

# STATES OF JERSEY

## OFFICIAL REPORT

**TUESDAY, 22nd OCTOBER 2019**

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[9:32]

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

## **COMMUNICATIONS BY THE PRESIDING OFFICER**

**The Bailiff:**

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

On behalf of Members, I would like to welcome His Excellency the Lieutenant Governor to the Chamber this morning. [Approbation]

## **QUESTIONS**

### **2. Written Questions**

[9:45]

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

May I raise a point of order under Standing Order 12(4)? I believe that the written answer given to my Written Question 23, in the first instance was not answered in time so the bundle notes that it was not submitted in time, I would like to ask why that was and what the consequences of that are. But secondly, the single sheet that has been handed around singularly fails to address my question, which is about the Minister's assessment of the impact of the lack of progress on certain recommendations that have been made. The Minister simply says that international governments recognise the States Assembly's ability to make decisions or not make decisions but it does not answer and is not directly relevant to the question, I believe. Could I raise that with you for consideration?

**The Bailiff:**

Yes, that is question 23, is it? I will consider that over the luncheon and give a ruling immediately after lunch.

### **2.1 DEPUTY R.J. WARD OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE PREPARATIONS TO SUPPORT THOSE ON LOW INCOMES FOLLOWING BREXIT: (WQ.429/2019)**

#### **Question**

What preparations, if any, are being made to support those on low incomes following Brexit in the event that there is a rise in prices or a shortage of goods, given that advice has been given by the Government to stock up on essentials?

#### **Answer**

In order to minimise the immediate impact on vulnerable groups in the event of a No Deal Brexit, the Government is working with the Connétables, parish administrations and the charitable sector to operate a central advice and assistance hub, which will be located at an accessible location in St Helier. Vulnerable people will be able to access the service through Customer and Local Services, or Citizens Advice Jersey, to request food, essential items and other support.

In addition, volunteer support is being coordinated by individual parishes, to ensure that essential supplies are provided at home to vulnerable Islanders with limited mobility.

The Minister for External Relations, Senator Gorst, has also issued a statement on government preparations. He has explained the ways we can respond if there are possible reductions in the choice or availability of food and essential supplies.

Senator Gorst's statement is appended to this answer. In particular, we don't expect to run out of food in the event of a No Deal Brexit. However, there might be a reduction in the range available, especially fresh food, or an increase in prices.

If the disruption to prices continues for more than a short period the Government has various options it can take, some of these are under the Income Support legislation but we can also target additional support to charities who help vulnerable people.

There is no evidence at the moment to suggest that these extra steps will be needed.

If any Islander has concerns about the impact of a No Deal Brexit they can contact the Government's Brexit support line on 01534 440401.

## Oct 3: Senator Ian Gorst

### Statement on No-deal Brexit support for vulnerable islanders

The Government of Jersey has confirmed that it is working closely with parish Connétables and the Island's charitable sector, including Citizens Advice Jersey, to provide additional support for vulnerable Islanders in the event of a no-deal Brexit.

The Minister for External Relations, Senator Ian Gorst, commented:

“In preparing for a no-deal Brexit it is critical that we have measures in place to assist vulnerable and low-income Islanders with possible reductions in the choice or availability of food and essential supplies.

“While we don't anticipate food shortages, there may be a reduction in the range of products available, especially fresh food, or an increase in prices that could have a disproportionate impact on those who are of low income or are receiving income support.

“In the event of a no-deal Brexit, we will provide short-term support to operate a central Advice and Assistance Hub that will supplement the essential work carried out by Jersey's voluntary and charitable sector. We also intend to keep food prices under close review, and the Minister for Social Security has the ability to review income support payments if we see a sharp fluctuation in the cost of essential items that islanders regularly buy.”

Full details of the scheme to support vulnerable Islanders, including how to apply to the scheme and the location of the central hub, will be published shortly.

Members of the public who are concerned about their ability to prepare for a no-deal Brexit can contact the Government's Brexit support line on 01534 440401.

## **2.2 DEPUTY R.J. WARD OF ST. HELIER OF THE MINISTER FOR INFRASTRUCTURE REGARDING THE CONTRACT FOR THE ISLAND'S BUS SERVICE: (WQ.430/2019)**

### **Question**

Will the Minister advise –

- (a) when the contract for the Island's bus service is due for renewal;
- (b) what process will be followed to ensure the contract provides the best service for the Island with a sustainable transport policy at the centre of the outcomes; and
- (c) what steps, if any, he will take personally to ensure that the tendering process is fully transparent?

### **Answer**

- (a) The 2013 Bus Operating Contract, originally with a base duration of seven years expiring on 31 December 2019 with up to three single-year extensions available for meeting performance targets, was subsequently varied by agreement between the parties with the base duration now being of nine years and three months, in order to better align with the expected lifetimes of the vehicles and other assets. At the same time a single-year extension was granted as it was agreed that a performance target for 2015 had been achieved. Up to three further single-year extensions are available and therefore the earliest contract expiry date is currently 30 April 2023, if all of the extensions are granted the expiry date will be 30 April 2026.
- (b) The process followed for the 2013 Bus Operating Contract ensured that the best service for the Island with a sustainable transport policy at the centre of the outcomes was provided. Any future bus operating contract will be a result of following the same process and principles.

- (c) In the event that a full tendering process is put in place for the continued procurement of the bus service, I will ensure that the model adopted is the same as that devised for the 2013 Bus Operating Contract, which I am sure the Deputy will agree has performed extremely well and has consistently generated excellent growth in passenger numbers throughout its duration. In conjunction with the sustainable transport strategy currently being developed, I am also open to other ways of delivering the public transport network, including a renegotiation of the existing arrangements in order to secure any desired enhancements in the service levels provided and also to ensure renewed investment in the vehicle fleet.

### **2.3 DEPUTY R.J. WARD OF ST. HELIER OF THE ASSISTANT CHIEF MINISTER REGARDING THE USE OF DIGITAL IDENTIFICATION BY THE GOVERNMENT OF JERSEY: (WQ.431/2019)**

#### **Question**

Further to the answer to Written Question 258/2019, in which it was stated that “further services are planned for launch during 2019 and Yoti remains the strategic partner for digital identity” and that “we also continue to work with Yoti and the private sector to develop services that support the uptake of digital identification in Jersey”, what additional services, if any, beyond those mentioned in that response have been implemented this year; and how much of the future budget within the Government Plan for I.T. has been allocated to the Yoti project?

#### **Answer**

Following the response to the previous Written Question 258/2019 both the application for a registration card and the health registration form are now live. The health registration form allows medical practitioners to register to work in Jersey. In addition, Yoti has been used as part of a DVS data cleanse project, allowing citizens to advise us online, using Yoti, if their details are correctly held. By the year-end we are also aiming to have the change of contact details form live.

Any future services around digital identity will form part of workstreams within the Technology Transformation Programme in the Government Plan. If the Government Plan is approved individual business cases will be created and submitted which will detail the budget, including any allocated for digital identity. Yoti was successful in winning the Security Implementation of the Year at the Jersey Tech Awards this weekend and we will continue to align with the adoption of this technology in a broader sense and use this to inform future planning around Yoti.

#### **Cost of Producing Answer**

As a means of giving an approximate indication to the time and cost of producing an answer to a written question, it has been decided that answers shall include a cost, broken down by civil service grade:

Civil Servant Grade 11 x 30mins: £14.40

Civil Servant Grade 13 x 30mins: £17.70

Civil Servant Grade 15 x 30mins: £22.50

Director General x 5mins: £6.75

Total: £61.35

### **2.4 DEPUTY R.J. WARD OF ST. HELIER OF THE CHIEF MINISTER REGARDING A RECENT SPEECH GIVEN BY THE CHIEF EXECUTIVE TO THE CHAMBER OF COMMERCE: (WQ.432/2019)**

## **Question**

Was there a cost to the public purse, in terms of both preparation time and the time spent at the event, of the Chief Executive's recent address to the Chamber of Commerce; and if so, what was the cost?

## **Answer**

Speaking to stakeholders is part of the core responsibility of the Chief Executive. Therefore, any preparation for such an event, and his attendance at it, is not differentiated from any other responsibilities, engagement or communication, and no separate assessment is made of the time or notional cost involved.

However, in this instance most of the preparation was done by the Chief Executive personally over several evenings and two weekends, as well as a few hours' time in drafting and editing in total by a senior civil servant, over a number of days, only some of which occurred during contractual working hours.

It is therefore impossible to provide an estimate, especially since the Chief Executive and the senior civil servant concerned routinely work significantly beyond their contractual hours without this time being remunerated. The event itself took place at lunchtime. As part of his duties, the Chief Executive regularly attends meetings and events outside working hours at no cost to the public purse.

## **Cost of Producing Answer**

The cost of answering this question was negligible

## **2.5 DEPUTY R.J. WARD OF ST. HELIER OF THE MINISTER FOR THE ENVIRONMENT REGARDING THE MONITORING OF AIR QUALITY: (WQ.433/2019)**

### **Question**

Further to the answers to Written Question 282/2019 and Oral Question 203/2019, will the Minister confirm the date when there will be real-time air-monitoring in place around the Island's schools and a network of working sensors around the Island; and will he also confirm where, and how, the resulting information will be accessible by interest groups and the wider public?

### **Answer**

I can confirm that nineteen real time air quality monitors have been distributed to schools and educational establishments. Twelve of these are now transmitting real-time data. The data is being processed and the monitors are going through a process of calibration through machine learning and comparison with existing equipment. The network across the Island now totals twenty-six monitors. Environmental Health in partnership with Digital Jersey and AirSensa are continuing to expand the network every week.

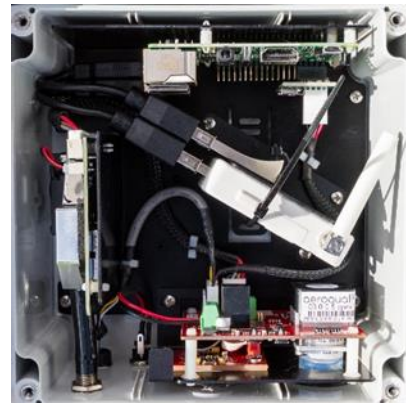
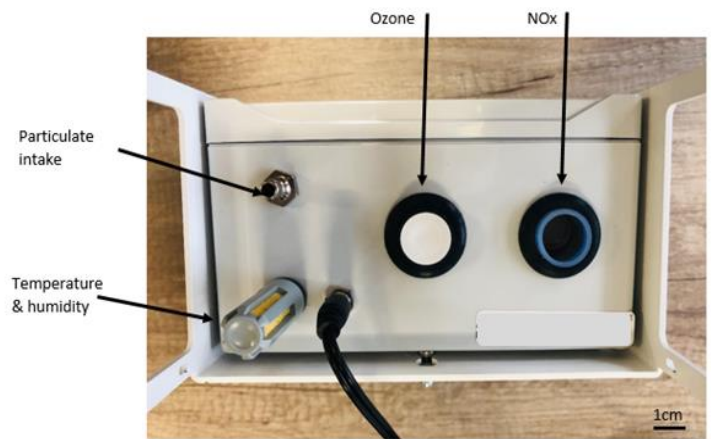
It is intended that the data will be made available to members of the public through apps on different platforms, through screens within public places and on the web.

Additional information is included in the appendix.

Real time air quality monitor fitted at a primary school



The underside of the box and inside the box



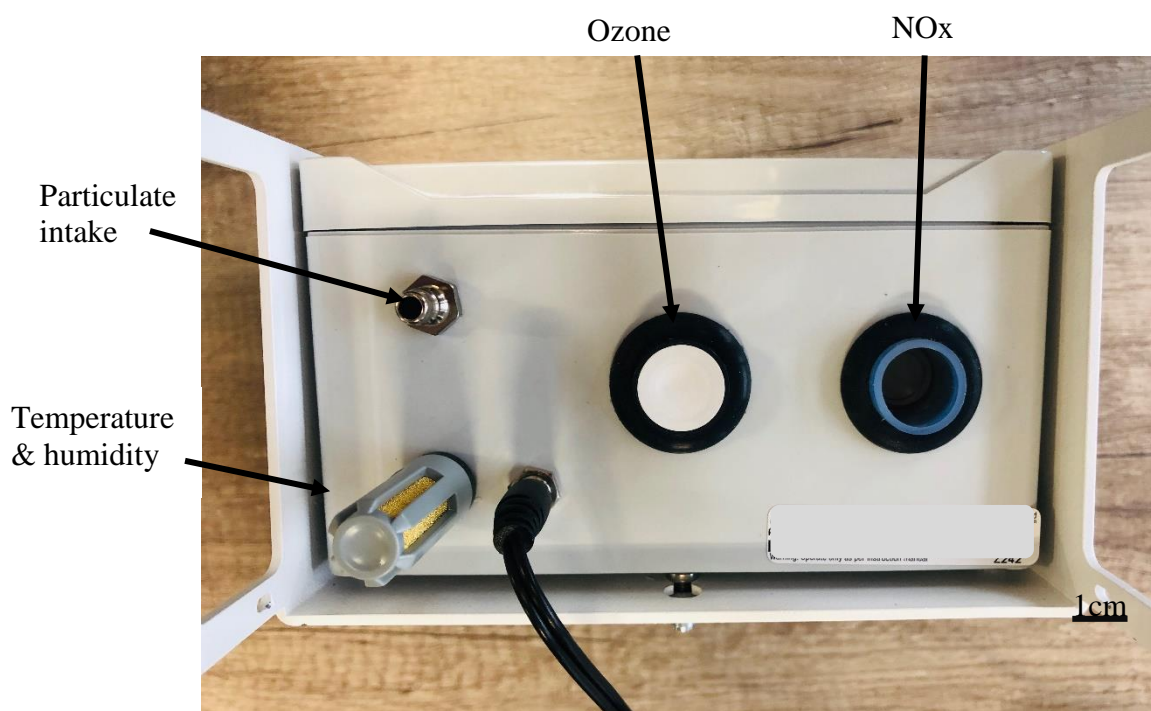
# Air Quality Monitoring 2019

## What is Air Quality?

The World Health Organisation defines an Air Quality index as a combination of five air pollutants, they are:

- ✓ Ozone O<sup>3</sup> gas
- ✓ Nitrogen dioxide NO<sup>2</sup> gas
- ✓ PM<sub>2.5</sub> particles
- ✓ PM<sub>10</sub> particles
- Sulphur dioxide SO<sup>2</sup> gas

The first four pollutants are measured using the air quality sensors installed at your location. Sulphur dioxide (SO<sup>2</sup>) levels have fallen significantly in western Europe since the introduction of low-sulphur solid and liquid fuels and is no longer widely monitored. Temperature and humidity are measured for calibration and error correction.



How is the data accessed?

The device contains a 3G modem which sends the sensor data over the internet to a cloud service where verification and aggregation occurs.

Where are the results?

The initial results will be analysed closely for accuracy and reliability. Following the analysis period, the data will be published via the Gov.je website and the Digital Jersey data platform at [data.digital.je](http://data.digital.je) (estimated mid-October).



**2.6 DEPUTY M.R. LE HEGARAT OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE RESOURCING OF DIABETES SERVICES: (WQ.434/2019)**

**Question**

Will the Minister advise –

- (a) how many diabetes-specialist dietitians there are;
- (b) how these posts are funded;
- (c) how these posts are allocated between Type 1 and Type 2 diabetes;
- (d) whether it is his assessment that there is sufficient resourcing within this service for the number of people who suffer with diabetes;
- (e) if it is his assessment that there is insufficient resourcing, what immediate action, if any, will be taken to rectify the position; and
- (f) when the strategy for the diabetes service will be published?

**Answer**

- (a) There are 1.6 WTE [whole-time equivalents] (2 staff members)
- (b) There is 1.0 WTE for Type 1 diabetes – funded for 3 years by Diabetes Jersey; the remaining 0.6 WTE post is funded by HCS (Health and Community Services).
- (c) WTE for Type 1 diabetes (paediatric, adolescent and adults).  
0.6 WTE for Type 2 diabetes, secondary diabetes, gestational diabetes and MODY (maturity onset diabetes of the young).

This activity is undertaken on an out-patient basis in the Diabetes Centre at Overdale Hospital, apart from when children are diagnosed with Type 1 diabetes when they are initially seen on a ward.

- (d) The British Dietetic Association recommendations on ‘Safe Caseload, Safe Staffing’, published in 2016, state a safe caseload as a maximum of 1,027 patient contacts for 1 WTE.

The UK Insulin Pump Audit 2013 showed that there were 0.05 WTE dietitians per 10 adult patients and 0.16 WTE dietitians per 10 children/adolescents undergoing intensive insulin treatment.

Based on approximate current numbers of patients with Type 1 diabetes, it is estimated that for staffing levels in Jersey to be equivalent to recommended levels in the UK for patients with Type 1 diabetes undergoing intensive insulin management and requiring carbohydrate counting education, would require 2.0 WTE for adults and 0.7 WTE for children and adolescents.

The service is aware that it does not currently meet these recommendations. It is looking at the needs of the Island’s population and will look to respond accordingly to that needs profile.

- (e) A response will be drawn up based on clinical and professional advice and informed by the diabetes strategy that is currently being developed.
- (f) The aspiration is to complete the strategy in 2020 and colleagues in primary and secondary care are now engaged in the early stages of its development.

**2.7 DEPUTY M.R. LE HEGARAT OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING CLINICAL PSYCHOLOGISTS SPECIALISING IN DIABETES: (WQ.435/2019)**

**Question**

Will the Minister state –

- (a) what provision, if any, is made for clinical psychologists specialising in diabetes to support those children, adolescents, adults and families affected by this disease;
- (b) whether it is his assessment that any such provision is sufficient and, if that is not the case, whether there will be an increase in such support proposed as part of the new diabetes strategy;
- (c) whether he is aware of how such care and support provided in Jersey compares with that provided in the U.K. and, if so, whether that care and support is in line with that found in the U.K.; and
- (d) whether any of the funds allocated to Mental Health will be utilised for this provision?

### **Answer**

Diabetes is a common and challenging condition that is often associated with emotional and psychological health problems. Living with diabetes can include other issues, for example, experiencing diabetes distress, psychological insulin resistance and the persistent fear of hypoglycaemic episodes. The condition can also be accompanied by eating problems.

It is recognised that having a diagnosis of diabetes is associated with a higher incidence of other mental health problems. For example, the rates of Major Depressive Disorder for adults with diabetes are double those of people without a chronic illness. NICE (National Institute for Health and Clinical Excellence) guidelines state: *Practitioners should be aware that patients with a chronic physical health problem are at a high risk of depression, particularly where there is functional impairment<sup>1</sup>*

Physical and mental health should be considered together, and many people with diabetes prefer their diabetes health professional to support them with the emotional aspects of diabetes where possible.

- a) There have been significant developments in the service with the appointment of a full-time dedicated paediatric nurse, currently involved in the care of 43 children living with diabetes. However, there is currently no standard psychology provision in the package of care that an adult or child with diabetes receives in Jersey.
- b) CAMHS (Child and Adolescent Mental Health Service) is currently undergoing review and would welcome recognition of the need for an enhanced psychosocial service offer for children, not just for children with diabetes but for those with a wide range of paediatric difficulties. It is suggested that young people with paediatric difficulties would benefit from psychological support offered by clinicians embedded within their healthcare teams, for example, paediatric psychology is a specialism well-recognised in the UK which has never been offered in Jersey. This proposal will be submitted for consideration to the Diabetes Strategy Working Group. It is suggested that developing the skills of professionals on-island will increase the resilience of our health care offering and reduce dependence on off-island provision.
- c) Standard 3 of the National Service Framework for Diabetes (Department of Health 2001) highlights emotional and psychological support as integral to the diabetes care package in helping people with diabetes to self-manage their condition. This should include an initial assessment and ideally a whole family approach.

The National Paediatric Diabetes Audit 2017/18 states:

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<sup>1</sup> <https://www.nice.org.uk/guidance/CG91/chapter/1-Guidance#step-1-recognition-assessment-and-initial-management-in-primary-care-and-general-hospital>

Psychological assessment and access to psychology services should be available to all children and young people and their families with diabetes. Diabetes teams should be aware that children and young people with diabetes have a greater risk of emotional and behavioural difficulties. All children and young people with diabetes and their family members or carers (as appropriate) should be offered emotional support after diagnosis, which should be tailored to their emotional, social, cultural and age-dependent needs.

- d) Currently, adults living with diabetes who need more specialist support from a mental health professional can be referred to Jersey's stepped mental health services. Jersey Talking Therapies is available for psychological help with mild to moderate problems. Access can either be through referral by a health professional, for example a GP, or an individual can self-refer. The specialist Adult Mental Health teams can provide support for more severe or urgent problems once the individual is referred by their GP. At all levels of the mental health service, an individual's diabetes and other physical health conditions will be taken into account as a routine part of assessing needs and planning and delivering the support they need. There is eating disorder specific expertise within the service. There is also a full-time equivalent Clinical Health Psychologist for ages 18 to end of life who focuses on the physical and mental health wellbeing of individuals living with chronic illnesses.

Jersey's provision for adults matches the guidance recently produced by Diabetes UK in their 2019 guide: *Diabetes and Emotional Health* (Hendrieckx, C et al 2019)<sup>2</sup>.

## **2.8 DEPUTY M.R. LE HEGARAT OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING PROVISION FOR A CONSULTANT PAEDIATRIC DIABETOLOGIST: (WQ.436/2019)**

### **Question**

Will the Minister advise –

- (a) what Consultant Paediatric Diabetologist provision, if any, there is in Jersey;
- (b) whether it is his assessment that any such provision is adequate for the needs of the children who suffer with this disease; and
- (c) if it is his assessment that it is not adequate, what consideration has been given by the department to improve the service?

### **Answer**

- (a) Currently, the paediatric diabetes service in Jersey is provided by consultant paediatricians with specialist interest in diabetes. This is similar to the services provided in a UK district general hospital. One of the senior consultants has regularly seen children with diabetes over the last 13 years and has amassed vast clinical knowledge and skills in diabetes, which he regularly updates. He is supported by his consultant colleagues, a specialist paediatric diabetes nurse and a staff grade doctor. Care for complex cases is managed with advice and support from the diabetes tertiary centre at Southampton General Hospital.
- (b) The consultant paediatricians who look after care for the diabetic paediatric population confirm that their clinical needs are being addressed. However, they acknowledge there is always scope

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<sup>2</sup> **Hendrieckx C, Halliday JA, Beeney LJ, Speight J.** *Diabetes and emotional health: a practical guide for healthcare professionals supporting adults with Type 1 and Type 2 diabetes.* London: Diabetes UK, 2019, 2nd Edition (UK).

for improvement to support their patients' dietetic and psychological needs. The clinicians are contributing to the work being undertaken in drawing up the co-designed diabetes strategy.

- (c) Audits performed in 2016 and 2017 indicated good control of type 1 diabetes and better than UK standards.

While the clinical needs of diabetic patients are being addressed, there is always scope for improvement, including:

1. Introducing insulin pumps in the future. Use of insulin pumps in children comes with added responsibility as they can have side effects. The consultants and nurses are receiving training in using these pumps. The team can provide structured education programmes and advice regarding diet, lifestyle and exercise that is suitable for people using insulin pumps.
2. Psychologist and dietetic support can further improve the health of children and alleviate concerns of parents.
3. There are ongoing discussions around the role of a visiting paediatric diabetic specialist from Southampton. However, the need would not be more than twice in a year.

## **2.9 DEPUTY K.G. PAMPLIN OF ST. SAVIOUR OF THE DEAN REGARDING THE PROPOSAL THAT THE DEANERY OF JERSEY BE ATTACHED TO THE DIOCESE OF SALISBURY: (WQ.437/2019)**

### **Question**

Further to the recent publication of a report regarding the relationship between the Church of England in the Channel Islands and the wider church that made seven recommendations, including that the Deaneries of Guernsey and Jersey should in future be attached to the Diocese of Salisbury, will the Dean advise members of his involvement in the process that led to the report and will he explain what implications, if any, it is anticipated there will be for the States?

### **Answer**

The Dean welcomes the recommendations of the Archbishop's Commission. The Deans of the respective islands were invited to a preliminary meeting of the Commission in November 2018, to present a joint report from the Channel Island deaneries outlining the background to the events that led to the breakdown of the relationship between Jersey and Guernsey and the Bishop of Winchester and the subsequent options as the Islands moved forward. That joint report was welcomed by the Commission and formed an initial framework for their work.

The Dean was invited to make written submission to the Commission prior to their visit to Jersey and subsequently met the Commission when they visited the Island. He was invited to comment upon the draft report and did so.

On the assumption that the Deanery Synod endorses the recommendations in the report, the States will be asked to give its approval to an Order in Council, seeking Her Majesty's consent for the new Canons for the Deanery of Jersey, which will include:

- provision for Women Bishops,
- provisions equivalent to the relevant parts of the Safeguarding and Clergy Discipline Measure 2016,
- provisions relating to the transfer to the Diocese of Salisbury,
- a power for the Deanery Synod to make subordinate legislation to give effect to church legislation in England, and other minor amendments.

Alongside the revision of the Canons, the States will also need to debate the Measure which would provide for Her Majesty to make an Order in Council to attach the Channel Islands to the Diocese of Salisbury.

**2.10 DEPUTY K.G. PAMPLIN OF ST. SAVIOUR OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE HEALTH CARE (REGISTRATION) (NO. 5) (JERSEY) REGULATIONS 2019: (WQ.438/2019)**

**Question**

Following the adoption of the Health Care (Registration) (No.5) (Jersey) Regulations 2019 on 8th October 2019, what work has the Minister done, or is doing, to inform all pharmacists and other professionals listed in the Regulations who are now able to prescribe about the changes; and how long does he expect it will take before everyone implicated by the changes is able to dispense, taking into account any training requirements?

**Answer**

These changes do not mean that these additional professionals are automatically able to prescribe. Professionals who wish to be able to prescribe will need to successfully complete a postgraduate university-based course and be recognised as a prescriber by their relevant professional regulator before they can register as an independent prescriber in Jersey.

Not all professionals will want to be able to prescribe – it will be their decision as to whether to undertake the additional training required to qualify as a prescriber. Because of this, it is likely that only a proportion of healthcare professionals will choose to become prescribers, so it is unlikely we will ever get to a position where everyone in professional groups covered by these changes will be able to prescribe. There is therefore likely to be a gradual increase in numbers over several years.

These changes are about prescribing and not dispensing. Indeed, professional guidance states that there must be a separation between the functions of prescribing and dispensing with these functions performed by separate healthcare professionals (other than in exceptional circumstances) to protect patient safety. The opportunity for a second healthcare professional to check the clinical appropriateness of any prescription before dispensing enhances patient safety.

All pharmacists currently registered in Jersey have been informed of this change, which brings the position in Jersey in line with that in the UK.

**2.11 DEPUTY K.G. PAMPLIN OF ST. SAVIOUR OF THE MINISTER FOR ECONOMIC DEVELOPMENT, TOURISM, SPORT AND CULTURE REGARDING THE GRANT TO SERCO (JERSEY) LIMITED: (WQ.439/2019)**

**Question**

Further to the presentation of ‘Organisations receiving grants of over £75,000: 2018 Accounts’ (R.127/2019), will the Minister set out the reasons why the grant given to Serco (Jersey) Limited, which runs the Aquasplash swimming pool on behalf of the Government, increased by more than £75,000 from 2017 to total £468,220 in 2018?

**Answer**

The grant to Serco (Jersey) Limited is awarded by the Minister for Economic Development, Tourism, Sport and Culture in order to facilitate the operation of the Aquasplash pool on behalf of the Government.

At the end of 2017 there was an accounting error and Aquasplash did not receive one month of their grant. This was subsequently paid in 2018. Effectively, Serco were paid for 11 months in 2017 and 13 in 2018. As a result there appeared to be an increase of more than £75,000 in the grant between 2017 and 2018.

This was not, in fact, the case. The correct figures for the grant were £428,550 in 2017 and £432,305 in 2018.

## **2.12 DEPUTY K.G. PAMPLIN OF ST. SAVIOUR OF THE MINISTER FOR EDUCATION REGARDING THE EDUCATION OF STUDENTS ABOUT HARASSMENT LAWS: (WQ.440/2019)**

### **Question**

What work, if any, is done in the Island's schools (both private and non-private) to educate all students, especially male students, about harassment laws and their implications, including sexual harassment either in person or by phone?

### **Answer**

The Jersey Curriculum 2014 includes Personal, Social, Health and Economic (PSHE) education as a compulsory element for all students.

<https://www.gov.je/SiteCollectionDocuments/Education/ID%20Jersey%20Curriculum%20PSHE%20including%20Citizenship%2020160531%20PH.pdf>

The Curriculum covers a wide range of topics which fall into four key areas, divided into provision for all key stages. At secondary school (key stage 3 and key stage 4) the areas covered are as follows:

#### **A. Health and wellbeing**

(including: mental wellbeing; physical health and fitness; drugs, alcohol and tobacco)

#### **B. Relationships**

(including: respectful relationships, including friendships; online and media relationships; being safe (consent); intimate and sexual relationships, including sexual health)

#### **C. Living in the wider world (Economic wellbeing, careers, the world of work and being a responsible citizen)**

(including: human rights and children's rights; employability; economic and business environment and personal finances)

#### **D. Citizenship**

(including: how the States of Jersey is governed; role of law and justice system; volunteering; how to think critically and debate political questions)

The area of harassment would fall across respectful relationships, living in the wider world and citizenship. In particular, it is covered in discussion of consent, peer to peer and other relationships, and in the teaching of anti-bullying, supported by teachings about human rights and the law.

Specifically: "how to deal with risky or negative relationships including all forms of bullying (including the distinct challenges posed by online bullying) and abuse, sexual and other violence and online encounters" and "about the concept of consent in a variety of contexts (including in sexual relationships)".

All Jersey schools (mixed and single sex) deliver the PSHE curriculum through a combination of lessons, assemblies, access to specialist speakers and through workshops for pupils.

Several key stakeholders support school with their provision including the Police Service and the Youth Service. The charity 'YouMatter' supports island schools across both KS3 and 4 with targeted lessons and 1:1 sessions with pupils. They have a particular focus on consent and sexual decision making. Brook also provide training for pupils around decision making and consent, as do Love Theatre.

In addition, schools regularly invite their school liaison officers in to talk to groups of pupils or individuals about safe use of mobile phones and on line social media platforms as well as about appropriate face-to-face communication.

All schools have access to the PSHE association who also provide good resources and links to support teachers in delivering on this and other topics.

## **2.13 THE CONNÉTABLE OF ST. HELIER OF THE MINISTER FOR INFRASTRUCTURE REGARDING THE PROPOSED CONVERSION OF PIQUET HOUSE: (WQ.441/2019)**

### **Question**

Will the Minister explain the justification, decision process and costs of the proposed conversion of Piquet House, Royal Square to become a Family Court (as outlined in the Government Plan) and what alternative uses, if any, were considered?

### **Answer**

The Connétable will recall the 2014 States' decision under P.16 "*Piquet House: Cancellation of Sale and Future Use*" lodged by Deputy J Young – which included under (b) of the Proposition:

*.....implement suitable alternative uses of the premises for public or community purposes .....*

Following that decision, enquiries/applications were received from a range of parties interested in using the premises, including Public purpose use enquiries. Two of those early enquiries were pursued in some detail, but in both cases it was concluded that considerable funding was required to convert, upgrade and repair the premises to render them suitable for the proposed uses. Given that there was no ready access to such funding, including from JPH's building maintenance budget, it was not possible to make further progress with either of those enquiries. The problem of lack of funding also applied to the other enquires received, albeit that they were not necessarily pursued to detailed feasibility stage. Even commercial applicants, interested in leasing the premises, identified that significant initial 'landlord' funding would be required.

One Public purpose use enquiry received following P.16 was from the Courts Service for new Family Courts, which are currently housed in the States Building, but subject to a number of serviceability problems. However, the application was subject to the same problem associated with lack of funding.

The Connétable will recall that in late 2017, the then Minister for Infrastructure arranged a Workshop with States Members to discuss the problems with the premises and the financial barriers to finding a Public purpose use or a community use. The overall view of the Members who attended the Workshop was that there was still support for retaining the premises and finding a Public purpose or community use. Representatives of the Courts Service attended the Workshop and reiterated the application for the Public purpose use as new Family Courts.

It was therefore decided to further investigate the feasibility of that proposed use, with a view to making a capital funding bid for the work. A feasibility exercise was carried out in 2018 to include 'test to fit' drawings and a cost estimate for the scheme – arriving at a figure of £1.25M (approximately).

Piquet House is considered a highly suited option for Family Courts - to use a Publicly owned building that was in close proximity to the Judicial Greffe administration and the Royal Court, thus

keeping the Courts close together. It also offers resilience, as well as practical operational benefits. As an alternative, the existing Registry Office was considered, but fell short on floor space requirements.

This proposed use is consistent with the decision of the States under P.16 insofar as it complies with the main condition of finding a Public purpose use, and hopefully will lead to the premises being brought back to Government operation after the long period since the former Home Affairs department vacated in 2013. It is inconceivable to think that advance funding would be approved by the States without there being a specific scheme to support.

## **2.14 THE CONNÉTABLE OF ST. HELIER OF THE MINISTER FOR THE ENVIRONMENT REGARDING THE NORTH OF TOWN MASTERPLAN: (WQ.442/2019)**

### **Question**

Does the Minister intend to implement the North of Town Masterplan; if so, when will implementation be completed; and if not, why not?

### **Answer**

The implementation of planning objectives, which might be set in planning policy (such as the Island Plan) or supplementary planning guidance (such as the North of Town Masterplan) are generally delivered by the enablement and regulation of development through the planning process.

The North of Town Masterplan, which was adopted in June 2011, sets out a planning framework to encourage the residential regeneration of this part of St. Helier. It identifies key intervention sites where there is considered to be potential for redevelopment and, in particular, the delivery of new homes. In this respect, the masterplan has been successful in catalysing regeneration. A number of the sites in the area now have planning permission for residential development which has the potential to deliver over 1,000 homes. Some of these sites – such as Ann Court – are under construction, and the masterplan has also encouraged other sites to come forward for residential development - such sites might include the former Scope Furnishing - where homes are now also being delivered.

