St. Peter (The Chief Minister):**

Could you just repeat the question, please? I am sorry.

#### **Deputy J. Renouf:**

That is good buying for time. The vote was on the Marine Spatial Plan. It was for an amendment that would have allowed ... reserved one area of the marine park for the scallop divers. It was one of a batch of amendments, all of which the Council of Ministers voted against.

#### **Deputy L.J. Farnham:**

I am trying to remember if that particular vote was carried or not. Perhaps the Deputy could help me. I am sorry, I cannot remember.

**Deputy J. Renouf:**

It was carried unfortunately.

**The Deputy Bailiff:**

It was carried?

**Deputy J. Renouf:**

Sorry, the amendment was defeated.

**The Deputy Bailiff:**

It was rejected.

**Deputy L.J. Farnham:**

I cannot remember whether the scallop divers are able to dive for scallops or not. Can you just remind me of that?

**The Deputy Bailiff:**

Yes. Do you want to give a bit more context to the Chief Minister?

**Deputy J. Renouf:**

The scallop divers were asking for a small area around the Ecréhous to be reserved for their use, in other words to be included in the marine park, in the marine protected areas. The amendment was to attempt to protect that area for them. It failed. I am asking the Minister what he has to say to the scallop divers, given that he did not support them in their attempt to have one area reserved.

**Deputy L.J. Farnham:**

Sorry, I cannot recall all the separate zones and how we voted on them. What I do remember is I thought the Minister for the Environment brought a sensible compromise to the position. My message to the scallop divers is there is still an area for them to dive for scallops as part of that compromise and I would urge them to avail to that. I do not like the ongoing dredging of our precious seabed but with a view to reaching the right position over a number of years, I was pleased to support the compromise that the Minister for the Environment brought because it is moving in the right direction.

**5.1.1 Deputy J. Renouf:**

The Chief Minister refers it to as a compromise but it is not a compromise from the point of view of the scallop divers. It is the only thing they asked for. Is he proud of that vote?

**Deputy L.J. Farnham:**

Sorry, Sir, I am having difficulty hearing. I am not buying for time. You can put an extra 5 minutes on if you like.

**The Deputy Bailiff:**

Are you proud of your vote in the scallop diving debate was the question.

**Deputy L.J. Farnham:**

I am not sure 'proud' is the right word. I am content and comfortable with my vote because I gave the matter due consideration and voted accordingly.

**5.2 Deputy T.A. Coles of St. Helier South:**

Given the recent announcement of an extension of the C.E.O.'s (Chief Executive Officer's) contract of 2 years, can the Chief Minister confirm what K.P.I.s were used and how they will be measured in order to ensure the C.E.O. is meeting the Government's expectations?

**Deputy L.J. Farnham:**

The Chief Executive provides a list of quarterly priorities, which I work through with him as the Chief Minister. That is shared and that is monitored accordingly.

**5.2.1 Deputy T.A. Coles:**

Can the Chief Minister confirm that there are no long-term K.P.I.s that the C.E.O. will be working for or is it just quarter by quarter?

**Deputy L.J. Farnham:**

They are updated quarterly. Some of those move off the list relatively quickly and some are carried forward, but I am happy to share that information with the Deputy or any Member who would like to see it. As far as I know, it is a matter that is available publicly.

**5.3 Deputy H.L. Jeune of St. John, St. Lawrence and Trinity:**

The Chief Minister said in answer to Deputy Renouf's question that the C.E.O. was not part of the procurement process of the ferry tender, in the failed joint process or in the current tender process. Why was the C.E.O. not involved?

**Deputy L.J. Farnham:**

The Chief Executive of the States was formerly employed by one of the lenders to Condor Ferries. While his employment has ended and he no longer would have a direct or pecuniary interest in that, it was just deemed more appropriate that the Chief Executive stayed out at this stage and that was agreed by Ministers and officers as a sensible course of action.

**5.3.1 Deputy H.L. Jeune:**

Can the Chief Minister confirm that if the Chief Executive does not have a conflict of interest in any area where large procurement processes are discussed for the Island, it would be the norm for the Chief Executive to be part of that process?

**Deputy L.J. Farnham:**

Under normal circumstances, yes, the Chief Executive would be part of that practice but, like I said, under the circumstances it was deemed sensible, without going into the personal or financial implications that the Chief Executive might have after leaving his previous role, that he stayed out.

**5.4 Deputy I. Gardiner of St. Helier North:**

I would like to ask the Chief Minister in his capacity as the Chair of the States Employment Board would the Chief Minister advise what progress, if any, has been made on updating terms and conditions for the teaching assistants?

**Deputy L.J. Farnham:**

I am not sure off the top of my head but I will certainly endeavour to find out and come back to the Deputy.

**5.4.1 Deputy I. Gardiner:**

Would the Chief Minister advise if the States Employment Board discussed during 2024 terms and conditions for the teaching assistants and where does it stand?

**Deputy L.J. Farnham:**

I do not recall that we have but I will find out. Deputy Ferey acts as Vice-Chair, so I will confer with him but I cannot remember that matter appearing on the agenda.

### **5.5 Deputy H.M. Miles:**

The Chief Minister has talked to us about the C.E.O. and also we have had notice today that his contract has been extended. Will the Chief Minister confirm whether the C.E.O. continues to be the interim C.E.O. or is he now the permanent C.E.O. given that he will be staying until December 2026?

#### **Deputy L.J. Farnham:**

He is no longer an interim C.E.O. He is now a permanent C.E.O. on a 2-year contract starting from 1st January.