Enhancement of the public realm, and the improvement of key routes for walking and cycling though the area, is also an objective of the masterplan, to be delivered through ‘planning gain’ associated with new development in the locality. Major schemes, such as the development of the Jersey Gas site; Ann Court; and Le Masurier’s land in Bath Street, are all delivering public realm enhancements as an integral part of their redevelopment, in accord with this objective of the masterplan.

Implementation can also be affected by public bodies and their delivery agencies – such as the States of Jersey and Andium Homes, for example; along with the Parish of St. Helier itself – using their own assets to kick-start regeneration and to help bring about change. The public investment in the delivery of the Town Park is a significant example of such direct action, as is the creation of the new pedestrian link (La Raccourche) between Tunnell Street and Belmont Place, sponsored by the Parish of St Helier.

I am, therefore, of the view that the objectives of the masterplan are being delivered by both the private and public sectors but I cannot confirm when the masterplan will have been deemed to have been implemented in its entirety.

There is, however, also a need for a strategic vision, across the Town of St Helier, to ensure that the use of and investment in public land, buildings, streets and spaces can be made in a more co-ordinated and effective way to better deliver the regeneration of the North of Town and other parts of St Helier. I am actively seeking to explore an appropriate mechanism to establish this, as an integral part of the



Island Plan Review, and in which I would hope that the Connétable of St. Helier will positively engage.

## **2.15 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR ECONOMIC DEVELOPMENT, TOURISM, SPORT AND CULTURE REGARDING THE DEVELOPMENT OF A PRODUCTIVITY PLAN: (WQ.443/2019)**

### **Question**

Will the Minister –

- (a) explain to members why a productivity plan to assist those employers in low-wage sectors to improve their productivity in the face of rising costs was not delivered in 2018, when it was first promised, nor in 2019 in order that it might contribute to the review of the minimum wage for 2020 which has just been published; and
- (b) state why a Productivity Support Scheme will not be delivered until 2021, as set out in further information to the Government Plan (R.91/2019, reference CSP3-2-06)?

### **Answer**

- (a) The initial responsibility for investigating and proposing the programme and detailed plan to deliver productivity improvements in low paid sectors following the adoption of P.121/2017, fell to the Chief Minister's Department. In April 2018, the Head of Service for (the then) Economic Development, Tourism, Sport and Culture department (EDTSC) was requested to take over the project. States elections, purdah and the subsequent formation of the new Council of Ministers meant that the deadlines requested by the Proposition were unachievable.

EDTSC appointed a specialist consultancy firm, Metro-Dynamics to produce two reports on:

- Key elements of a programme to improve productivity in the agriculture, hospitality and retail sectors
- The implications of timings for delivering productivity improvements and possible transitional arrangements / matters Government may wish to consider in respect to their intent to increase minimum wage to 45% of average earnings by the end of 2020

Draft reports were delivered by the end of 2018, these were finalised in mid-April following feedback from both EDTSC and the States Economics Unit.

I agreed, having met and discussed the reports with colleagues and officers in late June, to await the outcome of the Employment Forum's recommendation before determining how to take these reports and the options outlined therein forward.

Overarching this was the election of a new Assembly and Council of Ministers, who subsequently published their new Common Strategic Policy 2018-2022. These included creating a sustainable, vibrant economy and skilled local workforce for the future... by delivering an economic framework to improve productivity. The resultant Future Economy Programme will deliver on this, including developing the options and recommendations outlined in the Metro-Dynamics reports.

Increasing productivity requires significant and sustained investment, knowledge and time. Increasing productivity in businesses is a difficult task. It requires considerable expert knowledge and levels of investment, and it takes time for implemented measures to have an impact in the field. The specific limitations of Jersey's economy and geography increase this challenge.

- (b) During a prioritisation exercise carried out by the Council of Ministers before the Government Plan was lodged with the States Assembly, many difficult decisions were made.

It was decided by the Council of Ministers that the Productivity Support Scheme should not be funded until 2021 until the Research phase of the Future Economy Programme has progressed further. This should enable more effective allocation of funds to promote productivity across our economy from 2021.

However, that does not mean that productivity initiatives, across Government, will not be pursued in 2020. Government already supports multiple productivity and business support initiatives across the Agriculture, Hospitality and Retail sectors as well as the wider economy.

**2.16 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE CHAIR OF THE STATES EMPLOYMENT BOARD REGARDING THE PAYMENT OF THE LIVING WAGE BY CONTRACTORS OF THE GOVERNMENT OF JERSEY: (WQ.444/2019)**

**Question**

Further to the response to Written Question 172/2019, in which the Chair agreed to produce and provide a list of the 104 contracts for the delivery of services worth over £100,000 under which there is an agreement to pay employees the living wage, along with a list of the 150 contracts which require review, will the Chair now produce a list in order to provide the information in the table as follows?

Service	Department	Company	Value (optional if compromises confidentiality)	Start date	Review date
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**Answer**

The list of 104 contracts were an extract of the commercial contract register and may not contain all contracts throughout the Government. To clarify, the 104 contracts were the contracts issued using the standard government terms, including the living wage terms, but do not all exceed £100,000.

A review of the 104 contracts has been undertaken to identify the contracts most likely for the Living Wage terms to be applied. These are usually contracts where the service provider pays the minimum wage to employees working on a government premises e.g. typically cleaning and catering. For many of our contracts the employee rate of pay will exceed the Jersey Living Wage, e.g. Professional Services, IT software.

From the 104, only four contracts were judged to meet the Living Wage criteria. These are as outlined in the table below and are compliant with the terms of the Living Wage.

Service	Department	Company	Value	Start date	Review date
Cleaning (four contracts)	CYPES (various sites)	Complete Facilities, Prospero and Sonnic cleaning	In total £80k-£100k p.a.	2018	2021

The 150 contracts outlined in WQ172 are for a variety of goods and services and may expire without extension or renewal, as they may no longer be required. For those that are extended or renewed the

Living Wage may not be applicable, because it is likely that the employee rate of pay already exceeds the Jersey Living Wage. We cannot publish any details about these for commercial reasons.

### **Cost of Producing Answer**

As a means of giving an approximate indication to the time and cost of producing an answer to a written question, it has been decided that answers shall include a cost, broken down by civil service grade:

Civil Servant Grade 14 x 6hrs: £242.88

Civil Servant Grade 15 x 2hrs: £90.44

Director General x 15mins: £20.25

Total: £353.57

## **2.17 THE CONNÉTABLE OF ST. BRELADE OF THE MINISTER FOR ECONOMIC DEVELOPMENT, TOURISM, SPORT AND CULTURE REGARDING JERSEY'S SEA AND AIR LINKS WITH FRANCE: (WQ.445/2019)**

### **Question**

Given that the Island has no air links at all with France and no sea links to France mid-week during the winter period, will the Minister consider incentivising carriers to provide air links and more comprehensive maritime connections with France?

### **Answer**

Air and sea connectivity is vital to the Island. It supports the movement of freight, which underpins the successful operation of our just-in-time supply chain; provides the connectivity that is crucial to the success of our economy, in particular tourism; and enables residents to travel on holiday and to visit family and friends.

It is critically important for business and residents alike that we continue to grow connectivity to the Island. We are always prepared to look at new routes - as long as they are viable into the future - and in the past this has included start-up incentives.

However, the Ports of Jersey, Visit Jersey and Government officers are already working with our airline partners and Condor to promote Jersey overseas and secure links to new destinations, including France. This is ongoing work and the Government remains committed to providing the resources required to continue to grow air and sea connectivity.

Since the incorporation of Ports of Jersey in 2015, air connectivity has improved each year. Passenger numbers at Jersey Airport are now the highest they have been in 20 years, providing direct connectivity to 26 destinations in the UK and 20 destinations in Europe.

## **2.18 THE DEPUTY OF ST. PETER OF THE MINISTER FOR EXTERNAL RELATIONS REGARDING ARRANGEMENTS FOR THE ADMINISTRATION OF 'POOLED ACCOUNTS': (WQ.446/2019)**

### **Question**

Will the Minister advise whether he is aware of any confusion within the banking sector over the legal arrangements for the administration of 'pooled accounts' (namely the ability of a managing agent to have single bank account in order to manage the income and expenditure of multiple properties for multiple landlords) and of any difference in advice being provided by banks on how to administer such accounts; is he further aware of any disadvantages facing new entrants into the

market as a result of the current legislative regime and, if so, what action, if any, does he intend to take to address such problems?

**Answer**

Government is committed to meeting international standards on anti-money laundering and countering the financing of terrorism, and ensuring that the risk of Jersey being used for these activities is mitigated.

Where a bank account “pools” money from clients these risks are increased because of the potential anonymity provided and the co-mingling of funds belonging to several parties. Banks must therefore carry out due diligence on the source of funds in such accounts and so will look deeper than the named owner of the account.

Similarly, estate agents (including managing agents) are required to carry out due diligence on the source of funds going through their business. The regulatory rules also require that accounts which hold client money are kept separate from any funds belonging to the business, to protect the clients’ money should malfeasance occur or the business gets in to difficulty.

Whether a bank offers pooled accounts or individual accounts is a commercial decision between the bank and its client. The regulatory framework does not prevent a bank from offering pooled accounts, but ensures that where such arrangements are in place the standards of customer due diligence are upheld.

**2.19 DEPUTY M. TADIER OF ST. BRELADE OF THE MINISTER FOR EDUCATION REGARDING THE JERSEY MUSIC SERVICE: (WQ.447/2019)**

**Question**

Will the Minister provide figures for the number of students accessing the Jersey Music Service over each of the past ten years to date?

**Answer**

There is no reliable data prior to 2013 when new timetabling and data management systems were introduced, as preparation for the implementation of charges for instrumental lessons in 2014. Therefore, figures are provided only for 2013 - 2019.

The total number of pupils accessing Jersey Music Service (JMS) has increased by 66% since 2013 from 843 pupils to circa 1,383 - 1,413 pupils.

The delivery methodology has developed and changed over the reported period (2013-2019) with greater emphasis being placed on providing access to vulnerable groups and those pupils who find access most difficult, while maintaining support for gifted and talented pupils and those who wish to pursue their musical learning to a high level.

<b>Year</b>	<b>Pupils receiving Instrumental group or individual lessons</b>	<b>Whole Class Ensemble Teaching projects (Primary Phase) WCET</b>	<b>Learn to play (LTP) Year 7 Projects</b>	<b>Total number of pupils accessing Jersey Music Service</b>
<b>2013</b>	843	0	0	<b>843</b>
<b>2014</b>	765	0	0	<b>765</b>
<b>2015</b>	821	0	0	<b>821</b>
<b>2016</b>	993	142	0	<b>1121 – 1128*</b>

<b>2017</b>	1067	111	0	<b>1167 – 1173*</b>
<b>2018</b>	1018	368	0	<b>1350 – 1368*</b>
<b>2019</b>	843	390	209	<b>1383 – 1413*</b>

\*The WCET and LTP projects are delivered as part of the school offering and the JMS do not keep data on individual students. It is estimated that 5% - 10% of the WCET and LTP numbers may be students who also receive instrumental group or individual lessons. The total number accessing the service is provided as a range taking in to account a 5% - 10% reduction on that basis.

The JMS encourage all pupils to engage with WCET and LTP programmes and recommend (at introductory sessions) that anyone who currently learns to play an instrument should learn a different instrument as part of a WCET or LTP project.

## **2.20 DEPUTY M. TADIER OF ST. BRELADE OF THE CHIEF MINISTER REGARDING PUBLIC SECTOR PAY: (WQ.448/2019)**

### **Question**

Will the Chief Minister agree to ring-fence funds, as part of the Government Plan, for cost-of-living pay adjustments for public sector workers in 2020; if not, will he explain why not; and will he state what funds have been set aside for 2020 for pay adjustments?

### **Answer**

The Deputy will be pleased to know that there is already a level of ring-fencing within reserves in the Government Plan, as there was in the Medium-Term Financial Plan. Pay awards funding is held within “Reserves for centrally held items”, shown on page 138 of the Government Plan along with allocations for pension and social security increases and other non-pay inflation budgets.

The total for 2020 includes the 2020 effect of the 2018 and 2019 pay awards, for those groups where budgets had not been allocated by the start of 2019, plus the agreed award for 2020 where agreement has been reached. For those pay groups that have not reached agreement the latest assumptions of RPI plus 1.3% have been used.

### **Cost of Producing Answer**

As a means of giving an approximate indication to the time and cost of producing an answer to a written question, it has been decided that answers shall include a cost, broken down by civil service grade:

Director General x 30mins: £25

Total: £25

## **2.21 DEPUTY M. TADIER OF ST. BRELADE OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE COST OF G.P. VISITS: (WQ.449/2019)**

### **Question**

Does the Minister have any means of estimating the number of people who do not visit the G.P. due to the cost involved and, if so, will he provide that estimate; will he state whether the issue of an inability to access a G.P. due to cost is a matter under current consideration and, if so, what steps will he take to address this situation?

### **Answer**

There is no reliable method of estimating the number of people who do not visit a GP due to the cost of the visit. However, previous work\* has shown that cost is only one of many factors incentivising patients to attend the Hospital Emergency Department instead of a GP practice.

The reasons for attending the Emergency Department with a primary care problem also include:

- needed to see a doctor today
- worried condition would worsen
- no appointment available
- further tests thought necessary
- best way to access health care (50% of those surveyed were unaware of the out of hours GP service)
- no registered GP

\*“*Patients presenting to the Emergency Department (ED) / Jersey Doctors on Call (JDOC) with Primary Care Problems*”

*N Minihane, P Le Gresley*

The Government Plan for 2020 includes a commitment under CSP2 to deliver new models of primary care including the development of a model to support access to primary care for financially vulnerable individuals. This includes considering support for individuals who see cost as a barrier to accessing GP services.

As part of the preparatory work under this commitment, a working group has been established to support the design and delivery of a scheme or service to improve support for agreed groups of people with a low income.

In addition, the longer term plans for the new Jersey Care Model will include a review of the options for a sustainable funding model to ensure a comprehensive, accessible primary care system.

## **2.22 DEPUTY M. TADIER OF ST. BRELADE OF THE MINISTER FOR INFRASTRUCTURE REGARDING STATISTICS ON ROAD COLLISIONS: (WQ.450/2019)**

### **Question**

Will the Minister –

- (a) provide a breakdown of reported collisions that have taken place on Route de la Haule, including a map of where the incidents have occurred, in the past ten years to date; and
- (b) provide a list of the top ten accident ‘hotspots’ in the Island in each of the past three years?

### **Answer**

- (a) Please find attached two files providing details of the ‘recorded injury collisions’ over the last 10 years 2008 to 2018 on Route de la Haule. Other than the graphs page the map also includes latest available 2019 data, this has not been included in the graphs page as the 2019 data is not a full set and incomplete data could skew the summary.

- i. [Route de la Haule Map.pdf – map showing locations of collisions with collision reference \(this can be found at page 4 of the response to the question\)](#)
- ii. [Route de la Haule Graphs.pdf – summary graphs of collisions \(this can be found at page 5 of the response to the question\)](#)

*Please note that the data includes collisions at the Beaumont Filter in Turn and at the junction of Le Mont au Roux as it is not practical to accurately determine exactly where the collision occurred in relation to the road name boundaries. Whilst the Department endeavours to map collisions as accurately as possible it cannot guarantee exact collision location data as is naturally a margin of error within the data. This is particularly the case for collisions which occurred prior to 2013 which have not been subject to our updated verification processes.*

(b) The top 10 hotspots for each of the past 3 years is not a simple answer; to define a ‘hotspot’ the Department has looked at locations where 3 or more collisions occur within a 25m radius. Over the last 3 years there have been 901 recorded injury collisions occurring across the entire road network meaning that in any individual year there are less than 10 hotspots. Therefore there are 3 variations on the answer to this question below:

i. Firstly looking at hotspots within each individual year for the last 3 years we have the following findings with the number of collisions in brackets:

**2016**

- Five Oaks (6)
- St Aubins, Charing Cross/La Neuve Route (3)

**2017**

- Robin Hood Signals (5)
- Airport Roundabout (4)
- Le Mont au Roux (4)
- Beaumont Hill Mini Roundabout (4)
- Stopford Rd / La Rue le Masurier (3)
- Overpass Roundabout (3)

**2018**

- Outside Domino’s Pizza (5)
- Gloucester St / Esplanade (3)
- Victoria Avenue - Bel Royal Car Park exit (3)
- Havre des Pas / Green Street (3)
- Bath Street / Minden Street (3)

ii. Taking the 3 years as one group provides a more meaningful dataset, the top 10 hotspots are:

- Five Oaks (9)
- Robin Hood Signals (8)
- Overpass Roundabout (8)
- Beaumont Hill Mini Roundabout (7)
- Outside Domino’s Pizza (6)
- Green Street Roundabout (6)
- St Aubins, Charing Cross/La Neuve Route (5)

- Airport Roundabout (5)
- Gloucester St / Esplanade (5)
- Croix au Lion, St Peter (5)
- David Place / Val Plaisant (5)
- Stopford Road / David Place (5)

iii. To provide a full picture on this subject it is necessary to explain the standard approach; this is to consider the last 5 years' worth of data and look at collisions within a 25m radius (with discretion where trends exceed this area, or where collisions are clearly not connected within the area). This is an approach the Department adopted in 2018 (reviewing data from 2013 to 2017 inclusive). The top 10 sites identified from this approach were:

	<b>Location</b>	<b>Number of Collisions</b>	<b>Action and current status</b>
<b>1</b>	Five Oaks	15	Scheme to be implemented shortly
<b>2</b>	Rue du Fort / St Clements Road	13	Previous works seems to have been effective, some changes added to future junction refurbishment
<b>3</b>	Overpass Roundabout	12	Identify and implement alternative routes for pedal cycles as part of masterplan works
<b>4</b>	Beaumont Hill Mini Roundabout	11	Investigate skid resistance issues
<b>5</b>	Green Street Roundabout	10	To soon since previous scheme to assess effectiveness
<b>6</b>	Robin Hood Signals	9	Investigate changes to signal setup
<b>6</b>	Croix au Lion, St Peter	9	Scheme to be delivered (currently in design)
<b>6</b>	Springfield Garage	9	Recent works should address issue
<b>6</b>	Longueville Manor	9	Scheme currently being delivered
<b>10</b>	Beaumont Filter in Turn	8	No Action
<b>10</b>	Mont Felard / St Aubin's Road	8	Previous works seems to have been effective
<b>10</b>	Gloucester Street / Esplanade	8	Investigate skid resistance issues

The Department is currently repeating this process with collisions from 2014 to 2018, the top 10 sites are now:



	<b>Location</b>	<b>Number of Collisions</b>	<b>Number of Collisions (2013-2017)</b>	
<b>1</b>	Five Oaks	15	15	=
<b>2</b>	Rue du Fort / St Clements Road	11	13	▼
<b>3</b>	Overpass Roundabout	10	12	▼
<b>3</b>	Beaumont Hill Mini Roundabout	10	11	▼
<b>5</b>	Robin Hood Signals	9	9	=
<b>5</b>	Kensington Place / Esplanade	9	7	▲
<b>7</b>	Croix au Lion, St Peter	8	9	▼
<b>7</b>	David Place / Val Plaisant	8	7	▲
<b>7</b>	Stopford Road / David Place	8	6	▲
<b>10</b>	Green Street Roundabout	7	10	▼
<b>10</b>	Beaumont Filter in Turn	7	8	▼
<b>10</b>	Gloucester Street / Esplanade	7	8	▼

There is an ongoing programme of work to address road safety as any collision is undesirable and can have a significant impact on lives. But it is important to recognise relative risk when interpreting the collision data provided.

It inevitable that the concentrations of collisions are located on roads where there are higher volumes of traffic and particularly at junctions where there are more conflicting manoeuvres, this is reflected in the data.

The risk posed in using Jersey's roads are similar to urban areas elsewhere. Engineering can only ever be part of the solution, as driver behaviours is the dominant factor in the majority of collisions.

**2.23 DEPUTY M. TADIER OF ST. BRELADE OF THE MINISTER FOR EXTERNAL RELATIONS REGARDING THE ROLE OF THE BAILIFF AS PRESIDENT OF THE STATES: (WQ.451/2019)**

**Question**

Following the recommendations of the 'Clothier Review', the 'Carswell Review' and the Independent Jersey Care Inquiry that the Bailiff, as the Island's chief justice, should cease to act as President of the States, will the Minister provide his assessment of the impact, if any, that any lack of action by the Government in implementing those recommendations will have on the Island's relations with the international community?

**Answer**

The recommendations made by the Reviews and the I.J.C.I. that the Deputy identifies are matters to be debated and implemented by the States Assembly as they see appropriate.

The international governments with which we engage recognise the primacy of the States Assembly in deciding matters regarding our own membership and structure, including the acceptance or otherwise of recommendations from reviews.

## **2.24 DEPUTY K.F. MOREL OF ST. LAWRENCE OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE PROVISION OF SERVICES FOR DEAF ISLANDERS: (WQ.452/2019)**

### **Question**

Further to the response to Written Question 285/2019, will the Minister provide an update on the services and staff his Department provides to support deaf people?

### **Answer**

The answer to Written Question 285 (tabled on 2 July) provides a full breakdown of the services provided to Islanders that are deaf or who have hearing loss.

Since then, the Minister and officers have attended a meeting with the deaf community and their representatives to share the findings of research around an assessment of need and to consider proposals for next steps. The meeting was well attended and supported by technology and interpreters.

The advert for the dDeaf Community Liaison Officer is now live (see link below), with a closing date of 28<sup>th</sup> October 2019. Interviews will be taking place jointly with members of the dDeaf charities.

<https://www.gov.je/Working/JobCareerAdvice/Pages/JobDetails.aspx?JobID=74943&JobTypeID=19>

The Minister and his department are committed to working closely with the deaf community.

## **2.25 DEPUTY K.F. MOREL OF ST. LAWRENCE OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE PRESCRIPTION OF MEDICINES BY PHARMACISTS: (WQ.453/2019)**

### **Question**

As pharmacists currently do not have access to medical records and cannot therefore be sure of a person's medical history, will the Minister explain how they will be able to prescribe any medicines safely?

### **Answer**

It is a requirement that in order to prescribe safely, a prescriber should have access to the relevant medical records of any patient they intend to prescribe for. Pharmacist prescribers in the UK are usually working either in hospitals or in collaboration with GPs in primary care. In both circumstances, pharmacists have access to the patient's full medical record or the summary care record and so can prescribe safely.

In Jersey, hospital pharmacists working alongside the clinical teams have access to patient's medical records and so would be able to prescribe safely. The potential for pharmacists to prescribe in primary care creates opportunities for pharmacists to work collaboratively with GPs, so that they have access to medical records and potentially make a positive contribution to improving patient care.

There is a single competency framework for all prescribers irrespective of their individual profession. All prescribers must adhere to the principles within this framework in order to prescribe medicines safely. The first competency in this framework relates to the assessment of the patient. This section is reproduced below and paragraph 1.3 relates to accessing the patient record. Any pharmacist prescriber will need to adhere to this framework and ensure that before they prescribe they have assessed the patient in accordance with the criteria below:

- 1.1. Takes an appropriate medical, social and medication history, including allergies and intolerances.
- 1.2. Undertakes an appropriate clinical assessment.
- 1.3. Accesses and interprets all available and relevant patient records to ensure knowledge of the patient's management to date.
- 1.4. Requests and interprets relevant investigations necessary to inform treatment options.
- 1.5. Makes, confirms or understands, the working or final diagnosis by systematically considering the various possibilities (differential diagnosis).
- 1.6. Understands the condition(s) being treated, their natural progression and how to assess their severity, deterioration and anticipated response to treatment.
- 1.7. Reviews adherence to and effectiveness of current medicines.
- 1.8. Refers to or seeks guidance from another member of the team, a specialist or a prescribing information source when necessary.

The full competency framework for all prescribers can be found at:

<https://www.rpharms.com/Portals/0/RPS%20document%20library/Open%20access/Professional%20standards/Prescribing%20competency%20framework/prescribing-competency-framework.pdf?ver=2019-02-13-163215-030>

## **2.26 DEPUTY M.R. LE HEGARAT OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING REVIEWS UNDERTAKEN OF THE DIABETES SERVICE: (WQ.454/2019)**

### **Question**

Given that the Health and Community Services Department is currently working on the formulation of an Island-wide Diabetes Strategy, will the Minister explain what reviews (both external and internal), if any, are being undertaken (or have been undertaken) as part of this initiative to ensure that the Diabetes Service within secondary care is fit for purpose; and if no external review has been, or is being, completed to help formulate the Strategy, will the Minister commit to such a review and the publication of its findings?

### **Answer**

Internal reviews of the Diabetes Service were undertaken in 2010, 2012 and December 2017. Following both the 2010 and 2012 reviews, funding was granted to increase the nursing establishment. Following the 2017 internal review, it was recommended that an external review should take place. This external review was commissioned in March 2018. Based on the external review, a number of initiatives have been implemented. These include: the implementation of an in-patient diabetes service; restructuring of outpatient clinics; and recruitment of a paediatric nurse specialising in diabetes, a dietician and a podiatrist. In addition, diabetes ancillaries are moving out of the Diabetes Centre and into the community.

The lead nurse for specialist medicine (of which diabetes was a service within that division) joined the service in June 2018 and after discussion with the team it was identified that there was no Island-wide diabetes strategy. The initial need for a strategy was discussed with the Deputy Director Primary & Community Pathways and the Divisional Lead for Medical Specialities who agreed to create a small working party.

In August 2018, the working party was set up and included representatives from FNHC, the primary care Medical Director, GPs, diabetes consultant, lead nurse, diabetic specialist nurse team and a dietician. At this time, a version of the strategy was drafted focusing on the vision /key areas of performance and enablers.

Throughout the development of the draft Diabetes Strategy, HCS has worked closely with GPs, pharmacists, Diabetes Jersey and other stakeholders, such as Jersey Sport, as well as gaining the valuable views of Islanders with lived experience. This has enabled the group to review current provision and identify where improvements are required. Clinicians are developing pathways, and issues such as prevention and equipment are being discussed.

Through this process, a number of themes have emerged, namely:

- Improved equitable access to technology is essential
- Education for patients with diabetes is an important issue
- Diabetes Jersey is funding key essential services
- There is a need for clinical psychological support
- The Diabetes Centre sees a significantly greater proportion of patients with diabetes compared to its UK counterparts.

Health and Community Services will continue to work with all stakeholders to improve services for Islanders and is grateful to Diabetes Jersey for its recent support to provide ancillary products in the community, which launches in November. This is an example of where a gap was identified and, through working in partnership, a solution identified and put in place.

**2.27 DEPUTY K.F. MOREL OF ST. LAWRENCE OF THE MINISTER FOR ECONOMIC DEVELOPMENT, TOURISM, SPORT AND CULTURE REGARDING THE CONSOLIDATION OF ECONOMIC FUNCTIONS IN ONE DEPARTMENT: (WQ.455/2019)**

**Question**

Further to comments the Minister has previously made about consolidating economic functions into one department, separate from environment and infrastructure functions, will the Minister state what work he is currently undertaking on this matter; when he expects this change to take effect; and whether he anticipates any costs associated with this change?

**Answer**

In the Economic and International Affairs Scrutiny Panel hearing of 17 September 2019 I indicated that economic functions may be consolidated into a new department. This is a shared wish of myself and the Minister for External Relations and it is supported by the Chief Minister and Chief Executive.

A consultation on Tier 3 positions within Growth Housing and Environment closed in August 2019 and the formal response, in accordance with organisational policy, is due in the next few weeks. Consultation feedback will be considered alongside the express wish of Ministers to combine the Economy and Partnerships function of the Growth, Housing and Environment department with the

Financial Services and Digital Economy function of the Office of the Chief Executive. I expect this to require establishment of a new department, a fresh consultation and subsequent implementation.

Subject to organisational policy, I wish to see that new department in place by the end of quarter 1 of 2020 given the important economic programme that lies ahead. I will keep States Members informed of progress.

I do not anticipate any out-of-the-ordinary additional costs will be necessary to complete any changes beyond the normal HR time associated with consultation and negotiation with all relevant parties.

**2.28 DEPUTY J.H. PERCHARD OF ST. SAVIOUR OF THE CHIEF MINISTER REGARDING THE DEVELOPMENT OF AN EQUALITIES MINISTERIAL PORTFOLIO: (WQ.456/2019)**

**Question**

Will the Chief Minister advise whether an ‘Equalities portfolio’ is being developed for the role of the Deputy Chief Minister and, if so, will he describe what work, if any, he is currently undertaking on this matter?

**Answer**

The Chief Minister recently lodged MD-C-2019-0127, which appoints Senator Lyndon Farnham as an Assistant Chief Minister on a “temporary basis whilst formal changes are made to the powers of the role of Deputy Chief Minister.” This is due to the previous inability, as stated in the Ministerial Decision, for the Deputy Chief Minister to answer questions in the Assembly on behalf of the Chief Minister.

Alongside changes to enable the answering of questions in the Assembly, the Chief Minister is examining the role and responsibilities of the Deputy Chief Minister more widely and considering making changes. These however do not include the creation of an “equalities portfolio” for the Deputy Chief Minister.

The Chief Minister notes in answering this question, that Assistant Chief Minister, Deputy Carolyn Labey, sits on the Diversity Forum on behalf of the Chief Minister and as such provides a direct link to the Chief Minister for equality and diversity matters raised by the Forum. The Chief Minister further notes that Ministers generally are expected to have a responsibility to uphold equality and diversity within their respective areas of responsibility.

**Cost of Producing Answer**

The cost of answering this question was negligible

**2.29 DEPUTY J.H. PERCHARD OF ST. SAVIOUR OF THE CHIEF MINISTER REGARDING THE STANCE OF THE GOVERNMENT OF JERSEY IN RELATION TO THE DEATH PENALTY WHEN CONDUCTING EXTERNAL RELATIONS: (WQ.457/2019)**

**Question**

What is the Government of Jersey’s official stance on the death penalty in respect of the Island’s external relations, in particular relations with countries in which citizens may be sentenced to death for having consensual same-sex intercourse?

**Answer**

Jersey opposes the death penalty in all circumstances. Jersey is committed to the principle of non-discrimination on all recognised grounds, including on the basis of sexual orientation and gender identity. We support the UK's foreign policy in giving priority to the protection and promotion of human rights, including lesbian, gay and transgender rights.

The Ministry of External Relations keeps Jersey's engagement with international partners under careful review. This includes monitoring political, economic and human rights developments to ensure that we prioritise the development of relations with appropriate jurisdictions.

Where we have concerns regarding human rights abuses such as the death penalty we raise the matter with the Foreign and Commonwealth Office, which represents our interests overseas. Officials in the Ministry of External Relations are in regular contact with counterparts at British Embassies and High Commissions in priority countries, and with counterparts on FCO desks in London. This ensures we coordinate our approach on human rights issues with the UK, which exercises the ultimate international responsibility in this area.

### **Cost of Producing Answer**

As a means of giving an approximate indication to the time and cost of producing an answer to a written question, it has been decided that answers shall include a cost, broken down by civil service grade:

Civil Servant Grade 12 x 1 hour: £30

Total: £25

## **2.30 DEPUTY J.H. PERCHARD OF ST. SAVIOUR OF THE MINISTER FOR EDUCATION REGARDING THE PROVISION OF SCHOOL MEALS: (WQ.458/2019)**

### **Question**

Following the revised answer to Written Question 410/2019, which stated that "the project did not arise from a specific objective", will the Minister –

- (a) explain the process through which the decision – made in 2018 as indicated in the aforementioned answer – to carry out the pilot scheme for school meals came to be made;
- (b) state by whom the "new proposal" (referred to in paragraph 3 of the answer) was prepared and whether any instruction was given by the Minister or Department to prepare it;
- (c) state how much one hot school meal under this pilot will cost the parent / guardian of the child; and
- (d) advise by what process the "exemption from competitive tendering" was "sought and approved" and who was responsible for this decision?

### **Answer**

The revised answer to Written Question 410/2019 stated that "the project did not arise from a specific directive".

(a) – The decision came to be made following a review of the potential benefits of providing hot school meals to primary school children. A review of the evidence was considered and found to indicate that the nutritional benefits would support learning/educational attainment in the short term, as well as support the reduction of the risk of disease in the long term. It was agreed that given these evidenced based outcomes and the fit with existing Government of Jersey strategic aspirations, that a pilot to assess the cost-benefit feasibility of such a programme warranted further consideration. It was agreed that a business case for the pilot should be prepared and submitted in accordance with the Investment Appraisal Board (IAB) process.

(b) – The ‘new proposal’ was prepared by Government officers in the Strategic Policy, Planning and Performance (SPPP) department with colleagues from Children, Young People, Education and Skills (CYPES). The Minister for Education approved the preparation of a business case to be submitted to the IAB, this being the only route available to apply for additional in year funding. There were discussions between officers and representatives from Caring Cooks on costs relating to elements required in the practical delivery of such a pilot. This was the limit of the charity’s engagement in the preparation of the business case.

(c) – The cost of a school meal under the pilot is £2.50 and meals are also provided free for the most vulnerable children and families on income support.

(d) – A form was completed to apply for an exemption from the procedures for obtaining quotations and tendering. This form was approved by the then Education Department, Operations and Finance Director, and also the Director of Procurement.

### **2.31 DEPUTY J.H. PERCHARD OF ST. SAVIOUR OF THE MINISTER FOR INTERNATIONAL DEVELOPMENT REGARDING THE PROCESS BY WHICH AFRICAN NATIONS ARE CHOSEN AS RECIPIENTS OF AID BY THE JERSEY OVERSEAS AID COMMISSION: (WQ.459/2019)**

#### **Question**

By what process are African nations chosen as a recipient of aid, whether financial or otherwise, by the Jersey Overseas Aid Commission?

#### **Answer**

Most but not all of JOA’s work is in Africa. This answer also applies to the other developing countries in which we work.

#### **Jersey Overseas Aid provides overseas aid through four principal funding programmes:**

- 1. Grants for development projects** implemented through pre-selected charities and other specialist organisations;
- 2. Humanitarian and emergency aid** through internationally-recognised relief agencies;
- 3. Community work projects**, whereby teams of Jersey volunteers undertake specific development projects overseas;
- 4. Supporting Jersey Charities** in their work overseas, frequently on a matched-funding basis.

Any country where JOA chooses to fund projects in, channelled through any of its funding programmes, must be on the OECD-DAC (Development Assistance Committee)’s list of [eligible recipients of Official Development Assistance](#), i.e. low- and middle-income nations based on gross national income (GNI) per capita as published by the [World Bank](#). The list also includes all of the Least Developed Countries (LDCs) as defined by the [United Nations](#) (UN).

JOA has a specific strategy for **development projects**, to focus in fewer countries, with larger, long-term programmes, to ensure greater impact. To decide which countries to focus on, in October 2018, the JOA Commissioners, applied an algorithm to the 50 least-developed countries in the world to compare levels of need and corruption. The algorithm - **CPI Value / HDI Value<sup>2</sup>**

The UN’s [Human Development Index \(HDI\)](#) is a good proxy for how much a country requires outside help. It combines measures of Health (life expectancy), Education (years of schooling) and Wealth (Gross national income per capita) to create a value between 0 and 1, where a high score means high levels of human development.

Transparency International's [Corruption Perceptions Index \(CPI\)](#) ranks countries by their perceived levels of public sector corruption, as determined by expert assessments and opinion surveys. A high score out of 100 here means lower levels of corruption.

Two further important filters were applied:

- 1) Focus on Anglophone countries. This is justified from several perspectives principally that we wish to form close working relationships with key NGO personnel and officials in the target countries, and to easily read official documents and plans.
- 2) Preference was given to countries with which JOA already had good links and project experience, or which had particular potential for JOA's three thematic priorities.

These results are under regular review. All new development projects in 2020, will take place in 6 countries – **Sierra Leone, Zambia, Ethiopia, Rwanda, Malawi and Nepal.**

**Humanitarian and Emergency Aid** is provided to trusted agencies working to alleviate suffering in chronic crises and sudden-onset emergencies. These usually occur in the bottom 50 countries on the HDI and must only be in countries on the OECD-DAC (Development Assistance Committee)'s list of eligible recipients of Official Development Assistance.

**Community Work Projects** do not need to be conducted in JOA's target countries, nor focus on JOA's three thematic priorities. The two main criteria are that they be genuinely impactful from a development point of view and safe.

**Jersey-based Charities** conducting international development overseas are not bound to adhere to the geographic and thematic priorities of JOA, but must work in any low- or middle-income country on the OECD-DAC list of eligible recipients of Official Development Assistance.

**This information was submitted to the Economic and International Affairs Scrutiny Panel on 29<sup>th</sup> March 2019. Please note that all this information is published in [JOA's Explanatory Booklet](#) and can be found on [JOA's website](#).**

*Time of policy officer to compile answer: £100*

## **2.32 DEPUTY J.H. PERCHARD OF ST. SAVIOUR OF THE MINISTER FOR INTERNATIONAL DEVELOPMENT REGARDING THE DEVELOPMENT OF EDUCATIONAL ESTABLISHMENTS IN OTHER COUNTRIES THROUGH JERSEY OVERSEAS AID PROJECTS: (WQ.460/2019)**

### **Answer**

Under our International Development funding stream, JOA no longer funds educational projects – instead we support projects that focus on Jersey's strengths and where the Island can add value (Dairy for Development, Financial Services for the Poor and Conservation Livelihoods). When education did feature, in recent years, it was not through the construction of schools, teacher training or curriculum development but by supporting projects that focused on improving education, health and gender-equality through Water, Sanitation and Hygiene (WASH). JOA funds have improved educational outcomes by reducing absenteeism due to diarrhoea and other illnesses, improving attendance for adolescent girls through safe, gender-specific WASH facilities and ensuring lasting change by sharing activities and good practice with teachers, parents and the wider community.

JOA funds are occasionally still used for educational infrastructure, but only through match-funded local Jersey charity grants or community volunteer work projects (CWPs). Prior to any grant being awarded, local Jersey charities must now demonstrate clear sustainability and good coordination as well as clarifying such issues as landownership and ongoing responsibility for salaries. All our CWPs



are now done in partnership with respected charities that bring with them decades of experience of delivering development programmes overseas.

We are not a bilateral donor and therefore give no money to Government Departments or Ministries. However, cooperation and coordination are some of our key criteria and, regardless of theme, we expect a high level of engagement with local and national governments, NGOs and charities in the field. This also applies to any local charity or Community Work Project funded by JOA.

*Time of policy officer to compile answer: £100*

### **2.33 DEPUTY K.G. PAMPLIN OF ST. SAVIOUR OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE CARE OFFERED TO SPINAL CORD INJURY PATIENTS: (WQ.461/2019)**

#### **Question**

Will the Minister provide an update on the work on a formal pathway to improve the care offered in Jersey to spinal cord injury patients, including the timescale for its conclusion?

#### **Answer**

Work to develop an end-to-end care pathway, which considers the needs of all individuals with spinal cord injury (SCI) commenced in the second quarter of 2019. This work is part of a wider programme of service improvement across all clinical pathways within the neuroscience service.

To date this work has been led by the Team Lead Physiotherapist – Neuroscience, with support from a Senior Occupational Therapist. The Team Lead Physiotherapist has extensive clinical expertise in Spinal Cord Injury rehabilitation, having worked as a specialist clinician at the London Spinal Cord Injuries Centre (2000-2014). In addition, the Senior Occupational Therapist has extensive local experience of supporting individuals with SCI through her clinical role in the long-term disability and specialist seating teams.

The Team Lead Physiotherapist was involved in a round table meeting, attended by the Minister, in early June 2019. This meeting was convened to consider specific challenges associated with our existing local pathway, which had been brought to the Minister's attention by an islander with SCI. During this meeting, the Minister and the local professionals present acknowledged that further work was required to develop local pathways. However, it was also recognised that this will be a large, complex long-term project, requiring multi-agency, multi-professional collaboration between both local and UK services. No specific date is currently set for completion of this work. It was agreed that this will be undertaken within the remit of existing lead professionals who possess the necessary expertise in this specialist area.

The Team Lead Physiotherapist and the Senior Occupational Therapist have started to develop a database to determine the demographics of our local SCI population. To date, 16 individuals have been identified who would potentially benefit from a formal pathway. The Team has liaised with the South Coast Peer Support Officer from the Spinal Injuries Association charity (SIA) to determine whether its remit could be extended to provide peer support to local islanders with SCI. It has subsequently also begun to consider ways in which our organisations might work together to provide training for local professionals to ensure development of necessary clinical skills to optimise care.

In addition to development of an end-to-end care pathway for these individuals, there has been a more pressing need to ensure that we provide them with safe and holistic care within our inpatient facilities. A particular focus and priority for practice development has been to improve knowledge and skills regarding bowel management for individuals with SCI. Significant progress has been made this year, with the implementation of revised processes of care, which are aligned with best practice recommendations for managing neurogenic bowel dysfunction in these individuals.

Furthermore, the local team has made contact with the specialist SCI team at Salisbury Hospital and has arranged to pilot teleconferencing follow-up clinics for local individuals with SCI as an alternative to them needing to travel back to Salisbury. The first of these is arranged for November 2019.

## **2.34 DEPUTY K.F. MOREL OF ST. LAWRENCE OF THE MINISTER FOR THE ENVIRONMENT REGARDING THE PROSPECTIVE INTRODUCTION OF A ‘HEAD OF SUSTAINABILITY’ ROLE: (WQ.462/2019)**

### **Question**

Are there any plans to introduce a ‘Head of Sustainability’ role into the Growth, Housing and Environment Department and if not, why not?

### **Answer**

There is not such a role within the Growth, Housing and Environment Department but within the Strategic Policy, Performance and Planning department, there is a role called Head of Sustainability and Foresight.

The functions of this role include reporting into the Director of Strategy and Innovation and leading a team responsible for:

- Sustainability (assessing the economic, environmental and social impacts of policy and strategy)
- Environmental, energy and climate change policy (including waste and transport)
- Foresight (horizon scanning, scenario modelling, megatrends, macrotrends)
- Development of the Future Jersey ambition
- Strategy reviews and capability

This role provides me as Environment Minister, and the entire Council of Ministers with full support around the sustainability agenda.

The Sustainability and Foresight team, led by the Head of Sustainability and Foresight, use a hub and spoke model of working whereby they interact closely with the Ministers and Departments who hold the portfolio for the subject matter. Currently this model is being demonstrated in a number of ways for example:

- Developing a response to the declaration of a climate emergency. The Strategy and Innovation team are working with me, the Minister for Infrastructure, the Council of Ministers, key stakeholders and subject matter experts in GHE produce a Carbon Neutral plan by the end of 2019
- The development of a shoreline management plan is being co-ordinated by the Strategy and Innovation team developed using a multi-disciplinary team of officers from both the Substantiability and Foresight Team, the Place and Spatial Planning team (the other team in the Strategy and Innovation Directorate and responsible for delivering the new island Plan) subject matter experts from Transport and Operations in GHE. Political governance is from me and the Minister for Infrastructure.
- Developing a new Sustainable Transport Policy by the end of 2019. The Strategy and Innovation team are working with the Minister for Infrastructure, key stakeholders and subject matter experts from Transport and Operations in GHE.

Whilst considerations are still ongoing as to the final structure of the Growth Housing and Environment Department, the operational side of sustainability such as eco active, sustainable travel and recycling will continue to sit within GHE and work alongside the Head of Sustainability and Foresight.

**2.35 DEPUTY K.F. MOREL OF ST. LAWRENCE OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE CALCULATION BY ANDIUM HOMES OF ITS RENTAL LEVELS: (WQ.463/2019)**

**Question**

Will the Minister, as shareholder representative, request confirmation from Andium Homes of the information sources and the methodology it uses to calculate the market rates for the different types of rental accommodation that it offers, in order that it can then calculate the rate of 90% that is the maximum rent it can charge tenants?

**Answer**

Andium Homes applies the States of Jersey rent policy for social housing properties, charging new tenancies at 90% of market rent for an equivalent property in the private sector. The policy charges rent as follows:

- 90% of market rent on new tenancies
- All tenancies adjusted annually in January by Jersey RPI plus 0.75% but rent increases shall not be lower than 2.5% and shall not be higher than 4%, with two exceptions as follows:
  - Where the annual adjustment would take the rent above 90% of market rent, the rent is capped at 90% of market rent
  - In cases where previous rent policies result in tenancies being charged at more than 90% of market rent at the time the policy is introduced, rents are frozen until the rent equals 90% of market rent (this currently impacts circa 20 tenancies)

Following a competitive tendering process, Andium has appointed two local estate agents to conduct a rolling cycle of independent valuations for their properties. Rental valuations are obtained for representative properties within their stock and are cloned to similar properties on the same estate where a direct valuation has not been obtained. Independent valuations are also obtained for newly refurbished and newly built properties. Valuations are reduced by 10% in order to apply the 90% rent policy.

The Statistics Unit also produces a Private Rented Sector Rental Index. The Index provides additional data to inform the annual uplifts of properties for which an independent valuation has not been received within the last 12-month period.

**2.36 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING ACCESS BY VULNERABLE PEOPLE TO PRIMARY CARE SERVICES: (WQ.464/2019)**

**Question**

Will the Minister –

- (a) advise what measures, if any, he has under consideration to meet the objectives contained in the Common Strategic Policy, and reflected in the Government Plan, to improve access for

vulnerable people (including children and older people) to all primary care services, including dentistry, and to make it easier and more affordable to use;

(b) state to what timescale any such work is being undertaken; and

(c) provide his assessment of the impact that any inability to reduce the cost of a G.P. will have on the capacity to deliver earlier diagnoses and treatment in the community and thereby on the potential size and cost of the Future Hospital?

### **Answer**

The Government Plan for 2020 includes a commitment under CSP2 to:

*Deliver new models of primary care including:*

- *expanding our 24-hour community nursing and primary care services*
- *the development of a model of dental services for children with a preventative focus*
- *the development of a model to support people with diabetes and their access to primary care*
- *the development of a model to support access to primary care for financially vulnerable individuals.*

(a) In preparation for the 2020 actions set out in the Government Plan, working groups have already been established to:

- support the design and delivery of a scheme or service to improve support to primary care services for agreed groups of people with a low income or who are vulnerable
- provide a range of accessible health services aimed at Shelter clients and other homeless people

Plans are also in place to establish a working group to review options for improving access to dental services for children.

(b) The Shelter service is now being delivered. Other services will be developed for delivery during 2020.

c) GP practices are private businesses and are currently able to set their fees as they wish. All GPs offer discounts against their published fees for many patients.

Under the new Jersey Care Model, a new relationship with primary care providers is envisaged in which the government will contract with a wide range of primary care providers, including GPs, to deliver more services in the community, based on the needs of the patient. Those contracts are likely to provide for some services to be provided free to the patient and others may allow for a set patient fee or an unregulated patient fee. The overall aim of the Jersey Care Model is to improve access to patients, and access for financially vulnerable people will be specifically addressed to ensure that cost is not a barrier.

If the plans to develop a new care model do not proceed and no other steps are taken to support primary care costs for financially vulnerable people and the health service remains as now, there will be less early diagnosis and treatment in the community and this is likely to require a larger and more expensive hospital compared to the option where primary care services are expanded.

Subject to the approval of the Government Plan, the actions to move to a more accessible and comprehensive primary care system will be taken.

The need to prevent illnesses developing in the first place, identifying issues as early as possible and providing treatment in the community whenever possible are fundamental cornerstones of the proposed Jersey Care Model. The implementation of the Jersey Care Model will be vital in the

successful delivery of a new hospital. These themes are reflected in the 2020 Government Plan under CSP2:

***Support Islanders to live healthier, active, longer lives***

*Support the reduction in preventable disease, through our Reducing Preventable Disease (RPD) portfolio, which aims to reduce the burden of preventable disease and avoidable, early death and reverse the current upward trend in overweight and obesity rates, increase healthy eating, reduce smoking rates and reduce the rates of hazardous and harmful alcohol consumption*

***Put patients, families and carers at the health of Jersey's health and care system***

- *Deliver new models of primary care including:*
  - *expanding our 24-hour community nursing and primary care services*
  - *the development of a model of dental services for children with a preventative focus*
  - *the development of a model to support people with diabetes and their access to primary care*
  - *the development of a model to support access to primary care for financially vulnerable individuals.*
- *Deliver the initial stages of the Jersey Care Model including moving towards services:*
  - *where organisational boundaries between hospital, community and primary care provision no longer affect patients' experience of care or their outcomes*
  - *that are characterised by greater diversity and inclusion for users who are historically less empowered to articulate their health care needs, whether that be because of their mental health, ethnicity, age, gender, disability, cognitive ability or sexual orientation*
- *Deliver care closer to home, by improving access to services and delivering services in patients' homes, or as close to home as possible.*

Good access to preventative and primary care services will be important in achieving these aims. These services will be delivered by a wide range of healthcare professionals, including GPs, and services will be designed to be inclusive to low income groups.

**2.37 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE TARGET OPERATING MODEL AND EFFICIENCY SAVINGS IDENTIFIED FOR THE DEPARTMENT OF HEALTH AND COMMUNITY SERVICES: (WQ.465/2019)**

**Question**

Will the Minister inform members what measures, if any, he has agreed to as part of his departmental Target Operating Model and efficiency savings targets; and will he detail what any such measures mean in terms of service delivery on the front line and what staffing reductions, if any, are involved?

**Answer**

The Health and Community Services (HCS) Target Operating Model assumes an efficiency saving of £1.2m in 2020. HCS has reviewed its operational model and restructured its delivery teams to move to an organisation that is clinically led and professionally managed. This organisational restructure will ensure that clinicians are at the centre of business-critical decisions that impact on delivery of care for our patients.

Our staffing model is not a reductionist model but is centred on making the changes required to deliver efficiencies and the care model that is right for our patients – a care model that is based on outcomes and experience and will ensure we have the patient and clinician voice at the heart of our decision making. The intention is to spend public money better and improve the cost effectiveness of our services, so funds can be released to reinvest in priorities for islanders and modernise existing services.

In order to deliver this, HCS has undertaken a review of its structure and implemented changes. It will be managing its staffing budget by this means and by a mix of a review and reduction in expenditure from some or all of the following, which will be determined as the year progresses:

- Overtime
- Effective management of sickness:
- Voluntary redundancy and early retirement:
- Reduction in the reliance on fixed-term contract (FTC) staff
- Reduction in the reliance on agency staff
- Vacancy review.

The service is confident there will be no impact on front-line services, rather there will be improvements in services, including as a result of investment in modern technology, which will automate a range of tasks that are currently done manually. This will ensure that we make the most productive and best value use of our services for the benefit of islanders.

### **2.38 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE MAINTENANCE OF EQUIPMENT LOANED OUT BY HIS DEPARTMENT: (WQ.466/2019)**

#### **Question**

Will the Minister state what budget and staff are in place to ensure that medical equipment available for loan from his department are well maintained and fit for purpose; and will he state whether this budget has been altered over the past 5 years?

#### **Answer**

The following is a summary of the loan medical equipment provided in Jersey from Occupational Therapy and Physiotherapy. The equipment includes aids of daily living, wheelchairs, and care equipment such as hoists, slings and mechanical bath lifts from Occupational Therapy. Physiotherapy provides mobility equipment in the form of crutches and walking frames as well as prosthetics.

There are 29 qualified Occupational therapists and 40 Physiotherapists employed within Health and Community Services and there are 4 technical staff employed within the Occupational Therapy Wheelchair Service, including 1 Rehabilitation Engineer and 2 wheelchair services technicians. An additional post for a technician has been funded through the HCS modernisation programme (P82).

The assessment and prescription of equipment is undertaken by a qualified practitioner such as an Occupational Therapist or Physiotherapist. The assessment and prescription of some small aids is delegated to therapy assistants who have been through a competency-based assessment to undertake this.

Aids of daily living are purchased from accredited suppliers which are members of the British Healthcare Trades Association and which adhere to its codes of practice, which are approved by the Trading Standards Institute (TSI).

The Occupational Therapy wheelchair services have been developed to provide essential mobility and associated postural management based on the needs of our clients. The service provides clinically-based assessment and prescription of manual and powered wheelchairs, specialised seating and cushions, modifications and accessories. Due to the nature of the client base, the wheelchair service also provides equipment maintenance facilities and client review programmes.

Every assessor for the prescribing of wheelchairs is a qualified Occupational Therapist with appropriate current experience in wheelchair assessment. All equipment purchased for the wheelchair service complies with the essential requirements of the CE marking regulations.

All newly prescribed wheelchairs are serviced and checked by the wheelchair service technicians prior to being issued to the client by the Occupational Therapist. In 2018, a total of 453 wheelchairs were prepared for issuing to clients by the wheelchair service. Handover of the equipment is the responsibility of named qualified staff who undertake the client/carer training content, complying with the original manufacturer's instructions, and meeting risk management and controls assurance requirements as developed during the assessment \ prescription stages.

All necessary information is provided on use, adjustment and limitations of the wheelchair, including the manufacturer's handbook, (reconditioned equipment is issued with appropriate documentation) and client responsibilities regarding due care of equipment. As part of the handover process, the client or authorised carer is advised on how to obtain repair and maintenance for the equipment, including details on ongoing support from the wheelchair service. The client is required to sign to agree the completion of the handover, which is in the form of a loan document.

All repairs and annual services for wheelchairs are undertaken in the workshop based at Overdale. In 2018, the workshop undertook 1,463 routine services of manual and powered wheelchairs. The workshop is overseen by a qualified Rehabilitation Engineer who is a member of the Institute of Physics and Engineering in medicine and monitors the work undertaken by the technicians. This is completed through periodic audits of work. Staff have annual appraisals where any training needs are identified. The Rehabilitation Engineer attends the yearly Postural Management Group conference and then runs in-service training with staff to ensure they can maintain and update their skills.

The workshop also undertakes bespoke adaptations of wheelchairs to ensure they fully meet the needs of clients with more complex postural needs. All adaptations are fully risk assessed (using a risk matrix developed by Department of Mechanical Engineering, Kings College, London), use parts and accessories from accredited suppliers, and are regularly reviewed by both the Rehabilitation Engineer and the qualified therapist. In 2018, the workshop provided 298 adaptations to basic wheelchairs to ensure they met the needs of their users, increasing clients' quality of life by providing a stable and supportive seating system to allow them to access the community.

The prescription and maintenance of hoists, slings and mechanical bath lifts falls within the Lifting Operations and Lifting Equipment regulations (LOLER) of 1998 as part of the Health and Safety at Work Act.

The LOLER regulations protect users and handlers of lifting equipment and the regulations apply to any establishment with such equipment. The requirements state that all equipment must be examined before it is put into place for use for the first time or moved to another location. The equipment must then be maintained and reported upon by users – it is the responsibility of users to immediately report any problems or wear and tear. Products should be inspected by a competent person every six months and maximum load tested every 12 months. Records and examination reports must be kept by the employer so that any accident investigation is fully supplied.

The equipment owned and issued by the Occupational Therapy Service is compliant with the LOLER regulations and all equipment is serviced 6-monthly by a local medical equipment provider and independent third-party checks are undertaken by a local engineering company.

The budget for Occupational Therapy aids of daily living has increased from £122,501 in 2012 to £126,800 in 2019.

The budget for the Occupational Therapy Wheelchairs and Postural Management Service has increased from £105,000 in 2012 to £107,500 in 2019.

As the complexity, cost and demand for equipment to assist people to remain in their own homes increases, these budgets are becoming a cost pressure and will continue to do so into the future.

The Physiotherapy Department has processes in place to review and valet all loaned walking aids – crutches, frames and sticks – when they are returned to the department or at a client’s request. Those that are not fit for purpose are removed from circulation and disposed of.

The Physiotherapy Department has a budget for equipment totalling £22,550 for equipment for patients. This includes the budget for walking aids, which cost approximately £5,000 per year. This is the only equipment that is loaned to patients.

The Physiotherapy budget has not been altered in 5 years for this, but there is so much effective recycling that only minimal budget is required. Therefore, the department does not have any cost pressures to replace equipment needed.

The Physiotherapy Department works with a UK company to provide prostheses to patients with amputations. The prostheses are reviewed by the visiting prosthetist, and changes or replacements are made as required for patient comfort, safety and functionality. The budget for this has significantly increased during the past 5 years, due to an increase in the number of patients needing prostheses after amputations.

## **2.39 DEPUTY M.R. HIGGINS OF ST. HELIER OF H.M. ATTORNEY GENERAL REGARDING THE COMPATIBILITY OF POLICE COMPLAINTS LEGISLATION WITH THE EUROPEAN CONVENTION ON HUMAN RIGHTS: (WQ.468/2019)**

### **Question**

Further to the response to Written Question 391/2019, will H.M. Attorney General explain how the lack of a specific obligation in the Police (Complaints and Discipline)(Jersey) Law 1999, the Police (Honorary Police Complaints and Discipline Procedure) (Jersey) Regulations 2000 and the Police Complaints and Discipline Procedure)(Jersey) Order 2000 to interview a complainant, or to ask for any evidence they may have regarding their complaint, is compatible with the European Convention on Human Rights, in particular with the right to a fair hearing?

### **Answer**

The relevant part of Article 6.1 of the European Convention on Human Rights states:

*“In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.”*

An investigation under the Police (Complaints and Discipline)(Jersey) Law 1999, the Police (Honorary Police Complaints and Discipline Procedure) (Jersey) Regulations 2000 and the Police Complaints and Discipline Procedure)(Jersey) Order 2000 of a complaint against a police officer is not the determination of any “civil rights” on the part of a complainant. If a member of the public exercises their right to bring a legal action against a police officer in the Royal Court (e.g. for



wrongful imprisonment), that would involve a determination of the complainant’s civil rights and the right to a fair hearing would be engaged. Complaints under the statutory provisions, however, are a matter of determining what is necessary for police discipline and the integrity of the relevant police service. Such investigations and any subsequent proceedings do not fall within the meaning of an Article 6 determination of any rights of the complainant.

There are cases where the absence of a proper investigation into official conduct can give rise to a human rights violation. This will be in the context of violations of Article 2 of the Convention (“right to life”, e.g. deaths in custody) and Article 3 of the Convention (“torture, inhuman or degrading treatment”). There is no particular rule as to how such an inquiry would be carried out, and in this context it would very often be a criminal investigation as opposed to a police complaint. Whether a failure to interview any particular person in the course of an investigation represented a failure to carry out a proper investigation would depend on the particular facts.

Therefore, the European Convention and its jurisprudence does not lay out any general rules as to how police complaints should be investigated. The most that can be said is that the Convention creates a duty to conduct an effective investigation where violations of the most important rights are at issue. However, it does not prescribe for all cases what is required for an investigation to be effective.

**2.40 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR HOME AFFAIRS REGARDING THE EMPLOYMENT OF EX-POLICE OFFICERS BY THE STATES OF JERSEY POLICE: (WQ.469/2019)**

**Question**

Will the Minister advise members how many ex-police officers, if any, are currently employed by the States of Jersey Police in such sections as the Professional Standards Department and state what the roles of any such employees are and the costs of their employment?

**Answer**

The number of ex-police officers that are currently employed by the States of Jersey Police is set out in the table below.

<b>Area</b>	<b>No. of employees</b>
Jersey Financial Crime Unit	6
Professional Standards	1
Criminal Justice Department	7
Crime Scene Investigation	2
Public Protection Unit	1
Information	3
Operations	2
Intelligence	2
<b>Total</b>	<b>24</b>

The role of these employees is either administrative or investigative.

The current cost of these staff to the employer is approximately £1,208,223.

**2.41 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR HOME AFFAIRS REGARDING THE INTRODUCTION OF AN OBLIGATION THAT COMPLAINANTS BE INTERVIEWED AS PART OF POLICE COMPLAINTS PROCEDURES: (WQ.470/2019)**

**Question**

Further to the response to Written Question 391/2019, does the Minister propose to change the Police (Complaints and Discipline)(Jersey) Law 1999, the Police (Honorary Police Complaints and Discipline Procedure) (Jersey) Regulations 2000 and the Police Complaints and Discipline Procedure )(Jersey) Order 2000 to incorporate a specific obligation that the complainant is to be interviewed or asked to provide evidence as part of an investigation; and if not, why not?

**Answer**

There is an ongoing review of the Police (Complaints and Discipline) (Jersey) Law 1999, the Police (Honorary Police Complaints and Discipline Procedure) (Jersey) Regulations 2000 and the Police Complaints and Discipline Procedure) (Jersey) Order 2000. This has resulted in the development of updated legislation which reflects best practice in recording, investigating and addressing complaints against the Police. This has been circulated more widely to seek the views of other interested parties following which it will be lodged in the normal manner for States scrutiny and debate. It may not always be appropriate to interview a complainant and this is being considered as part of the update to the legislation.

**2.42 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR HOME AFFAIRS REGARDING THE NUMBER OF POLICE COMPLAINTS INVESTIGATIONS OVER THE LAST FIVE YEARS IN WHICH THE COMPLAINANT WAS NOT INTERVIEWED: (WQ.471/2019)**

**Question**

Further to the answer to Written Question 391/2019, will the Minister advise members how many investigations, if any, have been carried out by the Jersey Police Complaints Authority or the States of Jersey Police over the last five years where the complainant has either not been interviewed or their evidence not taken into account; and will he state how many of these cases were based solely on video evidence and further whether the full video evidence was examined?

**Answer**

The Jersey Police Complaints Authority (the “Authority”) does not carry out the investigations and its Members are not trained investigators. The Authority is independent of the Police, and its role is to ensure that investigating officers carry out the investigations it supervises in a thorough and impartial manner. The Authority is required to approve the appointment of the Investigating Officer. Usually, the Investigating Officer is an officer of the States of Jersey Police Force of Inspector rank or above. However, on occasions, the Authority either requires or agrees to the appointment of an Investigating Officer from an external force.

There have been 283 complaints recorded/investigated 2014-2018 whilst the vast majority have been investigated by the Sates of Jersey Police Professional Standards Department, some have been investigated outside the department and some by other Police Forces.

It is best practice to meet the complainant face-to-face, wherever possible. In some cases, the complainant might choose to communicate in another way (e.g. email or telephone). A fundamental part of the investigation and resolution process is that the complainant has an opportunity to voice their concerns and to be involved in deciding what needs to be done to resolve the complaint. In certain cases, a letter or correspondence outlining the basis of the complaint from the complainant

will be relied upon and consideration will be given to whether this needs to be in the form of a formal statement of complaint.

It is important to be objective when meeting complainants and not to pre-judge the circumstances of their complaint or the possible outcome. The complaint should be taken at face value, focusing on the substance of the conduct being complained about.

It will normally be proportionate to look at CCTV evidence (Street Cameras, Private premises, Body Worn Camera Footage, Custody Suite and others) however there may be exceptional circumstances when it is genuinely not necessary to obtain this evidence.

To review complaint investigations which have occurred over the past five years to assess whether they include CCTV evidence will be time consuming hence at this time this data is not readily available.

### **2.43 DEPUTY L.M.C. DOUBLET OF ST. SAVIOUR OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE CARE PATHWAYS AVAILABLE TO WOMEN DIAGNOSED WITH MATERNAL MENTAL HEALTH DISORDERS: (WQ.472/2019)**

#### **Question**

Further to his responses during questions without notice on 8th October 2019, will the Minister list the maternal mental health disorders recognised by his department and state what percentage of mothers are diagnosed and treated locally with each of these; and will he state what specialist care is available for each disorder and what improvements, if any, to this service are being considered (including in respect of training provision and increased staff numbers)?

#### **Answer**

In the 13-month period to 30<sup>th</sup> September 2019, approximately 15% of mothers were seen by the mental health service. It is not possible to provide data in relation to individual diagnoses.

The Adult Mental Health Service has a full-time clinical nurse specialist and dedicated consultant psychiatrist sessions focusing on maternal health. Individuals booking into maternity services are provided with an information leaflet that outlines the service. The service is open to self-referrals or the individual can be referred by their GP, midwife or health visitor. Around 130 to 150 referrals are received each year by the Perinatal Mental Health Service. A number of these will involve an initial assessment and sign posting into appropriate services. Other assessments will indicate anxiety or depression that requires intervention. In rare instances, the service receives a referral or self-referral involving marked changes in mood, thoughts, perceptions and behaviours that may indicate puerperal psychosis. A first episode of psychosis is immediately prioritised as an emergency within Adult Mental Health Services' operational policy for management of referrals. Suicide is one of the leading causes of maternal death in the perinatal period, and a clear pathway has been developed between maternity and mental health services.

The clinical nurse specialist provides a weekly clinic with Maternity Services at the General Hospital. A preventative approach is taken by facilitating immediate access so that individuals receive timely assessment and appropriate intervention preventing deterioration. There is an increased risk of relapse of existing mental health conditions during the perinatal period and for these people a multi-disciplinary team meeting is held in the 2<sup>nd</sup> or 3<sup>rd</sup> trimester, together with the service user and carers to plan care and identify potential triggers and develop a contingency plan. The current pathway and policy are due to go out to internal consultation shortly. There is also the intention to support developments under the children's strategic plan to support individuals who are experiencing post-natal depression.

There is no specific training provision offered locally and specialist training is currently accessed in the UK. E-learning modules available in the UK for maternity, mental health and general hospital staff are being reviewed with a view to being introduced in Jersey.

#### **2.44 DEPUTY L.M.C. DOUBLET OF ST. SAVIOUR OF THE MINISTER FOR HOME AFFAIRS REGARDING THE ADMINISTRATION AND REGISTRATION OF KEY LIFE EVENTS: (WQ.473/2019)**

##### **Question**

Further to the response to Oral Question 241/2019, will the Minister –

- (a) detail the instances in which people are treated differently within legislation or policy during the registration and administration of key life events, whether on account of their sex or their sexual orientation;
- (b) advise, in particular, whether there is any difference in treatment between the father and mother of a child, or between a same-sex couple and mixed-sex couple, at the time of the registration of the child's birth and, if so, state what that difference is; and
- (c) commit to review the instances where people are treated differently in order that any such differences arising from the application of legislation and policy are removed?

##### **Answer**

###### **Part A**

Solemnization of marriage: The Marriage and Civil Status (Jersey) Law 2001 provides that any couple, regardless of sex can marry. It also provides that religious officials are not required to marry same sex couples or couples where one of the parties is of an acquired gender. Nor do religious organisations have to consent to their usual places of religious worship being authorised for the solemnization of marriage between a same-sex couple.

Registration of birth: The Marriage and Civil Status (Jersey) Law currently only provides for the registrar of births to include details of the child's mother and the child's father. Where a child:

- a. has two parents of the same sex, the law does not currently provide for registration of two mothers or two fathers
- b. has a mother and a father who are not married to each other, the father cannot be entered onto the birth certificate without the consent of the mother or by Court Order.

Both of the above are differences of treatment based on sex as opposed to sexual orientation. There is no requirement in law or policy for the Superintendent Registrar to ascertain details relating to a person's sexual orientation or make decisions based on a person's sexual orientation.

###### **Part B**

As set out in Part A above, the law does not currently allow for two parents of the same sex to register their child, nor for an unmarried father to be entered onto the birth certificate without the consent of the child's mother or by Court Order.

###### **Part C**

Amendments to the law to provide that two mothers or two fathers can registrar their child's birth are currently being developed and will be brought forward in early 2020.

Unmarried fathers will continue to require consent to be named on child's birth certificate as these restrictions, which are common in other jurisdictions, are in place to help protect unmarried mother in the event of rape or sexual abuse.

The right of religious officials and religious organisations not to participate in the solemnization of marriage between same-sex couples, or couples where one party is of an acquired gender, will remain.