#### **5.5.1 Deputy H.M. Miles:**

Are there any changes to his terms and conditions and will he be getting paid more?

#### **Deputy L.J. Farnham:**

The terms and conditions are broadly the same but adapted accordingly to reflect his status and longer contract. The salary of the Chief Executive was set at a level of £250,000 and it has been at that rate since 2018. Under the new contract, the Chief Executive's new salary will be £276,000.

### **5.6 Deputy M. Tadier of St. Brelade:**

Would the Chief Minister consider the forthcoming Budget as proposed by his Government to be an austerity budget or a growth budget?

#### **Deputy L.J. Farnham:**

Very much I believe it is a budget that accounts for the short, medium and long-term requirements of Islanders. The short term is because we have pressing matters to address in relation to the cost of living and the provision of additional services, as set out in the Common Strategic Policy. The medium to long term are largely based around reprioritisation of activity to stem the previous growth, exponential growth in the cost of running the public sector. Of course, the Budget, as Members will know, commits to significantly increasing provision for the Strategic Reserve by some £300 million.

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

Another way I have heard this Budget described by colleagues and members of the public is that it is robbing Peter to pay Paul, if you excuse the male-specific pronouns in there. The concern I think that many have is that the medium and long-term wellbeing of Peter is by no means guaranteed. Can the Minister speak to this phenomenon, that some of the cuts he is imposing here, which might be absorbable in the short term but we have heard his Ministers talking about on the one hand ... the Minister for Financial Services, the Minister for Sustainable Economic Development saying that they did not really want to impose these cuts. They would not have done if they did not have to. Can he guarantee that they will not have a negative effect on the economy and on growth in both the medium and longer term in Jersey?

#### **Deputy L.J. Farnham:**

I do not think any Minister wants to impose cuts or make savings and that is one of the reasons why we find ourselves in this position because for far too long we have not checked that and we have allowed the cost of running the public sector to grow too much to a point where it is unsustainable. This is a budget for growth because it still sees about 5 per cent growth in the overall expenditure and that is a lot less if we had not checked that. With inflation running at high levels, significantly higher than the R.P.I. (Retail Price Index) in areas such as health, for example, had we not checked and reprioritised we would have seen a Budget that was probably £50 million to £100 million more than we have budgeted for. I have forgotten the second part of the question.

**Deputy M. Tadier:**

The second part was really about can the Minister guarantee that the cuts that are being made where investment would have otherwise been made will not have a medium and long-term impact on economic growth.

**Deputy L.J. Farnham:**

We have, of course, carried out the public and commercial and economic risk analyses of these and the economic advice would indicate that it would not. There are lots of nice-to-have things that we have either delayed or curtailed in relation to the capital budget. We have made that more realistic so we are budgeting for what we can actually spend. No, I do not think we are going to see any long-term negative impact. I would like to think the opposite.

[17:15]

While Scrutiny and some Members have been focusing on what we are not doing, I would urge them to focus on the new investments we are making and the things we are doing, such as extending nursery care provision, the provision of school meals, starting to build the new hospital at Overdale, the further investment in health, the reduction in G.P. (general practitioner) fees, the implementation of the violence against women and girls, transition to a living wage. We are reinvesting, so where we are saving we are making reinvestment. I would ask Members to focus on what we are doing not what we are not doing.

**5.7 Deputy K.M. Wilson of St. Clement:**

Given the previous question on the Chief Executive's pay, could the Chief Minister also inform us as to whether or not the Chief Executive's pay will be performance related? If so, is it likely that the baseline salary of £276,000 will be exceeded?

**Deputy L.J. Farnham:**

The pay is not performance related. Having said that, we would expect a strong performance from the Chief Executive but it is not performance related and the pay will, therefore, not increase.

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

Does the Chief Minister agree with me that major constitutional change should not be brought before this Assembly without proper consultation with the public? I mean wider consultation through, perhaps, a referendum rather than personal agendas being followed by some Members to extinguish 800 years of our Island's heritage. **[Approbation]**

**Deputy L.J. Farnham:**

Yes, I do.

**5.9 Deputy J. Renouf:**

Could the Chief Minister explain in what way changing the speaker of this Assembly, the president of this Assembly, is a major constitutional change? **[Approbation]**

**Deputy L.J. Farnham:**

In the long history of this Assembly and our right as an Island to self-determination, most of that period, through turmoil and through wars and through various challenges, there has been one constant and that is the office of Bailiff and that has always worked well for us. I absolutely subscribe to the doctrine of separation of power but I think that is a conversation and a debate when we talk about that. The United Kingdom does not have a true separation of power because the Executive and the legislature are one and the same. It is the same here. Given a jurisdiction of our size, how we operate, I think the office of Bailiff works extremely well for us and if we are to replace it we need to replace it with something arguably better, with the greatest respect to my good friend the Constable of St.



John, who I do not criticise in any way for bringing this proposition. It is something that is worthy of debate. I believe what he is presenting will not improve the situation.

**The Deputy Bailiff:**

That answer brings this period of questions to an end. **[Laughter]** Returning to the Order Paper, there is nothing under J or K. That brings us to Public Business and I believe it is the wish of the Assembly to commence that tomorrow morning. Is the adjournment proposed?

**Deputy L.J. Farnham:**

It is, Sir.

**The Deputy Bailiff:**

Are Members content to adjourn until tomorrow morning at 9.30 a.m.? The States are adjourned until tomorrow at 9.30 a.m.

**ADJOURNMENT**

[17:18]