### **3. Oral Questions**

#### **3.1 Deputy G.P. Southern of St. Helier of the Minister for Health and Social Services regarding the affordability of access to primary care: (OQ.265/2019)**

What measures, if any, does the Minister have under consideration to reduce the level of G.P. (general practitioner) consultation fees, and to what timescale; and furthermore, what steps is the Minister considering taking to improve the affordability of access to primary care for those with the greatest clinical or financial need?

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

We must remember that G.P. practices are private businesses and are currently able to set their fees as they wish. All G.P.s offer discounts against their published fees for many patients. However, the Government Plan for 2020 includes a commitment under C.S.P. (Common Strategic Policy) 2 to deliver new models of primary care, including the development of a model to support access to primary care for financially vulnerable individuals. This includes considering support for individuals who see cost as a barrier to accessing G.P. services. As part of preparatory work under this commitment, working groups, which include G.P. colleagues, have already been established to support the design and delivery of a scheme or service to improve support to primary care services for agreed groups of people with a low income. In fact, a project has started providing a range of accessible health services aimed at clients of the Shelter and other vulnerable people. Plans are also in place to establish a working group to review options for improving access to dental services for children. The longer-term plans in the new Jersey Care model will include a review of the options for sustainable funding model to ensure a comprehensive accessible primary care system. Under the new care model, a new relationship with primary care providers is envisaged, in which the Government will contract with a wide range of primary care providers, including G.P.s, to deliver more services in the community based on the needs of the patient. Those contracts are likely to provide for some services to be provided free to the patient. Others may allow for a set patient fee, or an unregulated patient fee. The overall aim of the model is to improve access to patients and access for financially vulnerable people will be specifically addressed to ensure cost is not a barrier. Subject to the approval of the Government Plan, the actions to move to a more accessible and comprehensive primary care system will be taken.

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

I thank the Minister for his extended answer. However, he failed to mention the vital key element always in questions is: by when. When are we likely to see anything coming from his department to reduce the expense of G.P. fees, as they currently are over £40 for a visit?

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

As I did mention, the Government Plan for 2020 includes a commitment to deliver new models of primary care. This is being worked on at the moment. The Minister for Social Security is also involved, as the Minister with responsibility for the Health Insurance Fund, which of course plays a vital part in this area.

#### **3.1.2 Deputy R.J. Ward of St. Helier:**

Does the Minister not believe that improving access for all of our residents to primary healthcare and G.P.s, making it as affordable as possible, is integral to the new model of healthcare and integral to development not only of that, but our new hospital?

**The Deputy of St. Ouen:**

Access for all is very important but, of course, we must begin by addressing those who have the greatest difficulty at the moment and I am certainly very willing to have that discussion about greater means of access, what tax resources, what parts of the Health Insurance Fund might we make available to funding G.P. care.

**3.1.3 Deputy R.J. Ward:**

Is it not the greatest need that is vital here, because unless the greatest need is met early on then if we look economically at this situation the cost will be much higher in the long term, so it is not necessarily just in terms of income, but in terms of greatest need?

**The Deputy of St. Ouen:**

Yes, I do agree. When we are talking about vulnerable people, it is not just those who might be financially vulnerable. So, somebody might feel that they cannot afford the doctor's fee, but if they are in good health and perhaps need to visit the doctor rarely, their need is perhaps less than those who might need to visit the doctor once a month, but have a greater income. So, we are considering also those groups of people who are regular users of G.P. services and may find difficulty meeting those costs. There is work presently happening where the surgeries group together in clusters and see patients, for example diabetic patients, on a contractual basis. So, no charge to the patient, but instead the arrangements are made with the G.P.s that they are funded for a year to see a certain number of patients with diabetes. That sort of work will continue.

**3.1.4 Deputy M. Tadier:**

I have come across 2 constituents in the last week, who have been told by their G.P.s not to come back because they have an outstanding G.P. bill; one is less than £100 and only a few months old. Is the Minister aware of other examples of this happening and what duty of care does he think he has, as a Minister for Health and Social Services, to make sure that this does not happen?

**The Deputy of St. Ouen:**

I am aware of the very few instances where that does happen. I have discussed it with G.P.s. I believe that G.P. surgeries are very careful before they might issue such a measure, as the Deputy has referred to, and they will do all that they can to support their patients. But we must remember that G.P.s are private businesses, so I cannot intervene in that sort of decision, but what is happening is that we have a procedure whereby vulnerable people, these are perhaps homeless people very often, they are being attended to in a new project that has started at the Shelter where G.P.s and other primary care workers attend to meet the needs of clients of the Shelter and other vulnerable people in the community, free of charge.

**3.1.5 Deputy M. Tadier:**

The Minister is correct that G.P.s are private businesses and there is no requirement for them to act in any other way when they perceive a bad debt but the Minister, of course, is not a private business and he, as a Government Minister, has a moral duty to ensure that all citizens in our society are able to access healthcare and that cost should not be a prohibition to that. I think, even when he was Chair of the Health Scrutiny Panel, he may have come up with recommendations to that effect. So, can I ask: how has he been implementing the recommendations of the previous panel which he chaired in regard to this very urgent issue?

**The Deputy of St. Ouen:**

I understand that there is a reporting arrangement so that if G.P. surgeries feel the need to send this message to one of their patients, they will advise the Department and the Department will pick up and will see that that patient's needs are met in some way. So, an individual approach is taken. But

as to the wider question: yes, the Department and I - and the Customer and Local Services Department - are working on new ways to deliver primary care. There is a lot of work going on, a lot of activity, and we will be bringing forward proposals.

### **3.1.6 Deputy I. Gardiner of St. Helier:**

Last week, one of my constituents approached and asked if this is the new tendency that we will see in Jersey. He has every 3 months blood test at the hospital, he has been redirected to a G.P. and now - and I am talking about a person who is 80-plus - he needs to pay £50 every 3 months. Basically, his question was: is it the new way that we would go, or it will happen other way?

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

I do not believe that is the intent of the proposed new Jersey Care model. If the Deputy wishes to come and discuss her constituent with me, or put us in touch, I will certainly try and understand the reasons why that is the case. But for somebody needing regular treatment that can easily be delivered in a G.P. setting, rather than in a hospital setting, that would be the intent of the new Jersey Care model wherever possible and the money can follow the activity. So, those costs at the moment are met in the hospital. Those costs can come out of the hospital and be used to fund the G.P. service, without that patient needing to pay.

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

Sir, my light had been on. Perhaps you did not see it.

#### **The Bailiff:**

I am sorry, I did not see your light. I am afraid, although I did not see the light and I did not notice you wishing to ask a question, we have already spent well over what might reasonably be allocated to this question. So, I am afraid I will give final supplementary now to Deputy Southern.

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

Yet again the Minister has failed to mention any timescale. Does he have any short-term solution for what is already a major problem? Has he considered what is called double running of the Health Insurance Fund, which pays for G.P. consultations which currently stands, or is predicted to stand, at £135 million? Is he prepared to considered double running that fund?

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

I think those involved in this topic are willing to consider all options. There may well be an element of double running. The use of the Health Insurance Fund is certainly under consideration, but I can assure the Deputy that there are things happening at the moment. I have mentioned the new work at the Shelter. I have mentioned the G.P. clusters that are working well and attending to patients in long-term conditions. At the same time, we are planning further changes.

#### **The Bailiff:**

Senator Moore, could you press your button just to make sure that we are functioning? Yes, it seems to be working. I apologise for the last occasion.

### **3.2 Deputy M.R. Higgins of St. Helier of the Chairman of the States Employment Board regarding the current status of the dispute between Mr. Al Witry and the Board: (OQ.263/2019)**

Will the Chair inform the Assembly of the current status of the dispute between Mr. Al Witry and the States Employment Board?

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

I am answering this question. Members are aware of the judgment handed down by the Court of Appeal on 10th July 2019. I have referred to this in my answer to the Deputy's question 196 on the same subject on 16th July 2019. The judgment of the Court of Appeal is a matter of public record, as is the subsequent decision on costs. The matter of quantum of any damages to be paid to Mr. Al Witry has not been heard by the Royal Court as yet. The States Employment Board have also applied for leave to appeal to the Judicial Committee of the Privy Council the decision of the Court of Appeal, given the fundamental importance to the Island that the legal issues decided in this case raise. We await confirmation of this application. While the matter remains subject to such application and as the issue of quantum is also pending, I cannot comment further on the case, as to do so would risk prejudicing the ongoing litigation. We also continue to seek and negotiate a position with Mr. Al Witry's legal team. Beyond that, these are confidential matters and unfortunately I cannot say more.

**3.2.1 Deputy M.R. Higgins:**

I must say this is one of the most appalling things I have ever heard of. We have what was essentially a very basic breach of contract of Mr. Al Witry's contract before he got to the States and I find the States doubling up every time and going to higher courts is unbelievable.

[10:00]

Will the Deputy Chairman, I think it is, tell us what amount of money has been expended to date on this case, because it is an outrage with the costs so far and the potential liabilities, which could have been avoided had proper advice been taken at the beginning?

**The Connétable of St. Ouen:**

I do not have the actual costs to hand, but I will let the Deputy and this Assembly have those costs, as far as I am able to. I am not going to respond to the other comments the Deputy makes, because I think it will be inappropriate, given what is outstanding at the moment.

**Deputy M.R. Higgins:**

Could the Deputy Chairman at least give us an estimate of what he thinks it is at the moment, or does he not monitor these things?

**The Bailiff:**

I think he has answered that question, Deputy Higgins.

**3.2.2 Senator S.C. Ferguson:**

Might the Assembly be assured that the States Employment Board and the Human Relations Department learn from this shameful episode, when somebody's life is ruined by incorrect procedures? Will the lessons be learned? Will there be a case study on it?

**The Connétable of St. Ouen:**

I thank the Senator for her comments. I think the answer is yes; we will be and we have already taken a great deal of learning from this. As she is well aware, this is not a case that we ... that the current States Employment Board inherited and we simply had to deal with the issues as they have come up.

**3.2.3 Deputy J.H. Young of St. Brelade:**

I think members of our staff and members of the public will be surprised that there is to be a Privy Council appeal, considering this is just a normal dispute between employee and employer. Could the Minister just highlight to us what is the big issue of principle that is behind having to go to the highest



court in the land in order ... what is the point of principle there? Normally that is only done on an exception basis. Could it ...

**The Bailiff:**

Deputy, I think we are running the risk here. It is all very well for the States Employment Board to say what the current procedural state is, but I think to begin to talk about the issues begins to get into the merits which would offend the *sub judice* rule; therefore, I, with respect, do not allow that question.

**3.2.4 Deputy M.R. Higgins:**

I have to say I believe this is a major scandal and will Ministers, or civil servants, resign if they lose this case in the Privy Council?

**The Connétable of St. Ouen:**

Clearly, I am not going to respond to that. What I can say, which would help the Deputy, is that I am more than happy to arrange a confidential briefing on this matter for any Member who would like it, because, clearly, there are matters that we cannot discuss in this Assembly, but we can discuss in a confidential basis. So, if anyone would like to have that, I am more than happy to arrange that. So, if they would like to let me have their names, I will put that in hand.

**Deputy M.R. Higgins:**

Will anybody be held to account though?

**The Bailiff:**

I think the Deputy has answered the question in the way that he wishes to.

**3.3 Deputy J.H. Perchard of St. Saviour of the Minister for Economic Development, Tourism, Sport and Culture regarding the provision of facilities for the Jersey Netball Association: (OQ.250/2019)**

Further to Written Question 165/2019, will the Minister advise when he anticipates that adequate facilities will be provided for the Jersey Netball Association, especially given that they will now have nowhere to train from April 2020?

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

Senator Pallett will respond to this question.

**Senator S.W. Pallett (Assistant Minister for Economic Development, Tourism, Sport and Culture - *rapporteur*):**

Can I first thank the Deputy for the question? I had the opportunity, yesterday, to update Deputy Perchard at a Scrutiny Hearing, but I think for the benefit of all Members here today, clearly it is disappointing that the Jersey Netball Association have lost their prime facility in St. Brelade. But I think adequate facilities can be provided for the Jersey Netball Association. It is not accurate to suggest that they will have nowhere to train in March 2020. I just want to explain briefly. There are currently 7 indoor and 9 outdoor courts that are provided by the Sports Division. I am aware that there are 3 new courts going to be provided at the new Les Quennevais School and within those courts I have just described that does not include any of the capacity that is available within schools, any of the secondary schools, or primary schools. So, although they may have to change the way they operate to some degree, I have got no doubt that there is capacity within our current sports provision to provide courts for the Jersey Netball Association.

**3.3.1 Deputy J.H. Perchard:**

What is the Minister's view on providing financial assistance, or resources, to private sporting organisations? When does he deem it appropriate to do so?

**Senator S.W. Pallett:**

Again, I answered this for the Deputy yesterday. I do not think it is appropriate that the States, or Government, support individual clubs. I think there are times when there is a need to support on a case-by-case basis. Sports that find themselves in difficulty, but in terms of the day-to-day running of clubs, Government has never supported clubs in that way and I do not think they should.

**Deputy J.H. Perchard:**

I would like to thank the Senator for his time yesterday and for sharing his answers with the wider Assembly today.

### **3.4 Senator K.L. Moore of the Chair of the States Employment Board regarding a follow-up review by The HR Lounge of the States of Jersey: (OQ.261/2019)**

Will the Chair commit to inviting The HR Lounge to return to the Island and conduct a follow-up review of the States of Jersey?

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

The Deputy of St. Ouen is taking this question.

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

Just to correct the Chief Minister; I am the Constable of St. Ouen. It is the third time this morning I have been called the Deputy. I was called a Senator as well. I am not sure whether I am flattered, or not. The States Employment Board welcome the full and frank review by The HR Lounge into bullying and harassment. As a result, the States Employment Board approved the development of new policies, training for all line managers, an independent and confidential reporting line and quarterly monitoring of reports and incidents. One year on from the introduction of the new policies and as recommended by the C. and A.G. (Comptroller and Auditor General), S.E.B. (States Employment Board) will be receiving its first annual review of the effectiveness of our response in January 2020. If it is felt then that a follow-up review is required, then S.E.B. would be open to such a suggestion. Members also ought to bear in mind that we are investing heavily in the Team Jersey programme to ensure all managers and employers understand the behaviours and expectations in the workplace.

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

Will the *rapporteur* ensure that S.E.B. pays full regard to representatives of workers who are sticking up for their colleagues' rights as part of the job of being representatives within a department and will he ensure that no detriment occurs to those people, who are prepared to stand as reps within particular departments?

**The Connétable of St. Ouen:**

I thank the Deputy for his question and, as Constable of St. Ouen, as Deputy Chair for the States Employment Board, the answer is yes, of course I will.

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

Could the Deputy Chair of the States Employment Board please clarify how the efficacy of a response to The HR Lounge report is to be measured and by whom, given that we are not asking The HR Lounge to return?

**The Connétable of St. Ouen:**

I thank the Deputy for her question. We have regular reports on a quarterly basis, a dashboard of complaints received on the line. Effectively, as a first line of response, we will be looking at the level of complaints, the outcome of the investigation and how many cases were, or were not, upheld, which gives us an initial indication of the level of bullying and harassment within our employees.

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

Sorry, I did not feel that the Constable answered the question. I did ask how the efficacy of the response is to be measured and by whom. Is he suggesting that the States Employment Board are measuring their own efficacy?

#### **The Connétable of St. Ouen:**

A difficult question to answer. What I will say is one of the ways we are getting a measure of how effective this is, is through our staff survey. We conducted one in 2018 and we intend to run one next year. That will have measures around how safe people feel at work, whether they feel they are being bullied, or harassed, or indeed whether they feel that the measures we put in place are effective. That will be one of the ways that we measure this.

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

Can I ask the Assistant Chair of the States Employment Board whether he can assure us that the situation whereby accusations are ... disciplinarys are taken by a manager who then decides on the outcome of that disciplinary, as outlined in The HR Lounge bullying report, that that situation no longer arises, as it was one of the biggest failings that was outlined?

#### **The Connétable of St. Ouen:**

I accept what the Deputy is saying and all I can do is encourage employees who feel that they have been wronged to use the confidential line. That is the only way we have of getting anonymous and safe feedback on that point. Essentially, the way that we are tackling this is a rather longer-term approach through Team Jersey, which is to give managers the appropriate tools to manage staff properly because, in my view, bullying and harassment is a symptom of managers who have not had training and do not know how to deal with staff properly. The longer-term way to deal with this is to equip our managers properly, give them the appropriate training so that they will deal with staff properly and effectively.

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

Is it not the fact that the very line “all you can do is encourage” points out the need for a return of The HR Lounge to review whether we have made any steps forward because “all we can do is encourage” is simply not good enough? There should be clear procedures in place to prevent these situations happening and there is no confidence they are still not happening.

#### **The Connétable of St. Ouen:**

The Deputy will be aware that, as part of the roll-out of this policy, full training was given to everyone and all managers and staff are aware of this. I notice he is shaking his head at this and I am prepared **[Interruption]** ... I can tell you, full training was provided to all managers. All staff were made aware of this when they joined the States. We do measure all the outcomes regularly. I do take on board these comments and we will look to see whether there are pockets of bullying and harassment going on. If we find them, I can assure you we will stamp them out.

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

Point of clarification: it is the procedure that is the problem.

#### **3.4.6 Deputy K.F. Morel of St. Lawrence:**

Would the Deputy Chair of the States Employment Board explain why the staff survey is only taking place every 2 years? Most responsible employees would undertake a staff survey on an annual basis and many also do it on a 6-monthly basis. Every 2 years seems to be somewhat wide of the mark.

**The Connétable of St. Ouen:**

I thank the Deputy for his question. Yes, the explanation for the initial time gap is that we are in the process of rolling out T.O.M.s (Target Operating Model) and until we have done that and it is settled down, it was not felt appropriate to run another staff survey until the middle of next year. Thereafter it will be annual.

**3.4.7 Deputy K.F. Morel:**

Precisely because the organisation is rolling out new structures it is during that period that staff need to be surveyed and the States Employment Board should be closer to its staff. Can you explain why this crucial period in the organisation's under-development is being ignored?

**The Connétable of St. Ouen:**

I thank the Deputy for his question. I think all I can say is we take on board his comments and we will look at them and I will get back to him with a response.

**3.4.8 Senator K.L. Moore:**

The HR Lounge report listed real problems with the previous whistleblowing policy and a distinct lack of trust among members of staff. How does the Vice-Chair reassure himself that staff are confident in the new whistleblowing procedures, because I can assure him that from those people I have spoken to the situation and the trust in the new system is no better than it was of the previous?

**The Connétable of St. Ouen:**

I am disappointed to hear the Senator say that, because that is not the feedback I have. All I can do is encourage members of staff, who do feel that they have a problem, to use the process, test it and see that it works because, I can assure you, from our point of view, we feel it does work. If, at the end of the period, our feedback tells us in January that it is not working then we will go back to The HR Lounge.

**3.5 Deputy R.E. Huelin of St. Peter of the Chief Minister regarding the implementation of the Damages (Jersey) Law 2019: (OQ.256/2019)**

As the Damages (Jersey) Law 2019 has now been in force for several months, will the Chief Minister update the Assembly on the outcomes, to date, of the law's implementation?"

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

It is about a year since the law was lodged but, as the Deputy has rightly pointed out, it has only been in force for slightly less than 6 months. So, it is a little bit too early to try and quantify fully its impact, but the early indications are positive. I would suggest hopefully, and perhaps unusually for the moment, it is good news.

[10:15]

So, to date there have been no reported judgments of civil claims settled under the law, but I am informed that the provisions relating to the statutory discount rate and periodic payment orders have been instrumental in seeing one existing claim reduce from approximately £19 million to £8 million and another from £49 million to £15 million. So, overall, that is about a £45 million reduction in the claims as a result of that law. The law is also having a positive impact on the length of proceedings, saving the claimant, the defendant and the court time and money that was previously spent on arguing about these matters. Furthermore, I understand that the Damages Law was cited as a positive

development during the recent tendering process renewal of the Government's own insurance arrangements. I am sure, or I hope, that this Assembly will agree that it is all very good news and justifies the action we took at the beginning of my term of office of putting the law in place.

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

One of the concerns was from the G.P. community - the second time today - and their insurance premiums. Is there any indication as to the potential reduction of their clinical negligence insurance as a result of this law?

#### **Senator J.A.N. Le Fondré:**

I cannot give specific details, but I have been made aware that some local G.P.s are reporting that their Medical Defence Union insurance quotes have reduced and apparently that the M.D.U.s are actively touting for business in Jersey, if that is the right expression. But again, hopefully, that is an indication of the positive impact of the law.

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

I would hope that the Minister will give further information on the 2 cases he mentioned of the reductions. It is not good enough to say we saved this amount of money, without knowing what the cases are. But, in particular, will he not recognise that the reason why this law was brought into being was because of our failures in the past, I think it was Family X, the 2 children, where there was a claim for something like £200 million against the States and that was eventually settled. Will he confirm that is the reason why the law was brought in, to stop other cases like that, which means that we are basically discounting claims against the States, simply to save money?

#### **Senator J.A.N. Le Fondré:**

I do not know if the case in question is the one that the Deputy is citing, but certainly when I came in we were informed of one, which was later reported by the local media as being the largest personal injury claim in British legal history and it was in the order of £238 million. I would hope that most reasonable people would suggest that is not, in British circumstances, a normal claim that would normally be made. That is why it was felt that measures needed to be in place. Do not forget, we are still talking about claims of several million pounds being in place. I cannot go into the details of some of the circumstances on the cases, because they would have been sealed by the court. But I do know that, in certain instances, the settlements have fallen now within the insurance limits and so that means that the settlement is not funded from public money. So there is this balance because, the Deputy is right, we have to make sure there is a definition of justice for the claimants, but there also has to be balance of reasonableness in terms of the claims against the taxpayer and the public purse. We have taken action; we believe it is appropriate action, that meets those 2 different matters as they come together.

### **3.5.3 The Deputy of St. Peter:**

For those that remember the law, it was a 3-party discussion with discount rates, periodic payment orders and split over life expectancy. Can I ask the Chief Minister if any information has come to his door to suggest that those need to be reviewed in the near term?

#### **Senator J.A.N. Le Fondré:**

The short answer is no. I am slightly nervous when I answer this one, because I wonder what the Deputy of St. Peter knows that I do not, which could be lots, particularly around St. Peter. But obviously the Deputy is aware that the Legislation Advisory Panel, on which he partially sits, are keeping a watching mandate on this area and, therefore, the Chair certainly will be no doubt raising the matter with me as and when matters arise under the watching brief. But I reiterate, from my perspective, this is a good news matter. I thank the Deputy for his question and I hope Members are on form that the Damages Law was an important piece of legislation to put in place, has had direct

consequences, I believe beneficial, bearing in mind the response I gave to Deputy Higgins about competing tensions, is the word I was looking for; I think it has been a good piece of legislation this Assembly has put in place.

**The Bailiff:**

Very well, Deputy Le Hegarat being absent, the next question falls away.

**N.B. Although Deputy M.R. Le Hegarat was not present to ask her question, the Minister for Health and Social Services has provided below the response that he would have given:**

Following the response to Written Question 256/2019, will the Minister advise whether Continuous Glucose Monitoring for children continues to be funded by Diabetes Jersey and not Health and Community Services; and if that is the case, whether the department intends to assume responsibility for the funding and, if so, when?

**Answer**

At present, Diabetes Jersey funds Free Style Libre Flash Glucose monitoring devices for children.

As part of a new service to be rolled out from 20th November, the Diabetes Service at Overdale will identify people eligible for support with Flash Glucose Monitoring Sensors. The guidelines for eligibility will be the same as those applied in the United Kingdom (based on N.I.C.E. - National Institute for Health and Clinical Excellence - guidelines).

From November it is planned that the charity will then fund Dexcom continuous glucose monitoring for children until a business case is approved for HCS funding. Dexcom provides alarms to the patient when their glucose is low or falling quickly.

The Health and Community Services (HCS) Department, working with other stakeholders, is currently developing an Island-wide strategy for the diabetes service in Jersey. This strategy aims to set out a business case for investment in the service that improves the lives for all those with diabetes, including better access to relevant devices/consumables.

**3.6 Deputy K.G. Pamplin of St. Saviour of the Minister for Infrastructure regarding the work to be undertaken on Clinique Pinel: (OQ.254/2019)**

Further to responses given by the Minister for Health and Social Services at the Assembly's last meeting about the work to be undertaken on Clinique Pinel, will the Minister advise what he will do, if anything, to ensure that the plans for this work are administered and progressed without delay?

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

This is a complex project, bringing together 3 separate projects. The Deputy will be pleased to hear that work on site has started for the first of these projects with some essential upgrade and refurbishment that is required to Orchard House. This should be complete by the end of the year. The second and third projects relate to the works required to physically relocate the acute mental health facility at Orchard House to fit-for-purpose facilities at Clinique Pinel. To do this and to provide enough bed spaces in Clinique Pinel requires some existing patients to be relocated to Rosewood House. Accordingly, both Clinique Pinel and Rosewood House require some internal alterations and extension work to make them fit for purpose. The project has evolved from changing requirements and has over doubled in size. But scope has been finalised and agreed and it should be possible to submit planning applications for both projects next week. I will be liaising with officers on a regular basis to monitor this project's progress.

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

I thank the Minister for his answers, there are some good and not so good, if I am being honest, but there are frustrations growing and I am quoting Hansard from the Minister for Health and Social Services last week: “I do not want this just to be a normal flow of letting a tender, then you create a tender document, then you have a meeting to decide who should be awarded the tender, and we have to wait for the contractor to start.” You say next week. What more can be done to urgently move this? This is a matter of urgency.

**Deputy K.C. Lewis:**

The original timeframe to complete the entire relocation of Orchard House to Clinique Pinel was by the end of next year. However, the scope of this project has grown considerably since the completion of the original feasibility study in 2017. Indeed, the current plans were only formally signed off last month. To provide the desired 21 *en suite* anti-ligature bedrooms within Clinique Pinel, all to be located on the ground floor level, requires Beech Ward to be relocated to Rosewood House. This action now requires Rosewood House to be extended and altered to accommodate these additional patients. There was a late addition to the scope of work in July 2019 to include a place of safety within Clinique Pinel. This has now been included.

**3.7 Deputy R.J. Ward of the Minister for Infrastructure regarding the difference in pricing between monthly and yearly bus passes: (OQ.257/2019)**

Why is there effectively an extra charge for paying for a monthly bus pass, costing £50, compared to paying for a yearly pass over 12 months, which equates to £41.25 per month, the difference adding up to an extra £105 each year?

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

It is common commercial practice to reward mass purchase. Consider the buy one get one free offers in supermarkets. The monthly travel pass provides significant savings over paying for individual journeys. It does not carry an extra charge. Instead, it is the annual pass that offers a further discount for buying in bulk. The Deputy is correct in that one monthly AvanchiCard unlimited bus pass costs £50. However, this price includes an initial set up charge for the first issue of the travel pass itself. Topping it up for subsequent months is, in fact, only £46 per month. Therefore, if one were to purchase 12 consecutive months in this way, the cost would be £556 against £495 for the annual pass. This is a difference of £61, rather than the £105. Additionally, monthly pass holders benefit from flexibility of being able to delay a renewal while on holiday, which the annual pass holders are unable to do. Potentially, this could reduce the difference to as little as £15 a year. Buying monthly travel passes works out at £1.54 per day for unlimited travel, instead of £1.37 per day for the annual pass. This represents excellent value. The purpose of LibertyBus’s pricing strategy is to encourage uptake, which has demonstrably been successful, with 37 per cent growth in passenger journeys since the start of the contract.

**3.7.1 Deputy R.J. Ward:**

Is there not a principle behind this of making as best available as possible, so if somebody signs up a direct debit for 12 months they should be able to pay it monthly, rather than being surcharged, which is effectively around 15 per cent, because they cannot afford to pay in one go? It does not promote bus travel as much as it should. It is something that could easily be taken on board.

**Deputy K.C. Lewis:**

Yes, the fundamental principle of the contract is LibertyBus is free to use its commercial acumen in pricing to encourage uptake. It has been extremely successful in this, with bus ridership having grown 32 per cent between the start of the contract in 2013 and the end of 2018. This figure is projected to be 37 per cent by the end of 2019. We know of no public transport operator in the world

that does not incentivise their long-term season tickets in this way and would point out that both the monthly and annual passes are cheaper now than before LibertyBus began operations in 2013.

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

Again, it might be that LibertyBus is a commercial operator, but they are not entirely like any other business, because they operate a service on behalf of the Government. This Government, in particular, has decided that it has a duty to those in the lower economic quartiles, who do not have the disposable income to benefit from the capital sums that are needed to get what is effectively a discount on their travel arrangements. If Oyster can do it in London - which is an area that the Minister likes to look towards in comparing Jersey's future bus travel - then why can we not have a system where the LibertyBus card caps the amount that you use, so once you have spent up until what it costs for a monthly bus usage, you will not be charged any more and surely the incentive still remains. That is equitable and it is also a way of encouraging more people on to the buses. Is that something that the Minister would look to pursue?

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

Under the 2013 bus operating contract, the fare policy is not that of the Minister. Bus fares ceased to be a States charge at the expiry of the 2002 bus contract. The Minister does not have legal powers to impose a fare structure. But the bus companies are encouraged to incentivise people to make savings wherever possible and I do not necessarily look at London, I tend to look at the whole world.

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

Does the Minister for Transport effectively, the D.f.I. (Department for Infrastructure), have any progressive views when it comes to sustainable transport in Jersey at all, or should we just take his portfolio away and give it to the Minister for the Environment, who clearly is much more on the page on this issue?

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

I have never heard so much nonsense in my life. **[Approbation]** This is an independent company and their charging scheme is completely down to them, how they arrange their finances. They are cheaper now than they were in 2013. I do not know what problem the Deputy has with that. Even under the previous 2002 contract, individual on-bus cash fare rises were not constrained by States inflation policy. By using cards, it does speed up loading of the bus, unloading of the bus and all buses are running on time 99 per cent of the time. The LibertyBus does an absolutely excellent job. **[Approbation]**

### **The Bailiff:**

I have Deputy Morel, Deputy Maçon, then final supplementary, Deputy Ward. I also have Senator Ferguson.

[10:30]

Could I ask Members - and it may be that I need to sharpen my view as to where Members are - but if Members could leave their lights on, until I have clearly nodded at them, so they know then that I have noted them for questions.

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

We just heard from Deputy Tadier the inequities of the bus pricing system, but does the Minister for Infrastructure accept that, if LibertyBus is to play a key role in the Sustainable Transport Policy under development, which I am sure it is, then it should not operate pricing structures that penalise some, just because of the way that they intend to travel on a monthly basis, wanting that flexibility to change their method of travel and that, in order to make a successful sustainable transport plan, the Minister



may have to exert some pressure, whether he has legal power, or not, to ensure that an equitable pricing policy is adopted by LibertyBus?

**Deputy K.C. Lewis:**

We are going around in circles here. There is no company in the world that does not incentivise season tickets. Jersey £495, Bournemouth £520, Edinburgh £665, Brighton £635, Isle of Man £800, Isle of Wight £900. LibertyBus is doing an excellent job and is to be commended. [Approbation]

**3.7.5 Senator S.C. Ferguson:**

Would the Minister not agree that a normal commercial transaction would result in a bigger discount for an annual prepayment, which is a much larger contribution to cash flow and that this so-called preferential pricing is just a function of the time-value of money and is a perfectly normal commercial transaction?

**Deputy K.C. Lewis:**

I absolutely agree.

**3.7.6 Deputy J.M. Maçon of St. Saviour:**

As a non-driver and regular bus user, I would echo the Minister's comments about how successful LibertyBus is on the Island. But is the Minister saying, due to the restrictions around the contract's legal agreement that, if Members have any suggestions or changes that LibertyBus should be doing, then the best route would be to take it up with the managing director of LibertyBus itself?

**Deputy K.C. Lewis:**

Indeed and I would be more than happy to forward any suggestions that Members have. But, as I say, LibertyBus is an independent company and they run their affairs as they see best, within reason. Obviously, they do present things to me for approval, but the pricing structure is really down to them and they are doing an excellent job.

**3.7.7 Deputy J.M. Maçon:**

In which case, if Members have a problem with the current contract, how would the Minister suggest that they communicate that information to the Minister, so that when negotiations for the next one come up they can be taken into account?

**Deputy K.C. Lewis:**

Yes, more than happy to drop me a line and during the next contract I will be more than happy to take that up with the panel that will be deciding which is the best bus company. When the contract was signed with the present company, LibertyBus, there were quite a few K.P.I.s (key performance indicators) for efficiencies and they have hit every one of those key point indicators. So, as I say, the LibertyBus is head and shoulders above most of the competition.

**3.7.8 Deputy R.J. Ward:**

Just for your information, the contract is not up until April 2023, a written question that I put in today. Given that LibertyBus is a social enterprise as a company, is the Minister happy that those who are poorest and cannot afford a one-off payment for the year would be charged extra for their monthly pass, does he believe that is the right way to do this?

**Deputy K.C. Lewis:**

No one is being charged extra. There is an extra discount if one buys a yearly pass in advance. Anyone who is a member of any particular football club would know that. But we do have quite a few benefits that are given to the people of Jersey: senior citizens travel passes, 14,688; disabled

persons travel passes, 627; pay-as-you-go passes, 21,081; unlimited travel passes, 7,704; student travel passes, 4,730.

**The Bailiff:**

Minister, we have to move on. That is slightly moving off topic.

**3.8 Deputy J.M. Maçon of the Chief Minister regarding the governance of Andium Homes: (OQ.268/2019)**

Further to his recent statement in response to the resignation of Andium Homes' Finance Director, will the Chief Minister say what improvements in governance and remuneration he has been seeking?

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

Following the leak to the *Jersey Evening Post* of a letter from the Finance Director and Chief Operating Officer of Andium, I did think it was appropriate to issue a statement. That statement made it clear that the ongoing dispute with the Board is in respect of the governance around and levels of remuneration. More specifically, it relates to the high increases in the remuneration of the executive directors since incorporation, which has seen the total pay and bonuses of the C.E.O. (Chief Executive Officer) of Andium grow even more than 75 per cent since 2014 when the company was incorporated. Just to put some flesh on that, between the executives that is a range of £70,000 to £90,000. We are in dispute with the Board, because we do not believe that the level of remuneration and the most recent increase of 26 per cent, with a 10 per cent bonus, are appropriate, or justifiable. Furthermore, neither the considerable increase in pay, nor the payment of a bonus were awarded in accordance with the Memorandum of Understanding between the Company and the Treasury, which required approval in advance of their payment. Just to reiterate, that did not take place. So, action taken by the Government has been firstly to direct the Board to reverse the increases in remuneration and requiring that any payments made under the discretionary bonus scheme be recovered, subject to the outcome of an expert review of remuneration commissioned by the Treasury. In agreeing to the extension of the current Chair's term of office, the Treasury asked that the recommendations of the Board effectiveness review to appoint further independent directors be progressed. This has not occurred. So, while we are improving governance through the current overhaul of the Memorandum of Understanding between the Government and the entities it owns, it is clear we need to develop an overall pay policy for those entities also and we shall be doing that.

**The Bailiff:**

Minister, could I ask you to bring your answer to an end? You are now well over.

**Senator J.A.N. Le Fondré:**

I was monitoring it quite carefully. Can I just finish off by saying the Comptroller and Auditor General will be issuing a report into the remuneration of Boards later this week?

**3.8.1 Deputy J.M. Maçon:**

I thank the Chief Minister for clarifying the process. I wonder, though, whether he would go further about the remuneration and also discuss what the pension package is available, because I believe there was a comparison to the market rate, but I do not think the pension component was mentioned in that when comparing the level of remuneration, which is received, compared to the wider market and would the Chief Minister want that to be included when looking at levels of remuneration?

**Senator J.A.N. Le Fondré:**

I have been seeking some clarification as to the levels of pension and I do stand to be corrected on this, but it is my understanding that because the members of the executive were former civil servants,

they have remained in the public sector pension scheme. What I am unclear on is whether it is under the care scheme, or whether it is under the final salary scheme. I believe it is the latter but I am seeking clarification on that.

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

The remuneration packages were agreed at the Andium Homes Annual General Meeting on 3rd September of last year. The Assistant Minister for Treasury and Resources was unable to attend and sent their Director of Treasury and Investment Management to attend that meeting. The Assistant Minister signed a Ministerial Decision asking that Director to vote in favour of the 5 ordinary resolutions to be put before the meeting. So, Chief Minister, what changed after that Annual General Meeting when those remuneration packages were agreed?

### **Senator J.A.N. Le Fondré:**

My understanding is that approval was not sought in advance. I believe the Assistant Minister did, at one point, reluctantly accept the position, but I believe under advice that has been retracted. What was agreed with the Board was that we would do a comparative review of the salaries, I reiterate, my understanding is that they were not approved in advance with the shareholder and that review has determined that the salaries that were going to be awarded were definitely above where they should have been. I make further points, because there have been suggestions that this is about a climate of fear, this is about knowing what good looks like. This is around the governance arrangements and the fact that the shareholder has to have control over the basic fundamentals of what is happening within the company. That goes to the fundamentals of a bonus being awarded and paid without approval from the shareholder. It is about levels of remuneration that have increased by something like 70 per cent since incorporation. So, this is not to detract from the good work of the employees of Andium, but it is looking at the executive level and saying that has raised eyebrows, but also that the governance arrangements, particularly around the bonus, have not been acceptable. I also reiterate that, in the recent resignation of the Finance Director, it is my understanding that the shareholder was not told even informally for a number of weeks after that took place and formally it was 10 days ago, even though it was in August. This is about governance.

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

I do have a supplementary to that exceedingly long answer. The Ministerial Decision was signed on 22nd August. That is at least a week before the Annual General Meeting of 3rd September. The Assistant Minister clearly had seen the documentation that was going before the Annual General Meeting and would therefore be agreed. Also, and I cannot find it to hand, in an answer to an oral question, the Assistant Minister for Treasury and Resources did tell the Assembly that he had accepted this.

### **Senator J.A.N. Le Fondré:**

I cannot give the exact dates in terms of the week difference on the A.G.M. (Annual General Meeting), but what I have been informed by Treasury is that they were not informed in advance of the awards that were being proposed. What I believe we do need to do is wait for the C. and A.G. report to come out, because I believe that will shed some greater light, but certainly if we look at the levels of remuneration they are definitely excessive, even relative to the market comparison that was done. If one then ties in to the fact that the bonus that was awarded and paid, it categorically did not receive the approval of the shareholder. On a number of these occasions, information was only received by receipt of the accounts. So, this is around the governance issues and I would very much reiterate it is about knowing what good looks like. But, in terms of the individual actions of the Assistant Minister, I believe he has taken advice at each stage but, obviously, where we are at this stage is around the overall governance and the levels of remuneration that have been taking place in that Company.

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

I applaud the Chief Minister for wanting to ensure that Jersey's largest housing provider operates with excellent governance. But in terms of wanting to know and wanting to ensure that we know what good looks like, would the Chief Minister accept that a Board member of one housing trust should not, therefore, take part in any way in determining the makeup of the Board of another housing trust? In terms of purely as far as probity is concerned and good governance is concerned, can we have assurances that the Chief Minister has played no role in determining the makeup of the Board of Andium Housing?

### **Senator J.A.N. Le Fondré:**

The Deputy is conflating 2 roles. I act in an honorary capacity, which is declared openly. What has become clear, under an arm's-length organisation that the States owns, is that there are issues of governance surrounding that. There is no conflict between the roles and to suggest there is any conflict, or deliberate intent, around there would not be appropriate. I have not treated this in any way different. This is around the issues of remuneration that have been raised at an arm's-length organisation. If it had been a different entity, with the same issues, we would have done the same thing.

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

It is the Chief Minister's own words, it is about perception and it is about the public understanding the perception. I am not suggesting that the Chief Minister has done anything wrong, or without any ill motives, but in terms of what good looks like it would be appropriate, does the Chief Minister not agree, that he takes no part in determining the makeup of the Board of Andium Homes?

[10:45]

### **Senator J.A.N. Le Fondré:**

The ultimate decisions that take place are done through Treasury, but also under the proposals going forward there is going to be greater involvement with the Minister for Children and Housing, as well. So, there is no single decision point here by any single individual, so I hope that mitigates the checks and balances required. But there have been no conflicts at all, in my view. But I go back to the point, let us not belittle the situation, so payments being made that were not approved by their shareholder is not acceptable, period.

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

I do not know if I have misunderstood, but I thought I heard the Minister, he said on the one hand that the decision did not receive the approval of the shareholder, but before that he said that the shareholder representative was at the meeting when this decision was made and that the shareholder representative voted for it. Is that the case and how do those 2 statements marry up?

### **Senator J.A.N. Le Fondré:**

Senator Moore said that and what I have said is that I will just identify the issues around the dates but what I have been informed is that Treasury were not made aware, in advance, of the salary increases.

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

The question is not about whether, or not, they were made aware in advance, the question is whether the shareholder representative was at that meeting and voted for it. I suppose the second question is: even if it did not have the approval and that is a hypothetical question so I will not ask that, but the point remains was it the case that the shareholder representative, i.e. one Minister for Treasury and Resources, was at the meeting and signed off, effectively voted for, the decision to allow these individuals to be paid significantly more?

**Senator J.A.N. Le Fondré:**

I need to wait until the C. and A.G. report is issued, because then that will put some dates and context into play. I do not want to comment on that; it is literally in on Thursday, I believe. My understanding is that there is a time sequence in there, which will clarify some matters and the understanding is that I know at one point the Assistant Minister reluctantly accepted. I do not know on the voting position but I do know advice was subsequently taken about possibly rescinding that decision and that directions were given to the Board. What I will say is that it was around the point as to the clarity as to what those pay rises were and how expressions were made in those ordinary resolutions for the A.G.M.

**Deputy M. Tadier:**

I want to ask a point of order, but I am not sure if it is, but the Chief Minister is very aware of the Code of Conduct for Members and Ministers, which says that Members should be open and honest and transparent at all times as far as possible. It is not satisfactory for the Minister to say that he is going to wait for a report to come out if he has salient information, which he knows, to a very straightforward question that has been asked in this Assembly. So, I do not know if you can direct on that.

**The Bailiff:**

No, I do not think I can give a direction on that in particular. If the Chief Minister answers the question by saying he will wait until the report comes out and then matters can be dealt with, the consequences for anyone who answers in that way can be political, but they are not for a ruling from the Chair. In any event, I am afraid we must move on, so Deputy Southern. I will just remind Members, of course, the Chief Minister is answering questions in questions without notice, so there will be opportunities to ask him anything that is necessary. But if we are going to get through these questions we have to move on, so Deputy Southern.

**3.8.8 Deputy G.P. Southern:**

Briefly, is the Chief Minister not dancing on a pin here when he relies on the difference between “reluctantly accepted” and “reluctantly voted for” this particular rise; a vote by the representative of the shareholder?

**Senator J.A.N. Le Fondré:**

I am trying not to. The difficulty I have is that the report, I think, is landing on Members’ desks, or landing on people’s desks, in the next day or so that is under embargo and that is my difficulty; I am trying not to breach the embargo. But that is my understanding in terms of the position of what occurred in Treasury. As I say, my understanding is that advice was subsequently taken and that advice took into account the various measures and allowed the decision then to be rescinded.

**3.8.9 Deputy J.M. Maçon:**

Notwithstanding the Chief Minister’s anticipation of the Comptroller and Auditor General’s report, is the Chief Minister able to give a timeline on how quickly he would like to see any governance changes implemented?

**Senator J.A.N. Le Fondré:**

Yes, as we have indicated, the present Chair’s term of office was extended to 31st October and we are putting measures in place to appoint an individual on a fixed-term contract while we then appoint a permanent Chair subsequently. The role of that individual will be to look at directly governance arrangements and we have had that discussion with the Vice-Chair of the Board yesterday.

**3.9 Connétable K. Shenton-Stone of St. Martin of the Minister for External Relations regarding the establishment of a specialist border inspection post in Normandy post-Brexit: (OQ.252/2019)**

Will the Minister outline the estimated proportion of the total cost of a specialist border inspection post in Normandy, post-Brexit, which the Government of Jersey has promised to cover?

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

I attended a political summit with Normandy on 4th October of this year, a number of issues were discussed and high on the agenda was fisheries, particularly the arrangements for Brexit. At that summit it was agreed that both the Jersey and Normandy authorities would work together to ensure Jersey fishermen could continue to land fish in France and, therefore, access the French market. The Norman authorities said that they are ready to facilitate access to Granville and set up a sanitary check station to allow Jersey fishermen to land their catch. Costs at this stage are uncertain, but an initial estimate from the President of La Manche was €40,000. I said Jersey would be willing to make a contribution to these costs and Jersey officials continue to work alongside their Normandy counterparts on these issues.

**The Connétable of St. Martin:**

I do not have a supplementary. I just feel that is probably money well spent.

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

Could the Minister outline whether this has received the approbation of Paris?

**Senator I.J. Gorst:**

That is a very good question. I suspect that Ministers in Paris may be more supportive than counterparts in a different capital in a European country. We know that fisheries is an E.U. (European Union) competency and therein lays the dilemma and the issues that we are trying to address and navigate on behalf of all Jersey fishermen.

**The Bailiff:**

I assume you do not want a final supplementary, Connétable of St. Martin?

**3.10 Deputy K.F. Morel of the Minister for Social Security regarding the consideration given to the implications of reducing the level of working age contributory benefits: (OQ.259/2019)**

As 61 per cent of respondents to the Living Today Thinking Ahead survey said they would accept reductions in other working age contributory benefits, in order to pay for any increase to parental benefits, did the Minister consider implementing such reductions when deciding on the method of paying for the transformation of maternity allowance into parental allowance; and, if so, how much did she conclude could be raised for the parental allowance?

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

The Deputy is referring to a public consultation survey undertaken in 2017 on possible changes to parental benefits. Roughly half of the survey respondents agreed that parental benefits should be provided for more than 18 weeks. Then there was the question of how to pay for them, 61 per cent suggested reducing other benefits, so that left 39 per cent who chose the alternative option of paying more contributions. This went on to a further focus group and none of the group could decide on which benefits should be reduced. So, the second part of the Deputy's question is what did the Minister consider she could do with this money, if raised? There is no money, because there was no

decision, it was a choice of pay more, or reduce benefits and, again, the group could not decide on which benefits to reduce.

**3.10.1 Deputy K.F. Morel:**

I am genuinely astounded to hear that the Minister has not confirmed that she considered this, she left it to a focus group to consider this, thus outsourcing decision making to unknown people, who cannot be held to account. I was wondering, would the Minister answer my question as to how much she believes could have been raised had she looked into the idea of reducing benefits, rather than forcing Islanders to pay more in terms of costs.

**Deputy J.A. Martin:**

I am really not in the head mind to answer hypotheticals. The Deputy asked me a question about a survey that the public were consulted on. The public could not decide. Is the Deputy asking me to which benefits I want to cut? I could probably reduce benefits overnight, halve them; do you think that the public would stand for that? Is the Deputy looking for that? I have no money. I am trying to make parental benefits for 32 weeks and I have a plan. If the Deputy has a better one, I look forward to hearing it.

**3.10.2 Deputy G.P. Southern:**

Can the Minister confirm that over 90 per cent of the payments of benefits in her Department go to pensions? I suggest that would not be a politic, or appropriate, decision to cut pension benefits at this stage.

**Deputy J.A. Martin:**

Yes, I can absolutely confirm this. The question on the survey was: "Would you want to pay more contributions to provide longer parental benefits, or reduce benefits?" Further discussion said: "Do not reduce benefits." Deputy Southern is absolutely right. Which benefits do you want me to cut?

**3.10.3 Deputy K.F. Morel:**

It does astound me that by asking a question, the Minister decides that I have decided myself that this is the way forward. I am trying to understand the Minister's own decision making, which she appears to have outsourced to other people. Could the Minister please tell us that, given that she has chosen not to reduce any working-age contributory benefits, I was wondering how many individuals and how many employees will the rate rise affect that she is bringing through the Government Plan, so the 0.5 per cent that she is putting on Social Security contributions? Could she explain how many individuals and how many employees will be affected by that?

**Deputy J.A. Martin:**

The Deputy has now rewritten the consultation and the survey; he is saying that the benefits they wanted were only working-age benefits to be reduced. That was not the question. I have told the Deputy the answer to the question. The Deputy obviously is trying to find some money. He may not like the proposals I have put forward in the Government Plan and this was a public consultation. I thought this Deputy was forward thinking and wanted public consultation. Unfortunately, as the way with surveys, sometimes you ask 2 questions, you get an answer, then you ask a third and ask how you would do it and then nobody could decide. So, what should the Minister then do? Make the decision that would not fly in this Assembly? Benefits are across the board and the Deputy says I am not answering his question. His question went way beyond the survey called Living Today Thinking Ahead. But if he wants to reiterate the last bit I will try to answer it.

**Deputy K.F. Morel:**

The question was how many people and how many employees will the rate rise affect?

**Deputy J.A. Martin:**

Again, there is information, I think I have that information, and I can find that out. I do not have that figure today. There is a graph in the Government Plan and I think Deputy Southern is asking questions on it. But I will find that out for the Deputy and circulate it.

**3.11 Deputy R.J. Ward of the Chairman of the States Employment Board regarding the Joint Council Framework Agreement: (OQ.258/2019)**

Is the States Employment Board still honouring the Joint Council Framework Agreement that was signed in December 2014; and if not, when was the decision taken not to do so and what assessment has been made of the consequences?

**Senator J.A.N. Le Fondré**

The Connétable of St. Ouen.

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

I thank the Deputy for the question. S.E.B. is keen to ensure that all unions have full access to appropriate consultation and negotiation machinery, so they can represent their members fully and adequately. Civil Service Staff side have written to the States Employment Board regarding the pilot Joint Council Framework Agreement. It is likely, therefore, that the S.E.B. will authorise a review of the current arrangements, not least because the Joint Council has not met since June 2017. The rejection of the workforce modernisation in March 2018 took away much of its relevance. Pending this review, a full range of meetings continues across all matters of importance to S.E.B. and the unions, including on pay and other terms and conditions, roll-out of the target operating model and on individual case work.

**3.11.1 Deputy R.J. Ward:**

Sorry, perhaps I need to ask the question again. Is the Joint Council Framework Agreement still being honoured or not? It is a simple yes, or no. That was the question.

**The Bailiff:**

I understand, Deputy. That was the thrust of the question.

**The Connétable of St. Ouen:**

The answer is the Joint Council Framework was never signed and as far as we can see was not approved by S.E.B., which is why we have engaged in discussions with the unions to make sure that it is either replaced, or we go back to using it.

[11:00]

**Deputy R.J. Ward:**

Sorry, it is not often that I am speechless, but I am at this moment.

**The Bailiff:**

Deputy, firstly I will see if anyone else wishes to ask questions, then you have your final supplementary.

**3.11.2 Deputy G.P. Southern:**

The *rapporteur* reports the failure of workforce modernisation. Is it not the case that workforce modernisation is being carried out despite an absence of agreement with the employees under the guise of the T.O.M.s arrangements? That is the case, is it not?



**The Connétable of St. Ouen:**

That is not the case. Workforce modernisation was rejected by the unions. The unions have been consulted about the T.O.M.s and our approving each one as we go through them.

**3.11.3 Deputy G.P. Southern:**

Could the Minister please answer the question? Is it not the case that workforce modernisation, a lot of the changes that were involved in workforce modernisation under that title now appear under the title of Target Operating Model are exactly the same? Have they not been transferred from one to the other?

**The Connétable of St. Ouen:**

Yes, that is the case. I agree with that.

**3.11.4 Deputy M. Tadier:**

Would the Assistant Minister be able to circulate the apparently unsigned document to Members in its original state, a copy of it and would he also clarify that, irrespective of whether or not it was, or was not, signed, the framework agreement effectively remained in place as a policy decision?

**The Connétable of St. Ouen:**

In response to the first part of the question, I will have to take advice on that point, but if it is possible to circulate it I will. The answer to the second part of that question is, yes, it is in place and we are doing our best to adhere to it. On a wider perspective, the S.E.B. are concerned about relationships with the unions and part of our objectives going forward is that we wish to sit down with them and improve our negotiation stance with both parties.

**3.11.5 Deputy M. Tadier:**

It seems strange that the Minister is saying that they make agreements with other bodies, do not bother signing the contract, then tell the public and us later on that document has not been signed, but then act as if that contract has legal enforcement. Is this the way that this Government conducts business? I appreciate it was not necessarily the current individual who was in post at the time, but it raises a whole load of other questions about governance and can we still have confidence in the S.E.B. that these kind of ways of doing things are no longer in play?

**The Connétable of St. Ouen:**

It is my understanding that the Joint Framework Agreement was a joint negotiating framework, which was specifically designed to work with workforce modernisation and since that was rejected by the unions we have not had any requests until this recent one for further meetings under that. It is not our intention to renege on any agreement with the unions. This one has just simply fallen into disuse, because it was no longer relevant to the situation that we have at the moment. We have always responded to unions' requests for meetings and we will always continue to do so.

**3.11.6 Senator K.L. Moore:**

Will the Vice-Chair watch the Scrutiny hearing from Friday of last week with the union representatives in which they expressed a desire to conduct a Joint Council meeting with the S.E.B. and, therefore, will the Vice-Chair commit to inviting and setting up a meeting of the Joint Council?

**The Connétable of St. Ouen:**

Yes, I thank the Senator for her question. I did watch that and, yes, I have to say it raised a number of concerns in my mind, many of which we will be discussing with my colleagues in S.E.B. Yes, I will commit to having a meeting with the unions to discuss this situation. Indeed, I thought I had said that when we started; we intend to sit down with the unions and discuss reviving the Joint

Council Framework Agreement if it is appropriate to the negotiations going forward, but only if it is appropriate.

**3.11.7 Deputy R.J. Ward:**

As ever, we in Reform Jersey are always here to help and I offer the Minister, because I have the Joint Framework Agreement in front of me and I can send him a PDF. It was effective from 1st July 2018 and if I quote would he agree that where it states: “Unless specified otherwise, the Joint Agreement Framework supersedes all previous agreements connected with collective bargaining and consultation between the employer and trade union staff within the States of Jersey.” So, therefore, it is in place. Can he confirm that it is there and can I ask when the next meeting will be?

**The Connétable of St. Ouen:**

I have to accept the Deputy’s word for this. As I said, we are arranging a meeting with the union in response to the letter from the civil service side to discuss whether a meeting is appropriate. If they feel it is appropriate we will have a meeting.

**3.12 Deputy M.R. Higgins of the Minister for Home Affairs regarding the manner in which the States of Jersey Police dealt with cases in which people were unable to secure help from mental health professionals and who therefore contacted the Police: (OQ.264/2019)**

How does the States of Jersey Police deal with cases in which people, who are unable to secure help from mental health professionals to respond to a family emergency, are instead required to involve the police, by making allegations, in order to ensure that the family member who is mentally unwell is taken into custody to receive the care they need?

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

Demand for mental health services across the Island continues to grow. The Government is responding to this growth in demand by increasing investment into mental health services. The police and wider criminal justice system increasingly find themselves dealing with mental health cases that transcend both health and criminal justice. These can be particularly challenging and complex cases with many facets. The States of Jersey Police work closely with a range of partners through a range of forums when dealing with apparent mental health incidents, to ensure the most appropriate response for the individual, the family and the wider community.

**3.12.1 Deputy M.R. Higgins:**

Obviously my question was asking how they deal with it. We have families who are being asked by the police, when they contact the police, are being told: “There is nothing we can do, unless you make an allegation against the individual.” People have been making allegations simply to get mental health professionals involved through the police. What is the attitude of the police with regard to these allegations, which are not accurate, but are being made simply to get medical assistance?

**The Connétable of St. Clement:**

Any allegation of a criminal offence will be dealt with depending on its own circumstances. There is no policy of dealing with criminal offences. If there is a criminal offence reported to the police, the police will investigate it and deal with it appropriately.

**3.12.2 Deputy J.H. Perchard:**

Can the Minister confirm whether members of the police force are given any training in the identification of mental health issues and any support when having to handle individuals, who are clearly suffering from a mental ill health episode?

**The Connétable of St. Clement:**

Yes, significant training in all these areas is provided to the States of Jersey Police. In fact, the States of Jersey Police, as far as mental health is concerned, has sadly become the service of, not only last resort, but the service of first resort, and that is why - I see the Minister for Health and Social Services - the Government is investing significant sums into mental health facilities, so that everybody can access the services that they need and not simply use the expedience of the States of Jersey Police.

**3.12.3 Deputy M.R. Higgins:**

This is obviously a situation, which is not one the police want, I accept that, but we have a situation where families are withdrawing the complaints after the person has been detained and are getting medical attention and yet the police, or the prosecution service, are pursuing them and yet there is not a genuine complaint. I wonder whether we are serving our community well by forcing trials, for a start having trials on matters where people are not going to give evidence against the person; they were seeking help. Does the Minister think it is satisfactory that people have to go through this and they have to go through the court process, just to deal with mental health problems?

**The Connétable of St. Clement:**

If that were the case, of course it would not be acceptable. But the reality is that the police have to, if the police have a complaint of a criminal allegation, they have a duty to investigate it and they investigate all complaints of criminal activity fairly, properly and without fear, or favour.

**3.13 Deputy J.H. Perchard of the Chief Minister regarding the policy of the Government of Jersey in relation to population growth: (OQ.251/2019)**

To what maximum size is the Government of Jersey willing to let the population grow, irrespective of the means of growth?

**Senator J.A.N. Le Fondré:**

The Connétable of St. John is taking this question.

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

I thank the Deputy for the question. The Migration Policy Development Board is working hard on developing its recommendations for new migration controls and I am well aware of the complex issues surrounding this question. Population growth has been associated with strong economic and increased prosperity over the last 75 years. At the same time, the negative pressures on the environment and our natural resources have also increased. My Board has been charged with reporting back to the Chief Minister on ways to improve migration controls and we are on track to do that by the end of this year. The Board has approved an interim report on its work and this is being published later this week. Ultimately, this question will be answered by this States Assembly, because the whole debate has to be agreed by this Assembly on the level of migration.

**3.13.1 Deputy J.H. Perchard:**

Assumedly, when in a position of leadership, one is led by a clear vision and the policy underpinning that vision is what comes second to developing that view. Is it the case that the Migration Policy Development Board has a clear vision for the population size and the future population size of Jersey, or is the process it is undergoing a reactive process and therefore not being led by a clear vision of what it aspires to in terms of population size?

**The Connétable of St. John:**

A clear vision is acquired by research and knowing the facts. We are, therefore, researching it so that we are fully knowledgeable of the facts and then, hopefully, we will have a clear vision. The duty of

my Board is to report to the Chief Minister. The Chief Minister will then decide on how to react and will bring his proposals to this Assembly for this Assembly to decide.

**3.13.2 Deputy M.R. Higgins:**

I have a number of questions all related to the same thing. I am not sure what the Constable's title is, anyway the point is that when did they start the work on population, when are they planning on reporting back to the Chief Minister and coming to the States on it? Because, while they are delaying, and we know the issues, they have been around for a long time, the population is increasing month by month, year by year and I just feel that the Minister, or Ministers, are delaying this matter because they know it is not going to be palatable, it is going to be a major debate and we need to get answers shortly, before the population rises too much, before we finalise the Government Plan.

**The Connétable of St. John:**

I understand the Deputy's frustration. We are not going to make kneejerk reactions, because that is the worst policy of all. We are looking into the problem of migration in as greater depth as necessary, so that we can come forward with a clear vision that is beneficial to the whole Island. It will be a decision of this Assembly as to how we go forward.

**Deputy M.R. Higgins:**

I asked when they started their deliberations and when they expect to finish.

**The Connétable of St. John:**

Sorry, all that information is online. I believe our first meeting was in April of this year.

**3.13.3 Deputy M. Tadier:**

Does the Assistant Chief Minister believe that, while it is important to talk about numbers, it is better to have 130,000 inhabitants all living sustainably, rather than the current population of, let us say, 110,000 maybe not living so sustainably?

**The Connétable of St. John:**

The Deputy is trying to put words in my mouth, but I know what he is saying. It is important that whatever population we have is sustainable one way, or another. At the moment we have a very vibrant economy and there is an enormous demand for additional jobs.

[11:15]

But we have to counter that with the environment and the other aspects of the Island, so that we are - and I do not like overusing the word - but we are sustainable.

**3.13.4 Deputy M. Tadier:**

With that in mind, does he also believe that the Island Plan will be critical in making sure that, whatever population we have in Jersey, we will adequately house and that the infrastructure is there; that green spaces are preserved, but also that housing is shared equitably throughout the Island if we are to see the population increasing?

**The Connétable of St. John:**

The Island Plan is integral to whatever results this Assembly agrees on for migration and, therefore, it is very important. Housing whoever comes to live on the Island into our future is a primary concern and that is something that will have to be addressed by the Island Plan. But what is important is that we have a clear pathway, so we know what the demand is and that demand can be met.

**3.13.5 Deputy G.P. Southern:**

To what extent are his Board's recommendations dependent upon extremely thin data now on estimates of population and to what extent will his Board's findings be on processing a new census to get accurate figures of where we are?

**The Connétable of St. John:**

We are very fortunate on this Island in that, when we carry out a census, it is highly accurate. We are also very fortunate in that we have many ways of measuring how many people subsequently are on this Island and having a census every 10 years is sufficient. We are not going to be wildly out. We may be 200 or 300 out, or possibly even 500; I would not know, I am purely guessing. But we do have figures that are sufficiently accurate to base policies going forward.

**3.13.6 Deputy G.P. Southern:**

When the Assistant Minister uses the words "sufficiently accurate" what advice has he taken from the Stats Department on the accuracy of those figures, which are now a long way out of date?

**The Connétable of St. John:**

Figures that are a long way out of date does not mean that they are inaccurate. The Statistics Unit have addressed our Board. They have given us the methodology behind working out what population figures are using a number - not just one, but a number - of areas that feed into their data. I was highly impressed myself personally and I think the rest of the Board were, so that is why I am confident that the figures they give us are accurate.

**Deputy G.P. Southern:**

Will those figures be available in the interim report shortly?

**The Connétable of St. John:**

I am not sure. There are a lot of figures in the report, but whether those actual figures are in the report ... but the population figures are certainly in there.

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

I do look forward to the interim report coming forward and plainly you have been considering in depth, which is important as well to look at the implications for business in the Island going forward. I think my main concern is currently we have a system and there is a degree of control inasmuch as we have 5,000 people working through the system with a registered scheme and then going on to live permanently in the Island after 10 years. But is it not important to take total control of the situation to stop this conveyer belt and then start choosing the type of trades and people that we want to come into the Island? Does the Constable agree?

**The Connétable of St. John:**

I entirely agree with that. It is not a matter so much of numbers and figures, it is a matter of having the right controls and the right levers to ensure that the population is sufficiently employed in the right areas and that we do not create inflation and create other unexpected consequences. But it is important that we have control and that is what we do not have at the moment.

**3.13.8 Deputy J.H. Perchard:**

I am not really sure how long a problem has to be discussed before a policy is no longer deemed a kneejerk reaction. Is it the Government's view that the population should be allowed to grow infinitely? If not, could the Assistant Minister please answer the question originally posed?

**The Connétable of St. John:**

I think we all agree in this Assembly and I think many people outside the Assembly, we do not want to be like Hong Kong. But, to put a figure on something when we have not finished our research is

something I cannot do and, besides, whatever that figure might be would be agreed by this Assembly and I cannot prejudge the decisions of this Assembly.

**Deputy J.H. Perchard:**

I am sorry, Sir, can I clarify? Was that a no, the Government is not in favour of infinite population growth?

**The Connétable of St. John:**

I am not in favour of infinite growth. I cannot answer for others.

**3.14 Deputy K.G. Pamplin of the Dean of Jersey regarding his interaction with the States of Jersey in respect of the Safeguarding and Clergy Discipline Measure 2016: (OQ.255/2019)**

Further to his response to Written Question 437/2019, will the Dean explain what interaction, if any, he will seek with the States of Jersey to ensure that the Safeguarding and Clergy Discipline Measure 2016 is extended to Jersey as soon as practical?

**The Very Reverend M.R. Keirle, B.A., Dean of Jersey:**

I thank the Deputy for his question. The Safeguarding and Clergy Discipline Measure 2016 provides provisions for safeguarding children and vulnerable adults. It also makes some quite technical changes to the arrangement for clergy disciplinary proceedings and disqualification and suspension of lay church officers, all in relation to safeguarding. As far as the safeguarding provisions are concerned, we take safeguarding very seriously and the Deanery has already put in place robust procedures and good practice guidelines to ensure that children and vulnerable adults are as safe as possible in their dealings with the churches in this Island. Legislative arrangements, equivalent to those in the 2016 measure, will be included in the revised canons of the Church of England in Jersey, which will be placed before the States in due course where Members will be asked to approve an Order in Council applying those canons to Jersey, as I have stated in my written answer.

**3.14.1 Deputy K.G. Pamplin:**

I thank the Dean for answering the question, which is a very rare appearance, but very important on this matter. The subject of safeguarding to me is a very important one. Given his time since his arrival on the Island, can he pinpoint where he has seen such improvements since his arrival on the Island on this very important issue of safeguarding?

**The Bailiff:**

I am sorry, Deputy, the original question dealt with the involvement of the States of Jersey in connection with safeguarding. That is the only basis on which the Dean can be asked questions and, therefore, I am afraid I do not allow it as a question.

**The Dean of Jersey:**

Sir, may I just say, if the Deputy would like to speak to me afterwards I would be delighted to give him an answer which is comprehensive.

**Deputy K.G. Pamplin:**

May I also just quickly thank the Dean on this occasion and yourself, Sir, for allowing this question to be asked in the first place on what is hopefully an enjoyable first day on the job in your new role.

**The Bailiff:**

Thank you very much indeed, Deputy, that is very kind of you.

### **3.15 Deputy G.P. Southern of the Minister for Social Security regarding employer contribution rates: (OQ.266/2019)**

Is it the Minister's assessment that figure 40 of the Government Plan indicates that effective employer contribution rates will remain regressive after the changes proposed in the Plan have been implemented? Will she advise what consideration, if any, was given to introducing proportionate contributions for higher earners?

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

As Members may not have a copy of the Government Plan to hand, I will briefly explain. Figure 40 shows the effective percentage rates of social security employer contributions before and after the proposed increases in employer contributions. In both cases, the effective rate of contribution reduces in respect of earnings above the standard earning limit. Under the current system, the effective rate goes down more quickly and is more regressive. Under the proposed changes, the effective rate goes down more slowly and is less regressive. The final part that was given there was a conversation all around C.O.M. (Council of Ministers) about different ceilings, how to set this, whether or not any of them went as far as the Deputy I think is asking about, proportionate contributions for higher earners, I do not remember that conversation. We did have conversations about where we could push the ceiling. I hope that helps the Deputy.

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

A supplementary, Sir. Is it the Minister's opinion that to have those earning £250,000 a year pay a rate of just over 3 per cent, compared with those on normal wages of under £50,000 paying 6.5 per cent, does she believe that is fair and equitable?

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

Again, I think this is a bigger picture. We do have some very high earners on the Island. We do have some very high taxpayers on the Island. To me, that is more ... the Deputy is right asking, it is his political philosophy to make it proportional tax. As he asks for my opinion, I like things to be as fair as possible, but I am also realistic and I know we have to be very careful. We need to maintain collecting contributions and we need to maintain the higher earners on this Island, so that is my opinion, which the Deputy just asked. It is not all of C.O.M.'s and it is certainly not all of the Assembly's.

#### **The Bailiff:**

I can give you a final supplementary, Deputy, if you want.

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

Does the Minister consider that now, as we engage with the Government Plan to cover the next 4 years, is the right time to be examining social security rates and, if necessary, if required, putting them up in order to meet our demands?

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

Well, I worked very hard on the Government Plan and I have proposals in the Government Plan to put up the rates for employers over the standard earnings limit. So I have looked. There is time and obviously, again, it is the Government Plan and it is up for Amendments. I am sure the Deputy is working very hard - and I would expect no less of him - to bring an Amendment to where he wants the social security contributions to be in the future.

### **3.16 Deputy K.F. Morel of the Minister for Social Security regarding the number of people claiming the state pension: (OQ.260/2019)**

Is there a difference between the number of people who the Minister's Department estimates are eligible to receive the state pension and the number of people who claim it and, if so, what is the difference?

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

Yes, there is a difference. The Customer and Local Services Department maintains the contribution records for all workers who have been employed in Jersey. These include people still living in Jersey and people who have now left. Each year there will be a certain number of ex-Jersey residents who could and do claim a pension from overseas and there are also some who do not. So, the difference is very hard to measure and it can change on a weekly, or monthly, basis, but there is a difference.

**3.16.1 Deputy K.F. Morel:**

I would be grateful if the Minister could, not necessarily today but at some point, provide an estimate of the difference then. Given that there is a difference, how does the Minister take into account this potential liability when assessing the long-term sustainability of the Social Security Fund?

**Deputy J.A. Martin:**

I will try and get those figures the Deputy asked for. Yes, the Government also includes similar scenarios. They look at past records. How many people have done the 54 months? How many people have gone abroad? How many people are not claiming? So, they are taken into consideration, but we do have a liability there. We are now on the worldwide web. We put out all the information. I know many people in this Assembly and I have many friends who have worked in the U.K. (United Kingdom) and they are going to claim their bit, 5 years, 10 years, or whatever they need. We will have a liability. It is taken into consideration and I will try and get the Deputy those exact figures on a different monthly basis, so we can see how much that money is.

**3.16.2 Deputy K.F. Morel:**

I was just wondering, given that there is a difference and given that clearly some people are happy not to receive their pensions, in order to perhaps formalise that arrangement and, therefore, be able to remove some of that liability, has the Minister ever considered offering an opt-out from receiving a state pension for those who perhaps feel that they do not need it, or do not wish to receive it?

[11:30]

**Deputy J.A. Martin:**

This goes to some consideration we are doing. I am on the Migration Policy Development Board and it is about seasonal workers. This is not being ruled out, because we will have a worker who can come here and it is not a set 54 months, as long as they have done their 54 months they then, in latter years, will have a pension claim, but that is all that they have. It rules them out of certain other benefits while on Island. I absolutely agree with the Deputy, this is work we are looking at. We want to encourage short-term workers. We do not want to take money off them that they might not get, with pension rates going up, for another 50 years; so absolutely this is on the table. It is being discussed openly of how we attract ... and we do not have liabilities, but we also do not ask people to pay money that they cannot afford for a short amount of time that they will not get any benefit for.

**3.17 The Connétable of St. Martin of the Minister for Health and Social Services regarding the prospect of reintroducing a hyperbaric chamber in Jersey: (OQ.253/2019)**

Will the Minister advise whether there are any plans to reintroduce funding for a hyperbaric chamber in Jersey, following the closure of Jersey's previous chamber in June 2018 after funding was withdrawn?



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

I can advise the Connétable and Members that there are no current plans to reintroduce funding for a hyperbaric chamber in Jersey.

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

Could the Minister then, please, reassure the Assembly that a lack of a hyperbaric service is not putting lives at risk?

**The Deputy of St. Ouen:**

I am assured that is the case. Services are now provided in Guernsey and there is a protocol agreed between Jersey and Guernsey authorities for the provision of this care.

**3.17.2 Deputy M.R. Higgins:**

Just following on from the Minister's answer, any person who is suffering from the bends, or whatever, in Jersey to get treatment has to be taken to Guernsey and, as time is important, if they are being flown there, there are obviously differences in pressure as the aircraft takes off, flies across to the island and so on. Is he absolutely certain that there is no danger to people in those circumstances by not having a chamber in the Island?

**The Deputy of St. Ouen:**

All these things will have been very carefully measured. There are different windows of time, I am informed, of up to several hours, depending on the severity of the decompression sickness, but this has been worked out with clinicians in both islands and I am advised that the arrangements we have are working well and have worked well since this protocol was agreed with Guernsey.

**3.17.3 Deputy M.R. Higgins:**

Does that mean when someone dies he will then review the system to see if it is working?

**The Deputy of St. Ouen:**

No, it does not mean that.

**3.17.4 Senator S.C. Ferguson:**

Yes, apart from the fact that the plane will have to fly at virtually no height to get across to Guernsey. Does the Minister not realise that the existence of a hyperbaric chamber is a vital part of diving tourism as well as for local sportsmen and women and that the cost of it will pay itself back pretty quickly? Has he really looked at it? Has he looked at it in conjunction with the Minister for Economic Development, Tourism, Sport and Culture?

**The Deputy of St. Ouen:**

I have not looked at it. I have not really looked at it. There is a protocol worked out with Guernsey, that was agreed in the last administration. I commend the Connétable of St. Martin, because she asks me some very interesting questions and this is the first question that has been raised of me about hyperbaric facilities. The Minister for Economic Development, Tourism, Sport and Culture has not raised this with me. If the Senator wished to put a case to me, I would be very willing to meet her and the matter can be reviewed once again.

**3.17.5 Senator S.C. Ferguson:**

Would the Minister like to investigate this and report back to this Assembly?

**The Bailiff:**

I just need to check that we are quorate. I am not sure we are quorate. We are now quorate. **[Interruption] [Laughter]** I think you now make 26, so if you need to pop out, there we are. Thank you very much. I will just double check that. Yes, very well.

**The Deputy of St. Ouen:**

I am not going to give the commitment to officer time that the Senator asks. I am not going to do that off the cuff here, because I am advised by clinicians who care for these patients that the present arrangements work well. Now, if anyone has evidence that they do not and we need to change arrangements, then I will, of course, listen and we can investigate any new circumstances that may have arisen.

**3.17.6 Deputy K.F. Morel:**

As a scuba diver myself, it has always concerned me that the hyperbaric chamber was removed from the Island. I have to say, yes, please do not fly anyone suffering from the bends to Guernsey, because that will kill them; quite simply. Could the Minister please advise the Assembly how much removal of the hyperbaric chamber funding has saved the Government, particularly in light of the fact that it was staffed by volunteers? So, how much has this funding saved for the Island?

**The Deputy of St. Ouen:**

First of all, I do not wish to alarm Islanders. The Deputy has said that flying anyone to Guernsey will kill them. That is not the case. The people, who have needed this treatment, have been flown to Guernsey and have received that treatment there and I do not wish any Member, or members of the public, to be alarmed by that statement. It is the case that when a transfer is made to Guernsey, the aircraft is flown at a very low level, so that there is no pressure, or change in pressure and that is permitted presumably by the airport authorities. That is part of the protocol that is well known and agreed. As to the question of costs, or savings, that was not the question that was asked of me and I do not have that detailed information. I am not immediately sure whether it can be produced in the way the Deputy asked, because this provision was essentially run through a local voluntary group and the Health and Community Services Department made a grant to it. I suppose we could advise the Deputy - sorry, I am thinking this through, because it was not on the question - how much the grant previously was and I will endeavour to circulate that to Members.

**3.17.7 Deputy M. Tadier:**

I am sure the Guernsey Tourist Board is relieved that the headline that flying into Guernsey will kill you is no longer a threat. On the more serious issue, is the Minister also aware that hyperbaric treatment is also used therapeutically for non-divers; for example, people who suffer from multiple sclerosis use it to help with their condition? Does he also agree that they could be affected by this, or similarly, they could be brought in to use this and the value of this service could be extended if the grant were maintained at its current level, or enhanced?

**The Deputy of St. Ouen:**

Yes, I am aware of those therapies being given. This is not something that ever was funded by my Department, because I think it is one of those therapies which is clinically not proven. It seems to benefit some from the accounts those persons give, but equally it does not seem to help other patients. I am not sure whether those therapies are different from hyperbaric provision for divers. I think they may still continue in the Island at some location, because it is a different service, but it is nothing that my Department have previously funded. The funding was solely for the assistance and treatment of divers.

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

I am pleased to say most of my supplementary questions have been answered. It just surprises me that we do not have a hyperbaric chamber over here, considering that we are surrounded by water

and so many people do dive and it is used for other conditions. It also really worries me that what happens if we have very inclement weather, or thick fog? That really is putting somebody's life at risk and I do not think the cost is that huge to maintain it. Anyway, thank you very much.

**The Deputy of St. Ouen:**

I think this Assembly must ask itself whether the Island must provide everything. If there is a means of working with Guernsey to provide a safe, effective, clinical treatment, why would we not do so? We are seeking in all aspects of healthcare and, indeed, throughout the Government to co-ordinate our work with Guernsey and that will mean some services being delivered here safely and not in Guernsey. So, equally, are the Guernsey States concerned that they might not have facilities. Is it not just small minded to say we have to have a facility in each island, rather than being able to pool our resources and work together where it is safe to do so? It is the case that the clinicians involved in this area of treatment can give that assurance that present arrangements are safe and are working effectively.

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

**The Bailiff:**

That brings questions with notice to an end. We now move to question periods without notice. The first Minister to be asked questions is the Minister for Economic Development, Tourism, Sport and Culture.

**4.1 Deputy G.P. Southern:**

Will the Minister inform Members why a productivity support scheme has not been delivered and will not be delivered until 2021 and when such vital matters as the level of the minimum wage are being set without that information on productivity, that help from productivity, that was promised back in 2018?

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

Since the work was promised, there has been an election, a new Government and a complete change in the approach to economic planning. The Corporate Strategic Plan, followed by the Government Plan - hopefully to be debated and approved by this Assembly in due course - has led to a different process being considered for this important work. The new economic framework group or, as it is called now, the Future Economy Group, are treating this as a priority. We still have the important work reports that were completed by Metro Dynamics, so that information is there and it is useful. If I may be permitted just to talk briefly about how we are planning to improve productivity, the 5 key drivers of productivity, as the Deputy probably knows, are investment, infrastructure, innovation, skills and competition. Myself, together with other Ministers, especially the Minister for Education, are working now in these areas to start putting together a programme that will improve productivity. As an aside, the latest figures have shown small increases in productivity and an increase in G.V.A. (gross value added) and economic growth.

**4.1.1 Deputy G.P. Southern:**

Will the Minister tell Members where his productivity plan is and why it will not be implemented until 2021 when it was promised for 2019 and we have had 2 wage rises in terms of minimum wage based on the presence, the delivery, of that plan and it has not been delivered? Can the Minister tell us why?

**Senator L.J. Farnham:**

I refer to my previous answer where I explained in detail what was happening and why the process has changed. We have not said there is going to be a productivity plan in, or by, 2021, it is going to be a rolling process. I think the Deputy is referring to Government Plan funding for productivity, which kicks in in meaningful amounts in 2021. But I will reiterate to the Assembly that improving productivity is at the heart of the economic plan and it is a top priority for me and my colleagues.

#### **4.2 The Deputy of St. Peter:**

The Minister tweeted some weeks ago: “Very much looking forward to be speaking at Cannabis Europa Toronto on 5th November 2019 to share Jersey’s proposition, ambition and progress as a leading jurisdiction.” Perhaps he would like to also share it with us.

[11:45]

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

Sorry, I am not quite sure I understand the question. He wants me to share the speech or ...?

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

Well, not all of it, to share your proposition, ambition and progress as a leading jurisdiction.

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

The decision to look for alternative crops rose out of the production of the rural economy strategy, which, among other things, takes into account the importance of farming on the environment and how we might be more productive and environmentally friendly with the land. The result of that is we have looked at alternative crops, such as tea and cannabis for medicinal purposes. Since then, I am pleased to say that both of those sectors are starting to grow and show signs of success. In relation to medicinal cannabis, I think there is a terrific potential for Jersey to excel in this area if it is an early adapter and early into the market. The purpose of the trip to speak at this global conference is to share the fact that Jersey is being proactive, has issued licences and is working closely with cultivators and manufacturers of that particular crop to get some really fast progress. It is important that we are early adapters because, as time goes by, I see cannabis as becoming another, albeit high-priced, commodity, so we want to be established by the time that happens.

#### **4.2.1 The Deputy of St. Peter:**

If I may, that is worthy and good stuff. However, people listening to this will be crying out to be able to use medicinal cannabis on this Island themselves. How are you going to share this with this particular conference that, as to date, nobody has been prescribed medicinal cannabis in Jersey?

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

These are 2 completely separate issues. One is an economic function and the other one is a medical procedure. The right to prescribe cannabis has been given by this Assembly to G.P.s and I share the views of many other Members that I hope that the medicinal benefits of this product can start to be shared and used by members of our community as soon as possible. Now, the Minister for Health and Social Services is better placed to answer this question than I, but I understand there are issues with the G.P.s’ governing body. I hope they are being ironed out and I hope that as the world embraces medicinal cannabis then that logjam will clear and our citizens will be able to benefit as soon as possible.

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

While I thank the Senator for his helpful answer to my Written Question 17; would he confirm whether any of the 20 European destinations he mentions include any in France during the winter months?

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

If the Constable is relating to his question on air links and how we might introduce them in the future, I would like to say that I would be very keen to see more established air routes with Europe, especially France, on a permanent basis; not charter. We get charters year-round; the vast majority of those in the summer months. If his question is are there any charter flights from France to Jersey in the winter, I am not sure. I would have to check. If there is, it would be very few. But I do support and I would like to see established regular air links with Europe and the Ports of Jersey do offer incentives to establish these. The concern I have is that if they are not viable, or sustainable, there could be an ongoing cost to the taxpayer, should we decide to subsidise them on a long-term basis and I would be cautionary of that move.

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

As a supplementary, would the Minister agree, as he has done, that more needs to be done but there could be more collaboration with Guernsey and their state-owned airline to achieve a regular communication with France?

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

I do, but that is very much easier said than done.

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

Could the Minister please outline his Department's cybersecurity remit within the Government Plan, stating whether it overlaps with the remit granted to the Chief Operating Officer and, if so, how?

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

The Digital Policy Unit has arranged for the National Cybersecurity Centre, the U.K.'s technical authority for cybersecurity, to hold a conference in Jersey on 31st October. The National Cybersecurity Centre will present on the free tools and resources that are available for Jersey Government and businesses to use and enhance their cyber resilience. What was the second part of the question, if I might just ask for clarification?

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

It was: please can you outline your Department's cybersecurity remit within the Government Plan and state whether it overlaps with the remit granted to the Chief Operating Officer and, if so, how? Further, I believe that Senator Pallett, Deputy Wickenden and yourself have been given responsibility for cybersecurity and as this is of such importance to us all, vitally important, please could you make it clear who is responsible for what and if you do not have the information now, could you make it clear to the Assembly, please?

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

I am pleased to say that if the Constable is referring to cybersecurity for protection of the Government, I am pleased to say that is Deputy Wickenden's responsibility.

#### **4.5 Connétable P.B. Le Sueur of Trinity:**

Could I ask the Minister, with his tourism hat on, if he is aware of the rapidly deteriorating state of the Water's Edge Hotel in Bouley Bay? This is a gem on the north coast of our Island and valued by locals and visited by many tourists. It is a real blot on the landscape. I would ask: is there anything that he or his officers can do to encourage the owners of the site to bring forward some progress in redevelopment.

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

I do agree that was a wonderful tourism facility in its day. When I visit Bouley Bay, I often look at that and wish that was utilised for the same purpose again. I am not aware of the owner's current intentions as to what they want to do with the property, although I would imagine this is largely a

planning issue. I would also presume that conversations with Planning as to what the building might be used for are ongoing. I would certainly be very pleased should the owners wish me to talk with them and I would support its continued use for the benefit of tourism in one format, or another.

#### **4.5.1 The Connétable of Trinity:**

I can advise the Minister there is an existing planning consent for it to be converted to holiday apartments and that application is live, because they have commenced with some sundry demolitions, which means, effectively, that the site can now sit there with that existing permission in place. But if the long game is to leave it there until it reaches such a point that everyone is so disgusted with it that, in actual fact, it gets taken out of tourism, I would much rather we faced up to that and moved it forward, rather than let it sit and rot. I just ask the Minister if he could ask his officers to see if there is any mileage there.

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

Yes, absolutely. Ultimately, it is, of course, a matter for the owners, but I agree with the Constable's sentiments and I will speak with my officers and will look to interact with that situation.

#### **4.6 Connétable D.W. Mezbourian of St. Lawrence:**

I understand that the proposed savings plan includes changes to parking charges, presumably increases. I would like the Minister to advise whether he is aware whether those charges would be applied on a Sunday.

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

I am aware that there is a proposal looming to increase charges, but, as I understand it and the Infrastructure ... I am looking across at the Minister for Infrastructure; no, he is shaking his head. I think he is still the Minister. Yes, he is still the Minister. The proposals are not to increase the charge for parking but, perhaps, increase the chargeable hours of parking. I am not aware of any plans to introduce a parking charge on a Sunday at this moment in time.

#### **4.6.1 The Connétable of St. Lawrence:**

The reason I am asking about the Sunday charging, of course, is that if we agree deregulation to Sunday shopping later in the sitting, then it appears to me that if there is no charge for parking on a Sunday, then it is far more equitable for shoppers to shop on a Sunday. I wonder whether any consideration has been given to that by the Minister.

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

The short answer is: yes, it has. First, I think we need to get the debate done with today and I very much hope the States will support the Proposition. Then, as with a number of other live issues and concerns, it is an area that we would have to monitor closely. If it was deemed necessary at some stage in the future, or desirable, to introduce a charge for Sunday, then we would have to consider that, although I would have to say that I favour going the other way. The town centre needs all the help it can get and I would look to reduce parking charges at times when people need to go into town and shop.

#### **The Bailiff:**

I have Deputy Ward next. There is about a minute left of time for the questions for this Minister.

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

I will be quick. Given that we may well be opening up Sundays as a further celebration of consumerism, can I ask the Minister whether he would be prepared to open up heritage sites for free to encourage Islanders' families to engage and enjoy our cultural heritage and have the opportunity to do that?

**Senator L.J. Farnham:**

Well, that is a very splendid aspiration and I would support it in principle, but, of course, while we fund Jersey Heritage, we do not run it. They are run by their own board and have a commercial aspect to ensure that their funding is of a certain level. Despite - well, I say despite, but because - the Assembly agreed to a Proposition of Deputy Tadier, that sector will be the benefactors of considerable additional States funding into the future. There might be an alternative for those facilities to offer more free dates for families, but I would say that the Jersey Heritage Trust do offer a very good value membership that gives you free entry to ...

**The Bailiff:**

Minister, I am afraid that does bring the time available to you to a close. We now have questions for the Chief Minister.

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

**5.1 Deputy J.M. Maçon:**

Further to my Oral Question 9 today, can the Chief Minister elaborate on the issue about the dates that he was talking about and also is he able to confirm whether any retrospective permission from Treasury was sought by the Board of Andium Homes?

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

Yes, I thank the Deputy for his question and I have sought some further information just in anticipation of something like this question arising. In June 2018, the Treasury received a set of the 2017 accounts and from that they determined that there were significant increases in executive pay from 1st January 2017 and that that pay, it turned out, had been paid. So, that was why the A.G.M. was not the point. It was a retrospective position and the arrangements are that pay should be approved in advance. That was the slight problem I had in terms of the timelines, because I found that the relevance of the A.G.M. slightly caused confusion in my mind. But the point here is that the executive pay was presented to Treasury basically as a *fait accompli*, that it had been in place for a number of months. Subsequently, the Chair of the Company wrote to the Minister for Treasury and Resources seeking retrospective approval and it was about that time that the shareholder became aware of the existence of a bonus scheme. I believe there may well have been payments under that scheme. So, in August there was a reluctant acceptance of the pay situation, which has been frozen for 3 years, but there was no acceptance of the bonus and direction was given that that be recovered. That has still not happened. There are further steps in this, but I know I have to give concise answers. This is why the governance around this whole situation, in my view, is not acceptable.

**5.2 Deputy G.J. Truscott:**

Statistics Jersey estimate a population by 2035 of 128,800 - that is if we do not bring forward a population control very soon - with the over-65s accounting for 35,000 people of that population. Now, the size of the hospital does concern me. I did ask the question 2 weeks ago. What I want to do is just make sure that we have and can stress test the future to a degree.

[12:00]

I am going to take you to 2035, February quite possibly, where there is a flu epidemic in the Island.

**The Bailiff:**

Deputy, we do have to come to a question.

**Deputy G.J. Truscott:**

I will, I am just trying to frame it, Sir. We have an epidemic in the Island. It is proving resistant to antibiotics. Will we have a hospital capable of treating the amount of people that will be needing treatment in our hospital, or will we find 12 Parish Halls made up as temporary wards for treating people? Does the Minister agree that this is something that we should be considering?

**Senator J.A.N. Le Fondré:**

I cannot comment on the issues of how in 2035 we are going to be treating an epidemic, or a hypothetical epidemic. What I can talk about in terms of giving good care to an ageing population is that, under the Jersey care model, which is imminent and I believe next week to be released, it has been made quite clear that the best place to treat people ... because you do not want them staying in the hospital for very long. That has quite a significant ... so that is about the processes you go through. It is about the type of operations you deliver and the type of care you deliver. Therefore, it is important that we turn people around, for want of a better expression, so that throughput through the hospital is as fast as possible, because that is better for them. Most particularly for the older population, my understanding from what I have seen in the Jersey Care model is that is around treating people as much as possible in their own homes, or in slightly different environments. Therefore, that is why we believe that the size of the hospital will change and we will give some more information later on that.

**5.2.1 Deputy G.J. Truscott:**

I do think it is so important, the size of the hospital really does matter for me and health is so important, particularly as you are getting older and the more conditions that you suffer from. I really do feel that and I do want to have assurance when I do read the policy going forward. I am sure the Minister agrees that there is a stress test put forward into the equation.

**Senator J.A.N. Le Fondré:**

Briefly, I agree absolutely that health is incredibly important. Having seen what I have read from the Jersey Care model, I have every confidence and I hope the Deputy will receive those assurances. If he does not, I am sure he will come and have a conversation with me.

**Deputy G.P. Southern:**

It is a point of clarification, really, I think. I think I heard the Chief Minister talk about an investigation into Andium Homes, or was it arm's length boards anyway?

**Senator J.A.N. Le Fondré:**

My understanding is it is arm's length boards.

**5.3 Deputy R.J. Ward:**

Is the Minister content that the unions have agreed Target Operating Models? If so, what form did this agreement take and, if documented, can this be shared with the Assembly?

**Senator J.A.N. Le Fondré:**

Employees have been consulted on the Target Operating Models. I have to say, I cannot give a comment as to whether unions have been asked for their consent. I believe they have been informed and I know employees are being consulted on, so other than that ... but I can seek the clarification and come back to the Deputy.

**5.3.1 Deputy R.J. Ward:**

Given the importance that was given earlier to the signing, or not, of an agreement, I think it would be very important to get some sort of agreement from unions over Target Operating Models, so we all know where we are. Does the Minister not agree?

**Senator J.A.N. Le Fondré:**



It does depend across the different pay groups on how they are impacted. It does also go back to the point I said; employees are being consulted, but I will seek the clarification as to the status on unions. Unions will be being informed, definitely.

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

With vacancy rates high in Health and Education, in particular, due to the cost of living, how does the ... sorry, plus the downward pressure on jobs, the targeting of sickness and absence rates through the efficiencies programme, how does the Chief Minister think that his Government Plan will make the organisation an employer of choice?

#### **Senator J.A.N. Le Fondré:**

Could the Senator clarify what she means by vacancy rates being high in Education?

#### **The Bailiff:**

Are you able to clarify that question?

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

Yes, Sir, of course. In public hearings, we have heard from members of unions who have stated that it is very difficult to fill posts in Health and Education, due to the cost of living in Jersey and, particularly in Education, we have had instances that have been well-covered in the media too of teachers turning down jobs at the last minute. Need I go on?

#### **Senator J.A.N. Le Fondré:**

The reason I clarified, I was just checking hopefully roughly the information I am about to give and my recollection is at the beginning of the academic year we had 7 vacancies on staff of 730 roughly; therefore, I do challenge the assertion that vacancy rates in Education are high.

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

I would like the Chief Minister to answer the original question, which was how does his Government Plan make the organisation an employer of choice? I was merely stating the vacancy rates and he can look at gov.je and look for himself at the vacancies that are being advertised, but that was an example to present the question which he should answer.

#### **Senator J.A.N. Le Fondré:**

I was challenging the fact that I thought her evidence was flawed on the basis of 7 vacancies at the end, which in my books is not a high percentage. In terms of becoming an employer of choice, we are starting, as was evidenced by the first staff survey - which I think was the first one that had been done for a number of years - the low morale and the bullying and as The HR Lounge report and things like that. So, it is quite a large organisation that we are trying to change the culture in; therefore, it will take time, but the measures we are putting in place, whether it is through Team Jersey, whether it is through the new processes in relation to complaints, whether it is all those sorts of measures, we are looking to put in much better structures. It was interesting that the Senator raised the point there is nothing in the Island Plan that dealt with housing and something for the benefit of Islanders. If we go directly to the employees and the workforce, she has categorically stated that the H.R. (human resources) function is beyond Lean, so we are putting investment into that resource and by putting that investment in there - in other words, more people - that means then we can start dealing with a number of the issues that have not been dealt with previously, so we can bring the workforce into the place they should be for the 21st century. That, ultimately, is how we become an employer of choice.

#### **5.5 Deputy G.J. Truscott:**

Could your Government be doing any more to bring in cruise ships to the Island, which are a very welcome sight when they are parked up in the bay?

**Senator J.A.N. Le Fondré:**

I would be very supportive. I know there have been some discussions around what we can do in the longer term, but I do have to say in terms of the detail, that would definitely be a question for the Minister for Economic Development, Tourism, Sport and Culture. We know there are logistical issues in terms of where cruise ships can anchor in terms of the size and then the logistics of getting passengers on and off in inclement weather. If one was to go for a very long-term solution, we have then got to make sure you fund it, where you put it and basically does it balance the books.

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

Would the Chief Minister consider that there should be parity between the salaries of the States of Jersey Development Company and Andium Homes?

**Senator J.A.N. Le Fondré:**

No. I think what you do, one does an assessment of the different functions of the different entities and what the risks and challenges are of each individual entity. That will be around risk profiles, that will be commercial acumen, the commercial challenges, the markets they operate in. I do not think they are directly comparable. I will say separately that we have 4 entities, if one likes. I will use Jersey Property Holdings, S.o.J.D.C. (States of Jersey Development Company), Andium and Ports, who all have property functions, for example and I think, in the longer term, that should be something we should be looking at. That is slightly at a tangent to the question that the Connétable is asking.

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

As the Chief Minister picked up on a comment I made in the media yesterday, perhaps he might like to address the Assembly and explain how he believes his Government Plan will help to solve the housing crisis and reduce the cost of living, which is what Islanders would like to see to make their lives better.

**Senator J.A.N. Le Fondré:**

I very much thank the Senator for that question, because I was listening to the comments. Just to be clear, the comment is, I believe: “There is nothing in the Government Plan that tackles cost of living or the housing crisis” and yet when I looked, I had wondered if I had been reading the same document as the Chairman of the Corporate Services Scrutiny Panel, because page 70, for example, at the very bottom it says: “We have earmarked £10 million for an affordable housing scheme in 2021.” That does not sound like nothing to me. That is a starting point to then put a provision in ... we know there is going to be more work to do once the good work that has taken place under the Minister for Children and Housing and the Board that he is working on. I believe they are doing an awful lot of work. In terms of the cost of living, cost of living is obviously a figure; it is an important figure. What we have put in the plan is about standard of living and that is about people. There is a lot of reference to that in Plan. I hope she will reread it in due course.

**5.7.1 Senator K.L. Moore:**

I am very familiar with the Government Plan, having spent some weeks reading it *ad infinitum*. However, the housing crisis is something that affects people’s daily lives. To suggest that waiting until 2021 for undisclosed ideas to be delivered with the use of £10 million in 2021 is simply not good enough. The public would like to see actions that address the issues of the day. He and his Government have had 14 months to deliver these actions and we are still waiting. 2021 is not good enough. In relation to the cost of living, when we received yesterday - I do apologise for the length of my question - the efficiencies ...

**The Bailiff:**

Unfortunately, if you do not finish it almost immediately, there will be no time left for the Chief Minister to answer it.

**Senator K.L. Moore:**

Go on then.

**Senator J.A.N. Le Fondré:**

I am not entirely sure I know what the question is. I will just point out that the cost of living has fallen from what we were estimating. We were estimating 3.1 per cent and it has come in at 2.7 per cent, so that, in itself, is a start. We have said a lot of the things we are tackling are longstanding. There has been a housing crisis in the Island, or housing problems in the Island, since I was born, I think. What is very clear, we have stopped doing the short-term quick fixes; we try and sort out the fundamental problems. What we have done in this Plan and, bearing in mind we are constrained by the M.T.F.P. (Medium Term Financial Plan) until the end of 2019, our Government Plan, if this Assembly approves it, kicks off from 1st January 2020 and we have put some money aside directly and as quickly as we could to be able to start improving matters. Obviously, we will then see what the recommendations are of the Board that are coming through. The Minister will be producing those, I believe it is the early part of next year, if not sooner and, at that point, we can have that debate, but this is about getting rigour and substance ...

**The Bailiff:**

Sorry, Chief Minister, the time has now come to an end for questions for you, I am afraid.

**Senator J.A.N. Le Fondré:**

... and foundations in place.

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

### **6. The Assistant Minister for Economic Development, Tourism, Sport and Culture will make a statement regarding the commemoration of the 250th anniversary of the Corn Riots**

**The Bailiff:**

We now come on to a Statement on a Matter of Official Responsibility. Deputy Tadier, who is Assistant Minister for Economic Development, Tourism, Sport and Culture, will make a statement regarding the commemoration of the 250th anniversary of the Corn Riots.

#### **6.1 Deputy M. Tadier (Assistant Minister for Economic Development, Tourism, Sport and Culture):**

Three weeks ago, the Island marked the 250th anniversary of the Corn Riots, which took place on 28th September 1769. On that momentous day, about 500 Islanders marched to St. Helier from the rural Parishes in protest at the high price of wheat, which had been set by the ruling classes and was pushing ordinary people towards starvation. The rebellion led directly to a more democratic system of Government in Jersey. This was enshrined in the Code of 1771, which laid down rules for the conduct of the States Assembly, the election of officers and the Government of the Island and curtailed the powers of the Royal Court. The Code confirmed that neither the States, nor the Royal Court, could enact legislation except certain temporary ordinances and regulations, or change existing laws, without obtaining Privy Council approval first and that no significant changes would be passed, except by the whole Assembly of the States. Records of this hugely significant moment in Jersey's history were scant and, despite their importance, the Corn Riots of 1769 largely disappeared from our consciousness. This was until former Deputy Trevor Pitman lodged P.107 in 2012 and the States

Assembly agreed that 28th September should be recognised annually as Reform Day, to mark the anniversary of the events of 1769. Seven years later, following a collaborative process between the States Greffe, the Bailiff's Office, the Chair of the Privileges and Procedures Committee, heritage organisations and Economic Development, Tourism, Sport and Culture, a day of events was organised to mark Reform Day. It included live music and speeches in the Royal Square and an open day for the States Assembly. This event was very successful and hundreds of people took the opportunity to visit our Royal Court and States Chamber, many of whom had never been inside the building before. Visitors were able to learn about our system and the events of 1769. A very accessible interpretation was provided by Jersey Archive, which included the original manuscripts from 28th September 1769, with the demands that had been made, recorded and subsequently scribbled out.

[12:15]

I would like to thank the States Greffe, the Bailiff's Office, Jersey Archive, my Officer at E.D.T.S.C. (Economic Development, Tourism, Sport and Culture), who arranged for a stage and Ferryspeed, who provided it free of charge, also the musicians and participants of the outdoor animations for giving of their time and energy freely. Lastly, thank you to Deputy Russell Labey, the Chair of P.P.C. (Privileges and Procedures Committee), who took it upon himself to produce an excellent video, which was both educational and entertaining. I trust that the event will now be firmly entrenched in our calendar and that there will be increased interest and participation in our democratic institutions as a result of these celebrations. **[Approbation]**

#### **The Bailiff:**

There is now a period of 15 minutes whereby Members can ask questions of the Deputy.

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

I am pleased that the Deputy gave recognition to former Deputy Trevor Pitman on this, because we would never have had this day to celebrate had he not brought it. However, I think we would be remiss in not mentioning Mike Dun, a local activist, who was the person who was promoting this before Deputy Pitman brought it forward, so I think we should give recognition to Mike Dun for his work in the past as well. **[Approbation]**

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

I would wholeheartedly agree with that and, clearly, there are lots of people to name. Mike Dun is clearly a key instigator in this process. I know he has helped with research and a quick Google search of "Corn Riots Jersey 1769" will come up with a very informative history that he has provided about those events, so I think we should also extend our support to an individual, who has been an active campaigner for democratic change for a long time.

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

Can I thank the Assistant Minister for his kind words? They are much appreciated. Would he agree with me to extend specific thanks to the Assistant Greffier and to the Bailiff's Chief Executive Officer, without whom P.P.C. could not have organised the open day of this building? **[Approbation]** It was a sell-out success, a free sell-out success. Would he also agree that with 2021 approaching, that would provide another useful anniversary for the Code of 1771 to be recognised?

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

I echo those thanks. Clearly, we thank the departments, but it is clearly the individuals in the departments that do the hard legwork, so it is right to remember those. I think it is correct that in 3 years' time, we will have another opportunity to really consider what we want to do for this event. Irrespective of what our opinions are about the *status quo* and current democratic representation, I think we have to all acknowledge that our history is important and the fact that we have a democratic

Chamber, as it currently stands, is not something that is universally enjoyed either. It is important that we learn both about our history and our current political setup and consider what future changes might also ensue in the future and that our local community, tourists and also our schoolchildren are involved in that process.

**6.1.3 Deputy R.J. Ward:**

I congratulate the Assistant Minister on a really good day. Can I suggest that it showed the opportunity that we have in the Royal Square, in particular, to provide an audience for our local musicians, particularly young musicians, for example, Kacey Hacquoil, who played so brilliantly on the day? There should be more events like this, more live music and more stages available for bands to play.

**Deputy M. Tadier:**

It is absolutely right that the musicians gave of their time, but also their energy, for free, but they put a lot of effort in, as did the speakers. I think Extinction Rebellion and Jersey in Transition gave political speeches, which I think were pertinent to the context in the modern day. I would simply say if we can do this without any budget, imagine what we could do with a very modest budget, perhaps in 3 years' time, to commemorate and celebrate our democracy here in Jersey.

**The Bailiff:**

Does anyone have any other questions for Deputy Tadier?

**PUBLIC BUSINESS**

**7. Government Plan: assessments of planned efficiency savings (P.88/2019) - as amended**

**The Bailiff:**

We now move on to Public Business. The first item of Public Business is the Government Plan: assessments of planned efficiency savings, P.88/2019, lodged by Deputy Southern. There is an Amendment to this Proposition, lodged by the Chief Minister and an Amendment to the Amendment, lodged by Deputy Southern. Am I correct in my understanding that the Amendment and the Amendment to the Amendment have been accepted, Deputy?

**Senator J.A.N. Le Fondré:**

Yes, Sir.

**Deputy G.P. Southern:**

Indeed.

**The Bailiff:**

Very well. So, I will ask the Greffier to read the Amendment, as amended.

**The Deputy Greffier of the States:**

The States are asked to decide whether they are of the opinion - (a) to request the Scrutiny Liaison Committee throughout the life of the Government Plan to undertake, commission or oversee detailed 6-monthly assessments of the planned efficiency savings specifying the expected impact on the ongoing delivery of public services by Minister, department and C.S.P. priority, accompanied by a comparable comprehensive review of the real impact of the previous 6 months' efficiencies; and (b) to agree that the Council of Ministers is requested to bring forward detailed proposals each year to be included as a separate paragraph within the Government Plan proposition seeking the Assembly's specific endorsement of each of the efficiencies contained in the Government Plan.

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

It is indeed a great pleasure to read this first sentence, which says: “This position has been adopted, following constructive engagement with Deputy G.P. Southern of St. Helier.” **[Approbation]** Unique, but could start a trend possibly, I hope. It would make my life easier. I thank the Chief Minister for being patient with me and finally getting a version that we are both satisfied with. The key question I was trying to answer here in this Proposition to amend the Government Plan was how to hold the Government to account. The Government Plan is a very tightly written document, with very little scope for leverage, very little scope for investigation and very little scope for, as it stood, Scrutiny and yet absolutely vital, I think, that particularly on the efficiency savings we are able to scrutinise those in depth. It is important also to realise and recognise the difference between a Report, which was being offered and a Proposition, which this Amendment says “bring a Proposition detailing the efficiency savings”, because a Report you do not have to do anything with. It sits on the desk and you say: “Oh, very interesting” but nothing you can do with it. A Proposition has to be brought to the States and accepted by the States in order to take the direction that you wish and that is the key element in this. In the words of the Chief Minister, this Proposition requires much more than a simple Report, it requires the Scrutiny Liaison Committee to examine the impact on the delivery of public services of the previous and future efficiency savings and then for the Council of Ministers to bring a Proposition each year, in order to get the Assembly’s endorsement of these actions. The key words in those phrases: “... to look at the previous and future efficiency savings and the impact on public services.” So, let us be absolutely sure that these are genuine efficiency savings and not cuts by another name. What will the impact be on public services of these actions? To do that, both looking backwards, how has that worked previously and then extending that forwards and what is intended; can you take those actions through and will they work? Then, as I say, for the Council of Ministers to bring a Proposition each year, in order to get the Assembly’s endorsement of its actions, so if the Council of Ministers is on the right track, then all this asks is that you check out with Scrutiny that we are on the right path and we seek your specific endorsement that we are on the right track. With that level of agreement between myself and the Chief Minister, I hope Members are satisfied that this is a good way to proceed and I will answer any questions.

### **The Bailiff:**

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

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

In a few weeks, we will be discussing the details of these efficiencies within the Government Plan. I think it is very good that today we are being asked to decide on a process for making those decisions. Of course, the key thing about the plan is that that is important, because the efficiencies within the plan are in fact related strongly to the substantive spending proposals and in fact there is conditionality there. Of course, this is much more complex than anything we have done before and we have got both the scale and the extent of planned savings, which Members have seen in the paperwork that has been published, £40 million in 2020; and then, of course, these are recurring, which means they go on in perpetuity and over £100 million by the end of the period. The issue I want to highlight, of course Members will know from the complexity of the papers the amount of work that must have been put in by our civil servants and our Executive. I think that is an issue. Obviously, the extent I want to highlight is in doing this, I think we do need a very good Scrutiny process, because the points being raised by the Deputy are good. We have been all striving for efficiencies for many years and we have a document now that ostensibly offers us that. We have got some good definitions, I think, some useful definitions in the paperwork released of what is an efficiency and the key thing for me is which is an efficiency and which is a service reduction, because, personally, I am not prepared to go along with service reductions, because I think there are other options, indeed looking at our taxation base, but that is a story for another day. I want an efficient Scrutiny process and I am very pleased and I am grateful for the Deputy with his initiative, several

goes at different Amendments and then grateful for the Chief Minister and the flexibility for agreeing what is a sensible way forward. But, of course, I am very much, as the Minister responsible, probably the smallest budget in our spending, which is £4 million at the moment, which is 0.5 per cent; I am kind of a bit player, if you like. I feel almost like a bit of a spectator on this thing, but I do worry, I do ask myself the question that in the future, obviously I am hoping that we can go beyond the focus on efficiencies and focus on service delivery and achieving our service standards. I think there is a danger that we become obsessively focused on that and I want to see - and my colleagues in the Council of Ministers know this - us lift their head and be bolder and stronger in our vision, so that in the remaining 2½ years, yes, we have efficiencies, but also we have some real service level achievements. I worry, because these are very complex businesses and they do take up a lot of officer time. My concern is if we are too focused on our internal workings, there is less time and less facility and capability of being able to focus on delivering services. I say that, I suppose, because I have worked at a senior level in both public and private sector in my various careers and, obviously, I had responsibility for major budgets. I believe my experiences have shown me that you cannot succeed only on efficiencies. That is not the only way. You have to have them, you have to be effective, but also, I think, you need to have vision and a clear strategy and a capability and geared up to be able to have that operational achievement. I am very much looking forward to the work of the Scrutiny Panel and I think that would help us in our dealings with the Government Plan when we have that discussion in the next couple of weeks; so grateful for the efforts of the Deputy and the Chief Minister.

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

It is with some regret that I will not be able to support this Amendment, or at least the Proposition in its entirety today. Simply put, it is an excellent idea and it is absolutely the right direction in terms of following up and being clear about whether the Government Plan achieves what it sets out to achieve. However, the problem lies in the necessity to submit detailed 6-monthly assessments of the planned efficiency savings. That, unfortunately, is a step too far for the Scrutiny Liaison Committee.

[12:30]

As Scrutiny is, we are duty-bound to follow up on decisions made by the Assembly and on reports of Panels looking at various items of business, albeit we are putting in a bid for greater resources in this Government Plan, so that we can beef up our scrutiny, because Panels have been extremely busy and the Scrutiny Officers have worked and performed extremely well in this latest Assembly to meet the demands and the interest and the work rate of Panel members. However, to scrutinise the Government Plan, as it has been published already, has been an enormous piece of work and it has distracted many of us. I have to admit, it has distracted me to such an extent that I have not published a comment formally about this Proposition, which I should have done. I apologise to the Assembly for not having done that. I do undertake and the Scrutiny Liaison Committee themselves, all undertake to do regular follow-up work and to continue our questioning in both quarterly hearings and additional hearings and whenever we select a piece of work to focus on. However, tying us down to a 6-monthly detailed report, I am afraid, is something that we simply cannot sustain at this time.

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

I think it is an excellent idea and I do believe that we need to scrutinise it on a regular basis. Unfortunately, I disagree with the previous speaker. Senator Moore seems to use Scrutiny as opposition. It is opposition. Right from the beginning of this Assembly, she has opposed the Chief Minister on every Proposition that has been put forward to the Assembly. I am talking about Senator Moore. Senator Moore has been highly critical of the Chief Minister. I might say, on occasion, I agree with her. On other occasions I do not, but I do believe that Scrutiny has been misused for over a year and a half and is being used as political opposition. I know the Senator was disappointed in

not being allowed to join the Council of Ministers, but I do believe it has gone too far. If she is not prepared to scrutinise this information ...

**The Bailiff:**

Deputy, I think that is imputing an improper motive ...

**The Connétable of St. Saviour:**

Yes, it is too personal.

**The Bailiff:**

... to the actions of the Senator.

**Deputy M.R. Higgins:**

I apologise. I will withdraw that. I do have a belief that if the Senator is not prepared to scrutinise this, on a 6-monthly basis, then a Sub-Committee should be set up that is willing to do it and I will offer now to join the Sub-Committee to be able to do it. I believe that what Deputy Southern is putting forward is something that there are Members in this Assembly who, looking at it from a totally Scrutiny point of view and scrutinising the actions, would be willing to do. I do not think the States should dismiss this, because I think it is one way we get the information and we can address these issues, so I will leave it at that.

**7.1.4 Deputy R.J. Ward:**

I must say, I completely understand the amount of work that Scrutiny has to do - I am part of that, and our Scrutiny Officers - and how much work they are doing. We have worked incredibly hard over the last weeks and months to scrutinise the Government Plan, which is a new process and it has been very difficult and I understand the issue over time. However, one of the things that has come to me consistently, regarding efficiencies, is understanding how they will impact not just now but in 6 months, over the year and in 18 months and then 24 months and then ongoing. This Proposition, with the support of the Chief Minister, which I honestly am surprised ... I stand here, I have had a terrible ... not a terrible situation, but a situation of agreeing partly with Deputy Ash. It is not an easy place to be in, but to see Deputy Southern agree with the Chief Minister is quite a remarkable thing. **[Laughter]** I just have to say that this is an opportunity for us as an Assembly and it is something I have been calling for in terms of the voice of backbenchers, non-Executive Members - I do not know what we are called anymore - to have a say in what is happening with these efficiencies and have open and transparent Government. I hope this gives us an opportunity to do that, notwithstanding the difficulty that we face in Scrutiny. The solution here is to provide the resources for Scrutiny to do this job well. We are not going to get anywhere, unless we provide those facilities and so on, so, therefore, I would urge you to support this Proposition, because it does give us an opportunity to revisit what we are doing in terms of business that is so essential to the success, or not, of any Government Plan. I urge you to support this Proposition.

**7.1.5 Deputy K.F. Morel:**

It was chicken between me and Deputy Tadier and I lost. I just want to say I hope Deputy Higgins is quite ashamed of himself for the speech that he just gave **[Approbation]** if for no other reason than ... well, I completely, number one, reject the idea that he has promoted; that Scrutiny is opposition. I reject the idea that that is the way it has been used and I reject it from someone who, at best, does Scrutiny-light as far as our work in Scrutiny is concerned. I have yet to see the Deputy appear at the Brexit Review Panel, which he is a member of, so whether he would appear at this Board that he is claiming he wants, I do not know.

**The Bailiff:**

Deputy, I understand that feelings are beginning to run high ...



**Deputy K.F. Morel:**

Absolutely, but I am just responding to the previous speaker.

**The Bailiff:**

Yes, but not everything a speaker says merits, or requires, a response. If we keep ourselves to the point of the Proposition I think the business of the Assembly will be better served.

**Deputy K.F. Morel:**

This is an excellent Proposition, as Senator Moore stated quite clearly. This is an excellent Proposition, but there is one problem and that is with the Amendment that kicks it to the Scrutiny Liaison Committee, as opposed to the Comptroller and Auditor General and the P.A.C. (Public Accounts Committee). The problem there is that nobody liaised with Scrutiny, nobody asked Scrutiny whether they could undertake this work. The same problem occurred when the Chief Minister laid a Proposition a couple of months ago, asking us to cut the timings for Amendments to the Government Plan. Again, the Chief Minister did not speak to Scrutiny to ask whether we thought that was a good idea, or not. Yes, that was from P.P.C. but it came from the Chief Minister, as we know, because that came out in the debate. If people do not speak to Scrutiny, how can they be expected to support things that directly affect them? The fact that this is going to have an effect on the resources of Scrutiny means that the part in Deputy Southern's Proposition where he says basically that this will not have any manpower consequences arising is incorrect. There are manpower consequences arising as a result of the success of this Proposition. Scrutiny will need to take on more members in order to do this properly and I am talking about officers. So, there are financial implications for this. I only wish that when lodging a Proposition such as this, both the proposer and the Council of Ministers, in amending it, or the Chief Minister in amending it, had liaised and spoken with Scrutiny. It is so simple and it is meant to be part of what this Council of Ministers is about. It is meant to be part of the way this Council of Ministers work and yet, time and again, they fail to do precisely that. It is an excellent Proposition, but it is badly put forward and it has been badly thought through, because there are effects and they have not been accounted for. One thing I also would like to say is if we do go ahead with this, is that we need to define efficiencies in order to understand what it is that the Scrutiny Liaison Committee is reporting on. This needs to be defined and agreed in advance of any work taking place. In my humble opinion, charging more money for something is not an efficiency; it is precisely just that, it is charging more money. In fact, it has the opposite effect of an efficiency, because when you charge more money for something, or extend the opening hours of something, in order to charge more money for it you are making it easier for the organisation in question to act less efficiently, because you are essentially putting up prices. It means that you do not have to change the way you work. I would say, straight away, that before any work can be done by the Scrutiny Liaison Committee on this, clear definitions of what efficiency means needs to be undertaken, whether those efficiencies are putting up the costs on private planes, or extending the opening times of car parks. Those are efficiencies and should not fall within the work that this Scrutiny Liaison Committee, under-resourced as it is, is supposed to do.

**7.1.6 Senator S.C. Ferguson:**

Efficiency, I have just picked that one up. What the average person will do for a pound, an engineer will do for a shilling; that is efficiency. But my problem with the whole Proposition is the prospect of being drowned in even more paper. We have got meetings coming out of our ears; we have got paper descending on us in great snowstorms. We are getting drowned in paperwork. I have just had some Council of Ministers papers that, as Chairman of P.A.C., I am allowed to apply for. Frankly, I would have sent them all back to the Chief Officers that produced them, because a report should have an executive summary of 2 pages and all the data comes in as appendices. To have God knows how many - sorry, Sir, goodness knows how many - **[Laughter]** pages of report and report is absolutely ridiculous and I would thoroughly recommend that all our people get perhaps a bit of training in

writing papers. The one thing I learnt at business school was that no busy executive is going to read something that is 75 pages long; he will read the executive summary and, if you are lucky, he might get to the beginning appendices. There was a comment about this being relevant for P.A.C. It is not a proposition for P.A.C., because we deal with expenditure hindsight, if you like, we do not deal with it before you make it. I wonder, if this is passed by the Assembly, perhaps Deputy Southern would like to chair this particular Sub-Committee. **[Approbation]**

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

I think I will try and address a couple of remarks that have been made, but just for us to be clear, because there have been some other observations in the round on efficiencies. As far as I am concerned and as I understand matters, Members will be able to address and amend the Government Plan in respect of efficiencies if they wish to, so the relevance of whether it is an R (Report), or not, is not relevant. In other words, efficiencies are embedded in the Government Plan and my understanding, therefore, is that they can be amended. But just to address the comments from Deputy Morel, if he looks at the Amendment we put in, it was to part (b) and that does not address the issues around Scrutiny, or not. It is purely around part (b) and that is why it did not feel the need to go to Scrutiny on our behalf, but obviously if there was such an issue, I would. The earlier one I would say was around we spoke to P.P.C. and, therefore, again I would assume that in that consultation exercise effectively that had taken place, but it was not from the Council of Ministers' side. But the point I say is irrespective of how this debate goes today, I do thank Deputy Southern for his constructive engagement, because there are times ... in fact, one of the joys of this Assembly is that there are times when people with fundamentally different political views can agree on certain issues. That is what has happened today. Deputy Southern and I sometimes do get worried when we agree with each other, but, on the other hand, when that does happen, hopefully, we can get a productive outcome. We will see what happens. What I will say is we have developed a Government Plan. I am proud of it. I believe it is to the benefit of Islanders. I think it will overall improve matters. That is what we are trying to do. It is about setting long-term foundations and dealing with a number of legacy issues that, for whatever reason ... sometimes it will be because politicians in the past may not have been as well-served by their officials as perhaps they should have been. The efficiencies plan is part of that. Bear in mind it is a plan, there will be some flexibility in there. That is what we talked about and I remind Members of the comments that we have issued, but very clearly Scrutiny, all the efficiencies do need appropriate scrutiny and we thought that we have committed that in the future it will be included as part of the Proposition. We have freely admitted previously that we want to get ahead of the curve for next time around and that this is the first in a number of stages in the process of Government Plans.

[12:45]

But do not forget it is new, it is incorporating income and expenditure together in, I would hope, a very clear manner for the first time certainly in my political life in this Assembly and that is a significant change. I will close by asking Members, as they bring Amendments to the Plan - and I am sure there will be - please come and talk to us. Hopefully, that will mean we can end up in a constructive dialogue and do it early. But, other than that, I am happy to support the Proposition, but obviously it is a matter for the Assembly and Scrutiny as to their views on it.

#### **The Bailiff:**

Standing Orders require that I now ask the Assembly whether it wishes to continue, or to stand adjourned until 2.15 p.m.

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

I propose we continue, Sir, and then adjourn.

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

Can we continue until 1.00 p.m.?

## **LUNCHEON ADJOURNMENT PROPOSED**

### **The Bailiff:**

You propose the adjournment? All those in favour of the adjournment, please show. The States stands adjourned until 2.15 p.m.

[12:46]

## **LUNCHEON ADJOURNMENT**

[14:15]

### **The Bailiff:**

Yes, we are in mid-debate, so we continue with the debate on P.88/2019 and we have now Deputy Tadier.

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

I was worried it would be me. It seemed like a good idea before the lunch break to put my light on. The first thing I would like to say - and I completely admit that I am probably slightly biased, as Deputy Southern is a senior member of our Party - but this is a good collaborative process, gone through several iterations and the starting point is that we have looked at this very much politically, so we are not a Scrutiny Panel and we have thought we are really worried when we hear the word "efficiencies" because often our political interpretation of that is that in many cases we have seen it historically, both in Jersey and elsewhere, is that means cuts to service, it means that there is going to be less money potentially spent on public spending that could benefit our constituents. But we also recognise that we are a Party of Government and that we want to act responsibly and give benefit of the doubt when the Government comes forward. So, we say, if you are genuinely looking for efficiency savings and you think you can find them, without adversely affecting front line services and our employees, who we will fight for and represent and support as a political party - and I am sure we are not the only ones in this Assembly who have done and will do that - then it is quite right that we try to put relevant safeguards in there. That is no different to what Deputy Morel was trying to do a couple of weeks ago, he brought his own, not entirely the same, but along the same lines, to do with efficiency savings. We have also heard Scrutiny members such as Senator Moore and Deputy Morel and the Panel saying: "We cannot get the information that we are looking for. Please give us the information." I think a lot of that information has now been circulated to do with the efficiencies, which have been published and clearly not all of it will become knowledge, or available, until they happen. So, what Deputy Southern and what we are asking for here is simply that an ongoing process is put in place and it was not appropriate for it to be put to the Public Accounts Committee for reasons that we all know about, in no small part because they tend to be a retrospective group that looks at how money has been spent, not looking at ongoing policy and spending. So, I do hear some of the relevant concerns that have been raised and certainly, as somebody who has spent a decade on the backbenches and with Scrutiny, it certainly was the case in the past that not all of the budgets for Scrutiny were spent. Year-on-year Scrutiny Chairs would be handing money back to the central allocation to a point where ... when sometimes you need the money, because, in this case, when you are going through transformative changes, the burden on Scrutiny clearly becomes more onerous. But the safeguards have been put in place that funding is available for that. Similarly, we have heard all sorts of allegations being thrown around this morning that people have been acting politically in Scrutiny roles and also that other members of Scrutiny are work-shy. But, certainly, these are 2 things that cannot be levelled at Deputy Southern. We know that he is certainly not shy of any work

and somebody suggested: “Will Deputy Southern be standing forward to put himself forward to do a lot of this work or even chair the Panel?” and he can answer for himself, but certainly from what I have seen, I am sure he is only eager and chewing at the bit to get involved and do his share of scrutiny in this regard. So, I think he can answer that and, similarly, when it comes to manpower implications, it is important not to confuse manpower and additional spending with workload. Clearly, this is going to create work for Scrutiny, but there is a division of labour in this Assembly that falls between the Executive and the Scrutiny Panels and ultimately it is for this Assembly to ask Scrutiny whether they are willing to take on this work and this is what we, as an Assembly, are asking them to do and we will give them the resources to do that. So, I think it is a moderate Proposition, which we can all support. It is especially important that those Scrutiny members who in the past and in recent past have been asking for more information - and more information about the efficiency savings in particular - should get behind this Proposition, because it is pulling in the same direction that they want to go in.

**Senator K.L. Moore:**

May I just ask a point of clarification from the previous speaker, when he referred to the resources to enable Scrutiny to do this work would be given to Scrutiny, where does he propose that those resources would come from?

**The Bailiff:**

Do you wish to clarify what you said?

**Deputy M. Tadier:**

I am happy to clarify. There are provisions already available in the Government Plan and it is always up for Scrutiny to ask for more resources to be allocated from within the budget of the States Greffe. There are contingencies available. That is the way it has always worked in the past and I have been on Scrutiny and I am sure Deputy Southern can happily give any more information when he sums up in that regard.

**7.1.9 Deputy J.H. Perchard:**

It has been made apparently clear from the speakers before lunch that there is quite full body of support for this Proposition. Senator Moore, in her capacity as chair of the Liaison Panel and Deputy Morel as Vice-Chair made the very valid point that they are concerned that they might not be able to deliver the quality that is and would be expected, or even the quantity of work that is expected in this Proposition. Both have spoken in support of it, so for me I feel that we have hit a bit of an *impasse* between a really positive collaborative Proposition, with which most Members seem to agree and whom most I am sure will support and so we find ourselves thinking about implementing something that we all ideologically agree with, versus the practical implementation of that task. For me, if we are to implement something based purely on the fact that we would agree with it, but then it cannot be executed, it is a pointless and a small success. I walked into this debate thinking it was a bit of a no-brainer, that I was going to throw my support behind it and I still wish to, but I do feel that there is some confusion around the presentation of available resources. I feel that the manpower and financial implications are inaccurate, as presented in the final version of the Proposition and I am very much testing the appetite of the Assembly, but I perhaps feel that a reference back in this case would be the most appropriate way forward, given the fact that we can sense that there is full support, but that there is the lack of information around the true implication on manpower and resources. If there are resources, as the Deputy behind me alluded to, specifically for this then that is great, but we need to be shown exactly where they are, with a view to this coming back very quickly with the full support of the Assembly. So I do propose a reference back.

**7.2 Government Plan: assessments of planned efficiency savings (P.88/2019) - as amended - proposal for a reference back**

**The Bailiff:**

I consider Standing Orders. Could I ask, Deputy, the reference back can be for further information relating to the Proposition, so that can be provided to the States, or any ambiguity, or inconsistency, in the information relating to the Proposition, which has been provided, can be clarified. Normally, at this point, it is appropriate for the Presiding Officer to ask the proposer for a reference back, which of those categories and what is the information that you think should be provided.

**7.2.1 Deputy J.H. Perchard:**

The ambiguity arises between what is written in the Proposition and what has been said in the Assembly. In the Proposition it states that there is no manpower implications, or financial implications. I believe that now, having heard people discuss it, that is inaccurate and I would very much hope that would come back to us with more detail.

**The Bailiff:**

So, you are proposing a reference back, in order that more information relating to manpower implications can be brought forward.

**Deputy J.H. Perchard:**

And financial.

**The Bailiff:**

And financial. Very well. Is that seconded? [**Seconded**] Does any Member wish to speak on the proposal for a reference back? Any debate should be limited purely to the question of a reference back. Deputy Southern.

**7.2.2 Deputy G.P. Southern:**

I am extremely disappointed that this should have been referred back to a backbencher doing his best. What I would draw Members' attention to is the line in paragraph (a) that I am proposing, which says: "To ask the Scrutiny Liaison Committee to undertake, commission, or oversee, 3-monthly assessments." That is as wide as I possibly can get it. So, it does not prescribe this is what you need to do, it does not say form a separate Scrutiny Panel. It says, as you see fit, undertake, commission or oversee. It might be undertaking, it might be something Scrutiny wants to do and they can organise that. It may be something they want to appoint some external body to examine what is happening with these efficiency savings. As I understand it, the budget for Scrutiny has gone up this year significantly, they are taking on more, but the overall thrust is what I am doing is I am giving the choice, if you like, the mandate to the Scrutiny Liaison Committee, the Scrutiny body, to examine this as they see fit. It is not for me to say this is the way to do it. I do not have those resources. I say: "As you see fit, examine it." I cannot see how anybody in the room would want these efficiency savings - we just got them today, 64 sides of efficiency savings - to pass unscrutinised. I believe that this is the best way to organise that. The Chief Minister, in his own words, today said: "Here we are in new days with new initiatives." We have to organise around how to properly scrutinise those initiatives. It is the first time ever. To leave it alone and not to do it, I believe, would be a severe mistake.

**7.2.3 Deputy J.H. Young:**

Yes, I too am disappointed and, as I spoke earlier as a Minister, because I think it is really important that we have a very effective scrutiny process here and it is time-critical. In a matter of weeks we are going to be debating these proposals and it is important that they are subject to that independent rigor. I absolutely agree with Senator Moore there is an issue of resources. That stems in not just Members, because we need political Members on that body and I certainly interpret, from what I heard Deputy Southern have to say, is that he was prepared to lead that work and I heard Deputy

Higgins say he was also prepared to join it and there could be other Members. So that is the political side. Obviously, they need accountancy support. I think it is open to Members to seek a view from the Minister for Treasury and Resources, because it is possible that arrangements could be found where a number of the staff, or accountants, in the Treasury team, who have not been connected with this particular work, could be seconded to that team for a short period of 6 weeks, or so, or whatever it is - I see frowning going on over there - but otherwise the alternative, of course, is to spend money on the big 4 gravy trains and I am sure they will love the money. So, in the interests of efficiency, how crazy it would be that we have to go out to spend shed-loads of money with some very expensive consultants. No, we should find the will to do this. I accept the fact, I mean we are in a learning period here, this Government Plan has involved massive changes and I have said we have a situation in where the expenditure plans that we have, which are ambitious, are linked and partially dependent on those savings. We could just say: "Tick the box, OK, let us go with it." But what is going to happen? Next year we are going to have to follow through and check those savings again and then we are going to find, lo and behold, it did not work out that way, we cannot do it. So there will be an ongoing need for that to follow through, it is not just this year, but we have time to do that properly. But a reference back today gets us nowhere and it is a real shame that we have a great example of co-operation between Deputy Southern and backbench colleagues and Ministers and the Chief Minister, why do we not just go with it please? So, please, well-spirited intention, but I do not think so, not a reference back.

[14:30]

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

In terms of the reference back - and let us just stick specifically to that - the problem with any reference back about manpower, in terms of Scrutiny, is that to some extent you could take Scrutiny as a whole and reference back what Scrutiny will end up doing during the year. It is a movable feast and always has been. Now I completely agree that the funding of Scrutiny is not good enough, I have said it a number of times, I have put questions in, I have made the point repeatedly about the funding of Scrutiny. But one of the integral parts of this piece of work and why it is so necessary is that these efficiencies are an integral part of the Government Plan and we will be scrutinising the Government Plan each year and so, therefore, as a consequence, we will have to scrutinise these efficiencies as part of that. By having this Proposition, which formalises that process and says it will happen, and giving power back in the Assembly to be voted on, all it does is empower Scrutiny to do more with the resources that it has; I absolutely understand that. But the argument is the resourcing should be increased, not to get rid of a good idea and something that is necessary and just put it off. At this time, we need to be consistent in our approach, because we have been asking for these efficiency savings and we have been asking and asking, now we have them, let us take the opportunity, we will have them in the future as well and let us not put it on the back-burner today and let us make sure that we vote on it and vote positively.

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

I am grateful to Deputy Perchard for 2 reasons. Firstly, it is very clear and particularly from this debate on the reference back, simply that there is more discussion that is needed and there is certainly a lot more clarity needed around the proposal from Deputy Southern and whether it is workable. Some say that Scrutiny should be doing this from its current budget, some say: "You are getting more money in your budget in the Government Plan." Well, we are getting more money, because we are underfunded and in need of more resource as it is, before committing to doing this additional piece of work. So we need a lot more clarity about what it is that is being asked of Scrutiny, before this debate continues, I humbly believe. I do have to say, though, that Deputy Tadier perhaps hit the nail on the head in his speech when he declared that Reform Jersey is a party of Government. Call me a conspiracy theorist, but the question does have to be asked whether this is being put forward as a political ruse and so ...

**Deputy G.P. Southern:**

I object to that. That is impugning my ...

**The Bailiff:**

Would you withdraw the word “ruse” please?

**Senator K.L. Moore:**

Of course, I will withdraw the word “ruse”, I do apologise. So, it is perhaps a politically motivated suggestion that is put forward by a Government who wishes to impose upon Scrutiny its job of work and not allow the Scrutiny Liaison Committee to decide and define for itself what it will and will not scrutinise within a period of a year. So, I do hope Members will support this reference back as it will hopefully provide us with some much-needed clarification.

**7.2.6 Deputy K.F. Morel:**

It is really important, this is a debate about a reference back. The reference back is about asking for information. I have just had mumbblings in my ear about wrecking and things like this. It is not correct. Deputy Perchard spoke extremely eloquently about the fact that it is clear that people support this Proposition. So, no one is trying to stop this Proposition. What we are trying to do is say, through an Amendment to the Proposition, which the Deputy has accepted himself, the onus has moved from the Public Accounts Committee, which I accept was the incorrect place to be, to the Scrutiny Liaison Committee. Unfortunately, no information has been sought regarding the effect that will have on the Scrutiny function and I am not talking about the politicians who may, or may not, sit on the Board; it is about the effect on the officers and the staffing. It is also about the effect on the finances. We have talked about an increased budget, yes. The increased budget for Scrutiny has been put into the Government Plan without any thought as to this regular cost, because this will become a 6-monthly regular cost to Scrutiny. That has not been thought of when this Government Plan was put together, so there is nobody who can truly say that they know the cost that this is, or the manpower implications, that this Proposition contains. As a result of that, the statement that is at the end of Deputy Southern’s Amendment to his own Proposition, the statement: “For financial and manpower implications it is envisaged that the costs of the review can be contained in the current Scrutiny budget,” is baseless, because Deputy Southern does not know that. He has not asked that question. He has not asked Scrutiny what their budget is and how they would fit this into that budget. This reference back is an attempt to find some of that information, so it can be brought forward and the Assembly can vote on this in knowledge, the full knowledge, of the information. The other financial and manpower implication is written on the original Proposition and that says – because, at this stage, it was about the Public Accounts Committee and the Comptroller and Auditor General - it says: “With or without the assistance of the Comptroller and Auditor General, it is envisaged that the cost of the review and Proposition can be contained in the current budget of the Public Accounts Committee. There are no manpower consequences arising.” That last phrase: “There are no manpower consequences arising” is no longer correct. It was never correct, because it was never asked of the Scrutiny Panel. This is now a Proposition that has been amended to be a regular piece of work for Scrutiny. We do not, as an Assembly, know how this will affect the manpower of the Scrutiny officers. We do not know how it will affect the budget of Scrutiny as an entire function. Therefore, it is entirely reasonable to ask that Deputy Southern go off, find that information, and bring that back into his Proposition, so that we can then understand how this is going to work. It was interesting to see the frowns on the faces of the Minister for Treasury and Resources and the Assistant Minister for Treasury and Resources when it was suggested that they might like to provide some accountants to help us with this, because they were surprised to find out that their resources might be used to support this Proposition in the same way that Scrutiny has been surprised to find that its resources are going to be used to support this Proposition, because nobody has been asked. I totally understand the frowns on the faces of the Minister for Treasury and Resources and the Assistant

Minister for Treasury and Resources, because when you do not know something is about to hit you, you are kind of like: “Whoa, no, I do not want to lose my accountants to that.” The Scrutiny budget does not want to give up its own resources to a 6-monthly recurring cost when it does not know how much that cost is going to be. It is only right, it is only sensible and the correct way to move is to ask Deputy Southern to come back with that information. It is not a wrecking Amendment, it is not an Amendment for a start, but it is not wrecking this. We know that this Chamber is going to approve this, it is quite clear, but it should do so with the information to hand. It should not do what it has over the years been so prone to do, which is take kneejerk decisions, because something sounds good. So I really do ask Members please do vote for this reference back, because it is the correct, it is the logical and it is the evidence-based way forward.

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

Senator Moore is the one who mentioned conspiracy theories and I am struggling to try to find out what is really going on here. It seems to me that there are some very spurious grounds being offered for this reference back, which I have never seen and clearly this is being used, I would say, as a device, because there were 3 individuals in this Assembly and I cannot fathom politically where they are coming from, because they ostensibly seem to agree that the efficiency programme needs to be scrutinised and they have been very publicly asking in the media for the information and been, I would say, targeting the Chief Minister beyond the normal realms of reasonable politics. But then again, I speak as somebody who has experience of being an opposition Member for perhaps 10 years in this Assembly, as somebody who is quite proud to be openly an opposition politician. There are those in this Assembly who want to try to pretend that they are not in opposition, but we all know they are. What was quite telling over the lunch period was the amount of people that came up to me and said: “I am not sure why Deputy Higgins was told he could not say that, because we all know he is telling the truth.” That does not mean, of course, that we cannot wear different hats and I am not saying that the Scrutiny Chairman, as other politicians in the past and currently do, cannot take one hat off and wear another one. That is the starting point. So, there is no political ruse here in terms of this Proposition. There is also no reason for this to be referred back, because it is spurious, because this is just business as usual. The reason I say that is, if the Scrutiny Panel - whether it is the Liaison Panel, or whether it is an individual Scrutiny Panel - decided they wanted to do this work anyway, irrespective of Deputy Southern and the Assembly asking them to do it, they would not need to then come back to the Assembly to ask for more money to do it. They would simply pick up the phone, or send an email, to the Greffe, as many of us have been doing for the last 10 years and saying: “We would like to review this, we do not think that there is enough manpower, or person power, currently within the Department, so we would like to get an adviser allocated for that” and it would be done within existing budgets from the contingency that exists in the Scrutiny budget. That is what would happen and that is what will happen if we agree to do this today. There is no need to employ a new member of staff, an F.T.E. (full-time equivalent) for this one simple Proposition. Clearly there will be an ongoing workload, but that will be managed within the current budgets and it will be done as business as usual. This is a completely spurious ground and if we say that, in future, any Member who brings a Proposition to the Assembly, anybody can stand up at any one point and say: “I do not agree that the manpower and financial implications are correct, it is over to you to provide the information, you provide the evidence that there are no financial implications.” It should be the person who is challenging somebody for them to provide the evidence. The irony is they are the ones who will have to provide the financial and manpower implications anyway, because they are the ones saying that they will need extra resources. Is it only me who sees the irony that we are bringing forward a Proposition to do with efficiencies and the unintended consequences and the Scrutiny Liaison representatives, not all of them of course, because Deputy Ward is the Chair of his own Scrutiny Panel, they are saying: “We do not have the relevant resources to be able to do a review into efficiencies.” Clearly, this is not a correct use of information, because the information that is being sought Deputy Southern cannot provide; it is simply the Scrutiny Panel saying: “We do not have the



resources to do it.” It is a misunderstanding, I think, from 2 relatively new Members and I am disappointed with Senator Moore at the way they tried to twist this. That is what I think is happening, not intentionally perhaps, but that is what is happening. The real reason is for some reason - and it is not clear yet - they do not like this Proposition, they are grasping at straws to find a reason to vote against it, they cannot do that ideologically, so they are using a device to kick it back into the long grass. I hope the Assembly see that, if they do not like the Proposition by all means vote against it, but let us not get into this whole game-playing and this device-usage.

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

I am going to support the reference back because, for me, the independence of Scrutiny is paramount here. Scrutiny must be allowed to decide what they do, or what they do not do, when it comes to scrutinising legislation, proposals, or whatever, in this Assembly. What we do here, potentially, is limiting the budget they have to choose what they wish to do with. Without the knowledge of the cost of this work, we have no idea of that financial implication on the Scrutiny budget for the coming years. Until we know that, I do not see how we can move forward.

#### **7.2.9 Senator S.Y. Mézec:**

On the basis that Deputy Southern and the Chief Minister had come to a consensus after lots of to-ing and fro-ing on this and that to-ing and fro-ing and these Amendments itself being evidence, of course, that there is no conspiracy, otherwise you would have had this Proposition introduced with the Amendments first time around. On the basis that a consensus has been reached, I attended the Assembly this morning assuming that this would just sail through and that view has been backed up by even those who are speaking in favour of this reference back saying that they think the Proposition is a really good idea. I have to say, I do find it very frustrating in this Assembly and it happened quite a lot in the previous Assembly, that often things are kicked into the long grass. When push comes to shove, we do know what is right and most Members of this Assembly accept that what this Proposition is trying to achieve is the right thing, because it tries to strengthen, not just what the Government is doing, but also what Scrutiny is able to do as well to contribute to this process and make sure that we end up somewhere at the end of this, which works in everybody’s interests and is a stronger position for all of us.

[14:45]

The basis for asking for this reference back is not believing that the financial and manpower implications are accurate. I am voting against this reference back, because I think they are accurate. I hope Members will agree with that. Deputy Southern made the point that the wording for his Proposition is about asking Scrutiny to undertake, commission, or oversee, this work, giving it lots of flexibility, as there ought to be in this, because this piece of work gains its credibility by being able to be led by Scrutiny, rather than being done in-house by the Government, which is a good thing. Deputy Luce made the point about the independence of Scrutiny and I would say that the logical conclusion of the points that he made is to vote against the main Proposition, rather than kicking it into the long grass and then voting against it in 2 weeks’ time, or 4 weeks’ time, or whatever it ends up being. So, I would say to Members of this Assembly, as well-intentioned as this reference back is, it does end up wasting our time and prolonging the inevitable and we ought to get on with action and deliver.

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

I go along with many of the other speakers. I would just like to say one thing first: we were told at one point there might be a conspiracy and Reform Jersey were mentioned and I have obviously given my comments earlier. I am not a member of Reform and I am not a member of any party, but I do know there are members of secret parties within this House, who are working to pursue political, rather than other, objectives. What I do feel is right, we are going through, we are getting a lot of

information from the Government, it has to be scrutinised. Rather than delay with a reference back, we have to hand it to Scrutiny and say, as Deputy Southern said: “It is down to you to look at the resource we have and come forward.” What I found remarkable was that Senator Moore at the start said: “We cannot do this, we should not be doing this.” Yet, at the same time, she is saying she wants more information, she wants more scrutiny. I want to get on with the scrutiny, proper scrutiny and let us examine all these proposals and let us get on with it.

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

Yes and I, like Senator Mézec, thought this was, because there had been a lot of speech between the Chief Minister and Deputy Southern, I thought this would be something that could be accepted and I have even read the comments from Deputy Southern. Now I am in this position where I find out - and there is no conspiracy, I do not care what anybody says - around Council we thought the Chief Minister, with respect to Deputy Southern and we thought Scrutiny were on board with this. I absolutely agree and I hear today that it is not that they are not on board, they are talking about resources and officers, this is bottoms on seats for the elected representatives to do something every 6 months by department, by C.S.P. I do not know where to go with this. I know that is what they want to do. I can absolutely see where Deputy Southern is coming from; what do you refer back to Deputy Southern? But I really do not know which way to vote, because I thought this had been discussed, I thought it is something that the Scrutiny Liaison Panel Committee wanted. But if this is something they do have to do every 6 months and you can give them more resources across the road, you still have only the number of members on each Panel and it is a big ask with their forward plan, what is the Minister going to lodge, who is going to do this, so they need planning. So it was Deputy Perchard, I do not know which way to go, it is nothing to do with conspiracy, somebody was left out of this very big loop and it seems like it was the Scrutiny Liaison Panel, to say we need to do this. But I absolutely agree that I think they want to do this, but are we putting too many “you must do this”. There are options, they can request a commission do it, they can get other outside help. So, at the end of the day, I really do not know which way to go on this one, because I think it is something they want to do. I think it is one of those things Government has never, as far as I know since Scrutiny and Government came in, in 2005, directed Scrutiny to do anything, unless they agreed. But I look forward to hearing the summing up.

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

Just for clarity, I did not consult with anyone prior to suggesting the reference back. I had no idea whether I would be the only one voting for it, or not. I had no discussions with Scrutiny peers about it, because I genuinely felt that it was important for the Assembly to decide whether, or not, we needed more information regarding resources and manpower. The reason why it has been hard for the good Deputy behind me to identify my political motivation is because there is none. I have no politically-motivated desire to wreck, or derail, what I perceive to be a very good Proposition. What I do take issue with is asking Scrutiny to do something, making Scrutiny do something, that it will fail at. That is what I was genuinely worried about and I was not worried about that until it became apparent during the original debate that there were issues around resources, there was confusion about where resources would be coming from. There is confusion in the room and there is genuine concern. The personal comments raised throughout today have been appalling; I will not be stooping to that level. Manpower concerns are legitimate. To question anyone’s integrity, or professionalism, in this room, when we all know how hard the job is, is disgusting. I would like to thank Senator Mézec for his measured and relevant response and professional response. I have listened to what he has said and I may reflect in time and with experience that a reference back in this case may, or may not, have been the right call and I appreciate the way in which he commented professionally and with respect while also disagreeing. That is the example we need to look to, because if you listen to what I am saying, what I am saying is I want to be able to do this and I want it to be done well and I want it to be done properly. The 2 most senior members, by way of being Chair and Vice-Chair of the

Committee who will be responsible for this work, have both said they fear they will not be able to carry it out to the quality and quantity needed without having an adverse effect on the rest of the Scrutiny portfolio. We either take that as true, we can take those concerns seriously and we say, right, those people who will be tasked with doing this job have not been adequately consulted and they feel like they will not be able to cope with the workload, so we either say: “That is true. Can you give us some more information please so we can get this done properly and well?” or you say: “You know what, I do not believe you, I think you can do it, I think you will be able to do it with the resources you get in the Government Plan and let us push ahead.” I do not know which is the right answer here. But those are the choices. This is not about political motivation, this is not about conspiracy, it is certainly not about wrecking something good. I really hope that every single Member, no matter which way they vote, does so having listened carefully to the legitimate concerns raised and makes a judgment purely based on their own integrity, professionalism and with the respect of the integrity and professionalism of other people in this room, who are trying to do the best job they can.

**The Bailiff:**

So you maintain the Proposition, Deputy?

**Deputy J.H. Perchard:**

Yes.

**The Bailiff:**

The *appel* is called for. I invite any Members not in the Assembly to return to their seats. I ask the Greffier to open the voting.

<b>POUR: 21</b>		<b>CONTRE: 22</b>		<b>ABSTAIN: 0</b>
Senator S.C. Ferguson		Senator L.J. Farnham		
Senator K.L. Moore		Senator J.A.N. Le Fondré		
Senator S.W. Pallett		Senator T.A. Vallois		
Connétable of St. Lawrence		Senator S.Y. Mézec		
Connétable of St. Brelade		Connétable of St. Clement		
Connétable of Grouville		Connétable of St. Saviour		
Connétable of St. Peter		Connétable of Trinity		
Connétable of St. Mary		Connétable of St. Ouen		
Connétable of St. Martin		Deputy J.A. Martin (H)		
Deputy of Grouville		Deputy G.P. Southern (H)		
Deputy J.M. Maçon (S)		Deputy K.C. Lewis (S)		
Deputy of St. Martin		Deputy M. Tadier (B)		
Deputy of St. Ouen		Deputy M.R. Higgins (H)		
Deputy R. Labey (H)		Deputy S.J. Pinel (C)		
Deputy G.J. Truscott (B)		Deputy of St. Mary		
Deputy K.F. Morel (L)		Deputy J.H. Young (B)		
Deputy G.C.U. Guida (L)		Deputy L.B.E. Ash (C)		
Deputy of St. Peter		Deputy of Trinity		
Deputy S.M. Ahier (H)		Deputy of St. John		
Deputy J.H. Perchard (S)		Deputy R.J. Ward (H)		
Deputy K.G. Pamplin (S)		Deputy C.S. Alves (H)		
		Deputy I. Gardiner (H)		

**The Bailiff:**

Deputy, that motion not having passed, had you finished your speech on the main Proposition, or did you wish to speak further? You made your Proposition during the course of your speech, it paused

your speech, you can continue or you can say you have finished your speech. It is entirely a matter for you.

### **7.3 Government Plan: assessments of planned efficiency savings (P.88/2019) - as amended - resumption**

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

I will just very briefly sum up. I would like to say thank you for the support, I think the result does show that there is a division of opinion and that there is a concern that is wider than simply the Members who have spoken against the Proposition. However, now that we are in this position, we obviously should pass it.

#### **7.3.2 Senator S.Y. Mézec:**

I am certainly pleased to follow that notion from the previous speaker. I obviously entirely agree with her. It has probably taken a bit of the wind out of my sails for what I was going to say after that. The main thing that I wanted to say in the course of this debate and here I am speaking as somebody who is a Minister now and has contributed to this Government Plan and also the efficiency plan that goes alongside it, but also someone who has served, as Deputy Tadier earlier said, in opposition in that I have opposed previous M.T.F.P.s when they have come to this Assembly. But the fact is that, in this Government Plan, which has I think a vision for investing in our public services that is absolutely worth getting behind and will make a real difference in many of the services we provide, particularly to some of the most vulnerable people in the Island, is a vision that is worth getting behind wholeheartedly. But - and I say this freely and I have said it in meetings with the Chief Minister, with my officers, to the rest of the Council of Ministers - and I say it publicly here in the Assembly as well, which is that I think we ought to freely admit and say that the efficiencies plan is the part of the Government Plan, which is most contentious and which stands the chance of being the most difficult part of the plan. It is in our interests that the efficiencies plan goes exactly the way we want it to, because that enables us to make sure that we can make the investment in those services that we want to make. It ensures that we will not have to cut public services, which is something none of us want to achieve. But it is possible, even with the best will in the world, that unforeseen circumstances may arise in the next few years that could potentially be a spanner in the works at the end of this month, who knows. Circumstances may change, we may inadvertently come across things that we did not anticipate, that make this journey harder; that means that we have to re-evaluate things; that mean that plans have to be adjusted to make sure that we can do the right thing. I do not want to be in a position where, in 2 or 3 years' time, our ambitious proposals get thrown off the track because we subsequently find out that the numbers are not adding up in the way that was foreseen at this point. So, what I like about the Proposition that Deputy Southern has brought forward and that has been amended by the Chief Minister, is that it provides us, I think, a great opportunity to have an extra procedure in place for those checks and balances to make sure that there is independent and robust oversight, which will be impossible to ignore. It is right that Scrutiny is empowered to do that work because, as I said in the debate on the reference back, that will give that work more credibility than if it is done in-house by the Government. We have had the comments about whether Scrutiny has capacity to do this, or not. I would hope that this is a point that is, inadvertently of course, but I hope it is a point that is overstated, given that there is a large proportion of what work will end up being done; I suspect it is probably work that would have been done anyway in Scrutiny's work programme, because of how important this is. But what Deputy Southern's Proposition says and I have already quoted this, but I will repeat it, because I think it is worth pointing out, it asks Scrutiny to undertake, commission, or oversee, this piece of work, which I think gives a flexibility to make sure that this work is done properly and makes sure that what we get at the end of this is an analysis of where we are, what we have achieved in the 6 months before and what we are likely to achieve

after that, which gives the Government an opportunity to be held to account on what it is doing. It gives Scrutiny the opportunity and the teeth to hold us to account if we are not doing as well as we would hope that we would do.

[15:00]

What that does is that it strengthens this Government Plan for those of us who support the ambitions of the Government Plan, but if you are a Member of this Assembly who is sceptical of this plan for whatever entirely legitimate democratic reasons, this Proposition enables you a path to mitigate the bits that you might be most concerned about. So, frankly, I think everybody is a winner in this circumstance and that is why the Chief Minister agreed, once the Proposition had been amended, to give it his support. So, I hope that this Assembly will approve this Proposition and enable us this facility to hold the Government to account on its efficiencies plan and give us the information that we need to deliver for the people that have trusted us by electing us to this Chamber. So I ask Members to support the Proposition.

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

I do worry that we are creating a straightjacket for those managers within the organisation. Management in any structure will involve making savings and expenditure decisions within certain parameters and I believe they should be left to do it and not be micromanaged. That is not to say that those parameters should not receive due scrutiny. I am conscious of the potential extra workload on Scrutiny and while it could be, according to the Proposition, commissioned from outside, I do not believe we presently have the capacity to do that. We do have to work within budgets and I, for one, need to know the budgetary implications of this sort of Proposition. I am of the view that I could realistically support paragraph (b) because, in effect, it throws it back to the Assembly to scrutinise the specific endorsements of each of the efficiencies and so we will have the opportunity to scrutinise them on an annual basis. So, what I am suggesting, I would like to ask the Deputy in his summing up whether he would be prepared to take paragraphs (a) and (b) separately, because I could happily support (b), but I cannot support (a).

### **7.3.4 The Connétable of St. Ouen:**

I have to say that much of what I was going to say has been said before, so I will not detain the Assembly too long. My only point was I have to say I am somewhat disappointed that Scrutiny are unhappy about the prospect of scrutinising this, because the efficiencies programme is a very important part of the Government Plan and Scrutiny's input is important. I know I have dealt with Scrutiny on other issues and their input is valuable, it is important to the efficient running of Government and if they have resource issues then we need to resolve those, but it should not stop us supporting this Proposition, which I have to say I find myself in a strange position supporting something that the Deputy proposes, because normally we are on opposing benches on Propositions. It is a funny old world. So, I will be supporting this and, as much of what I was going to say has been said before, I will leave it at that.

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

It is rather a long time since I was quoting the position adopted about constructive engagement with the Chief Minister. But it has been a constructive engagement and I believe we have the potential to get this right. As Deputy Young started off the debate referring to £100 million of cuts; that is the biggest element bar 2 in the entire budget, £100 million of efficiency savings. In 5 weeks' time, Members will be here debating the Government Plan. In order to see whether it is working properly, 6 months' later we should be examining in detail exactly what has happened and what is predicted to happen in the future. We have to scrutinise effectively to the best of our ability. If we do not, we are letting go of this Assembly's control, or power, over anything that happens, because without this we will not be given a vote on these particular savings. We will have a report saying one thing or another

and no way in to say: “Hang on, you got it wrong and we have the evidence to say you have it wrong, look at what has happened to this particular service.” That will be ongoing and that is the sort of safety net that we need, in order to make sure that we are doing the right thing. Deputy Young was also talking about what he wants to do is move on from doing this sort of work and looking at service delivery, successful service delivery and that is where we should be going. I was very disappointed when Senator Moore said that this was an excellent idea, but she could not support it and seemed to imply that I had not talked to her. I have talked to her since I found out that Senator Ferguson, when I approached her with the way forward, said that, no, could not do it, would not do it anyway, all she can do is look backwards. The C. and A.G. would not be told what to do at all. So, that is when I developed this threefold phrase, undertake, commission or oversee, as flexible as I possibly could get it, so that Scrutiny could do its job. At no stage was I approached to say: “We cannot afford this.” At no stage. I have had several conversations with the Chair and never once did she say: “We cannot afford it.” Deputy Ward pointed out that this is the right thing to do. As to doing scrutiny, I know from bitter experience nobody finds scrutiny easy. Anybody who says it is an easy job does not know what it is about. It is a very difficult job to get the balance right and to throw the resources in the right area so that you are producing results. While I am on that, perhaps at this stage it seems to be to me that my experience says one good officer keeping you on the ball with one good Chairman making sure that targets are met leads to good scrutiny and that it appeared earlier on today that I was being volunteered to do this task. I feel like the man in the Army who volunteered just by staying where he was, because he forgot to step forward. But I will step forward if necessary and if that is what the Liaison Committee suggests is the best way forward. Control is there, not here. Then I certainly would be prepared to join Deputy Higgins doing the donkey work. As the Chief Minister said, this is a new process and we are learning how to handle that. It is important that this process must be well scrutinised and, above all, that we avoid, to the greatest degree possible, cuts in services, impacts on the services we supply. To those who still wish to vote against this Proposition, I say: where is your alternative? What would you do instead? Because I think what I have here is a way forward, which gives control to the House, to the Assembly. Senator Mézec said we need the extra effort in place. The Constable of St. Ouen gave us his support. The Constable of St. Brelade said: “I do not want to see things micromanaged.” But we are talking about 64 pages of text describing in great detail what the efficiencies are. I am afraid we will have to get down to the micro level to do some real good analysis to see what they mean. Because, looking at the general categories we have seen for the last 2 months, I certainly do not know what they mean. But we need, as we are voting on and as we are monitoring this progress, to know exactly what is going on. With that said, I support the Proposition.

**The Connétable of St. Brelade:**

Could I ask the proposer to clarify whether he will take (a) and (b) separately?

**Deputy G.P. Southern:**

Yes, indeed, I will take (a) and (b), although I think they go together like hand in glove, or love and marriage. So I certainly would like to see both of them through, but we may as well take them separately.

**The Bailiff:**

Very well, then the vote is on (a). The *appel* is called for.

**The Deputy of St. Mary:**

A point of clarification, can (a) and (b) in fact be taken separately given that (b) makes reference to the assessments referred to in paragraph (a)? If that was deleted how would (b) stand?

**The Bailiff:**

Deputy, as I do not think you were here this morning, we are, of course, working on the amended amended amended version and (b) does not have any reference to (a) within it. So, it is possible to take (a) and (b) separately and therefore the vote is on (a). The *appel* is called for. Members have already returned to their seats. I ask the Greffier to open the voting.

<b>POUR: 37</b>		<b>CONTRE: 10</b>		<b>ABSTAIN: 0</b>
Senator L.J. Farnham		Senator I.J. Gorst		
Senator J.A.N. Le Fondré		Senator S.C. Ferguson		
Senator T.A. Vallois		Senator K.L. Moore		
Senator S.Y. Mézec		Senator S.W. Pallett		
Connétable of St. Helier		Connétable of St. Brelade		
Connétable of St. Clement		Connétable of St. Martin		
Connétable of St. Lawrence		Deputy of St. Martin		
Connétable of St. Saviour		Deputy K.F. Morel (L)		
Connétable of Grouville		Deputy G.C.U. Guida (L)		
Connétable of St. John		Deputy S.M. Ahier (H)		
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

**The Bailiff:**

The vote now is on (b) and I ask the Greffier to open the voting.

<b>POUR: 44</b>		<b>CONTRE: 3</b>		<b>ABSTAIN: 0</b>
Senator L.J. Farnham		Senator I.J. Gorst		
Senator J.A.N. Le Fondré		Senator S.C. Ferguson		
Senator T.A. Vallois		Deputy of St. Martin		
Senator K.L. Moore				
Senator S.W. Pallett				

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

### **The Bailiff:**

Before moving on with Public Business, I was asked to make a ruling, before the luncheon adjournment, on the application of Deputy Tadier. Deputy Tadier has asked me to rule on the sufficiency of the answer provided to Written Question 451/2019, which was number 23 on the Order Paper and that has asked pursuant to Standing Order 12(2)(a). Standing Order 12(2) requires that a written answer to a question must give an answer that is directly relevant to the question asked. I am not, therefore, judging whether, or not, the answer is full, or sufficient, or could have been better, or making any qualitative assessment of the answer, it is purely a decision of mine as to whether, or not, the answer, as it is, is directly relevant to the question asked. The question asked the Minister for External Relations to provide his assessment as to the impact of a lack of action by Government in implementing certain recommendations in Clothier, Carswell and the Independent Jersey Care Inquiry, on the Island's international reputation. The Minister answers that it is not a matter for the



Government but rather for the Assembly and that international Governments recognise the primacy of the Assembly regarding its composition and structure. Is the answer directly relevant to the question? It seems to me that it is and I therefore do not think that it contravenes Standing Order 12(2)(a). Naturally, if the Deputy, or any other Member, wishes more information, then of course other questions can be asked in the future. But I do not rule the question was out of order.

[15:15]

**Deputy M. Tadier:**

Can I thank you for taking the time to look at that? I will clearly consider that matter and choose an appropriate reformulation of the words as necessary.

## **8. Draft Shops (Regulation of Opening) (Amendment) (Jersey) Regulations 201- (P.93/2019)**

**The Bailiff:**

The next item of Public Business is the Draft Shops (Regulation of Opening) (Amendment) (Jersey) Regulations, clearly very excitedly and warmly anticipated by the Assembly, lodged by the Minister for Economic Development, Tourism, Sport and Culture, and I ask the Greffier to read the citation.

**The Deputy Greffier of the States:**

Draft Shops (Regulation of Opening) (Amendment) (Jersey) Regulations 201-. The States make these Regulations under Article 4 of the Shops (Regulation of Opening and Deliveries) (Jersey) Law 2010.

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

I would like to start today by inviting Members to consider a typical Sunday. You might, for instance, start the day at one of our beach cafés for breakfast, or coffee, with family, or a friend and possibly stopping on the way home to fill up your car with petrol and then you might pop into the shop later to get a few essentials for tea, or lunch boxes for the week ahead. You might sit at home and do some internet shopping. You might do all of the above. Maybe you will pick up some flowers on your way to visit a relative, or you might go to an event somewhere, an attraction, or a heritage site and buy something to eat and drink, or have a look at the gift shop to see if anything catches your eye. If these Regulations are passed today, you might also just be able to browse in a garden centre, or choose to do your food shop in one of our larger supermarkets with a much greater range at advantageous prices. You might even go into town with one of your children, or grandchildren, for a coffee and to shop together for a birthday present. The point here is that Sunday trading is already a big part of Island life for many people and has been for some considerable time. The proposal before us today simply extends that, giving more options and more choice to Islanders and visitors, while ensuring that retailers have a more-level playing field in terms of when and how they operate. Of course, Sunday trading has always been an emotive issue when it has been considered by this Assembly and that is entirely right. We do need to be aware of the challenges and concerns, but we also have to acknowledge that times have changed. Working patterns are more varied. Shopping has become more of a leisure activity and we live in a more dynamic flexible way in nearly all aspects of our lives. The retail landscape has changed considerably and our shops are under increased competitive pressure from the internet. Sunday opening can also create cost-efficiencies and reductions in waste for businesses, especially those in the food sector, as opening hours and staff structures are adapted to be more in tune with the needs of their customers. We are not alone in trying to find the right balance. Over the past 2 decades, many E.U. countries have repeatedly debated the laws and regulations concerning retail opening hours and, in particular, extended Sunday opening for larger stores. As a result, many legal restrictions on opening hours have been relaxed or adapted

to meet citizens' needs. Sunday trading regulations still vary widely across European countries. In Sweden, for example, opening hours have been unrestricted for all stores since 1972 and, in France, Sunday opening is both prevalent and selective. Hungary opted for full deregulation and then changed its mind in 2015, banning Sunday trading altogether. But a year later the doors were opened again following large consumer outcry. Guernsey deregulated Sunday trading nearly 4 years ago and the warnings of staff exploitation and ruined family life have not been borne out. As one commentator said: "People and businesses have adjusted. It has neither ruined lives, nor transformed them; it has just provided more depth and choice in the retail offering." Unlike Guernsey, Jersey has maintained some restrictions on Sunday trading. The Shops (Regulation of Opening and Deliveries) (Jersey) Law 2010 and 2011 Regulations controlling trading on Sundays, and also on other specified days, those specified days are Good Friday, Liberation Day, Christmas Day and Boxing Day. The definition of the term "shop" is key to understanding the scope of the current Law. A shop is defined as: "Any place or vehicle used, whether permanently or temporarily, for any one or more commercial activity." In practice, that means an ice cream van, a car boot sale and a major supermarket, are all classed as shops, as are many other commercial businesses. As things stand, there are only 2 ways in which a shop can lawfully open on a Sunday and that is they either fall within the scope of an exemption, or the occupier of the shop needs to obtain a permit. The list of exempted premises is found in Schedule 1 to the Regulations - of the 2011 Regulations I should add - and the Schedule will stay for these Regulations, if approved. That list currently includes on-licensed premises and registered places of refreshment, as well as shops within the Ports of Jersey. It also includes public transport facilities and cabs and includes tourist facilities and attractions that do not supply goods. Occupiers of shops that fall outside the scope of these exemptions currently have the option to apply for one of 2 types of permit and in the run-up to Christmas they may take advantage of a third. The current general permit is available to shops with a retail sales area of up to 700 square metres; that is 7,500 square feet in old money, or to larger shops that provide a service, for example a cinema. It can allow opening on all ordinary Sundays and on Good Friday, Liberation Day and Boxing Day. Applications are submitted to the Connétable of the relevant Parish, together with a £50 fee that covers administration. The single permit is available to shops of any size, it can allow opening on a Sunday, or on a Good Friday, or Liberation Day and each shop can be awarded a maximum of 5 permits *per annum*. Again, the application is submitted to the Constable of the relevant Parish together with a £50 fee. The third permit, that currently applies in the run-up to Christmas, is the blanket permit. These apply to shops of any class, or to a class of shop defined by the Connétable. They may allow opening on a Sunday, classified by Order as a special occasion. There are currently 6 Sundays in the November to December period that are classified as special occasions. The dates that apply in 2019 run from 24th November to 29th December. Blanket permits are issued by way of Public Gazette notice and no further application is necessary to benefit from them. When considering an application for a Sunday trading permit, a Connétable considers the nature of the business and the locality in which it operates, before assessing the risk of nuisance being caused to residents. Particular consideration is given to the risk of noise, traffic and litter. In 2018, my Department commissioned Channel Island business 4insight to conduct a major retail consumer survey. They questioned over 1,100 targeted participants. While the majority were Island residents, feedback was also gained from 147 visitors. 4insight found that 63 per cent of respondents were in favour of Sunday trading, with a clear preference expressed for 10.00 a.m. to 4.00 p.m. opening, all year around. These findings have coincided with increasingly clear calls from industry for some additional scope to trade on Sundays, in order to compete with off-Island internet-based retail operators. There is also the need to address a longstanding anomaly in the road fuel market. When the Shops Regulations were adopted in 2011, they had the effect of constraining the opening hours of petrol stations that operated as part of a business with a total retail sales area of over 700 square metres. There have been several attempts to regularise that position since 2011 and these draft Regulations will tidy that up. If adopted, these draft Regulations will make 5 notable changes to the existing Sunday trading rules. First and foremost, they will create a new restricted hours permit.

Shops with a retail sales area of over 700 square metres will be able to apply for this permit, which can authorise opening between 10.00 a.m. and 4.00 p.m. on ordinary Sundays throughout the year, as well as on Good Friday and Liberation Day. Second, the same restricted hours permit will allow a Connétable to authorise any facility selling types of road fuel for motor vehicles to stay open for longer than 6 hours on a Sunday, Good Friday and Liberation Day. Thirdly, the draft Regulations will extinguish the blanket permit at the end of 2019. The creation of the new restricted hours permit, coupled with the retention of the general and single permits, will mean there is no further need for the blanket permit. Fourth, the draft Regulations remove an element of red tape affecting smaller shops that apply for the general permit for the first time. As things stand, an occupier of a new small shop unit that applies for a general permit has to pay for and submit a surveyor's plan that certifies their retail sales area is 700 square metres, or less. That rule applies even if the Connétable receiving the application knows full well that the shop in question is much smaller than the 700 square metre limit. These Regulations would remove that requirement, but retain the ability of the Connétable to require a certified plan in marginal cases. Finally, the draft Regulations adjust the fees payable. The fees for existing permits will rise from £50 to £60, an inflationary increase - and the first to be applied since 2011 - and there will be a new £120 charge for the new restricted hours permit, reflecting the increased cost of administration that a permit for a larger shop is expected to generate. The remainder of the 2011 Regulations would be unchanged, save for one or 2 editorial changes to make the legislation easier to read. Perhaps the most obvious change is the deletion of Schedule 2, which would be incorporated with the revised Regulation 6A. During previous debates on this topic, Members have rightly expressed concern at the prospect of relaxing Sunday trading controls without first amending the Employment Law to include specific protections for retail workers. While I have given this issue careful consideration, my conclusion is that I am not convinced there is a case for further amending that law at this time for all the reasons that I have outlined in my accompanying report at page 7 and I will just refer to that briefly if I may. During the course of the 2014 debate on a proposed Sunday trading trial, some States Members expressed concern that changes were being proposed in the absence of an amendment to the Employment (Jersey) Law 2003 to provide a retail worker opt-out provision, such as that which applies in England and Wales. Consideration has been given to the concept of a retail worker opt-out in 2019. Such a provision is not thought to be the right approach at this time for the following reasons. Retailers have, for some time, been facing a relatively tight employment market. In these circumstances, employers should be motivated - and are motivated - to consult and respond to the needs of their existing employees regarding Sunday working, or risk losing their staff. Sunday working is already a reality in a large number of small shops. There has not been a call to impose an opt-out on smaller businesses that are already employing staff on Sundays. An opt-out that applies to the approximately 30 larger businesses only would be difficult to justify on policy grounds. Applying a family-friendly opt-out to the retail industry, while denying employees working in a range of other important economic sectors a comparable opt-out right, seems less than equitable. While Sunday has a recognised status for Christians - and Christianity is known to be the dominant religion in Jersey - other religions with a presence in Jersey attach significance to other days, other days than a Sunday.

[15:30]

Competition from 24/7 external online retail is significant. A retail opt-out would be a further constraint for on-Island retailers and affect their scope to address that challenge. In turn, it may ultimately affect the number of jobs available in the retail sector in the medium to longer term. Two points I would like to add to that is that it is important that we monitor this situation very closely and I will undertake to do that and when I sum up I will make that explanation in full. But I know that retailers and employers in the current market and given the strength of our economy for the foreseeable future and given the vast improvements in our protections for employees in our Employment Law, are working harder to invest and retain their staff and that is why I do not think that an opt-out clause would be viable, or fair, or equitable. We are a different - a completely different

- type of economy, to the U.K. and we attach much greater importance, given our size, to agriculture and tourism and to be equitable any opt-out offerings that we might feel obliged to extend from the retail sector would be very difficult to sustain in other industries. In reaching the assessment that I have just explained, I am mindful, of course, that some workers in the retail industry have families with children, indeed I know that a number of employees with children are already working on Sundays in a significant number of shops across the Island that already open for rather longer than 6 hours, because their retail sales area is less than 700 square metres. We should also not forget that workers in a range of other jobs work on Sundays, including a significant number of other types of business and public sector workers that may also have children. If there is an issue to be addressed here it is one that is hardly exclusive to the retail trade. I would refer Members at this stage to my comments in response to the Economic and International Affairs Scrutiny Panel, specifically in response to the Children's Commissioner's questions and I will refer to those if I may. The Children's Commissioner asked if consideration of the impact on young people who are in school and working in a part-time job, would working on a Sunday have a detrimental impact on them and would there be changes to the Children's Regulation Employment (Jersey) Order 2011. This Order now just, I think, falls within the remit of the Minister for Children and Housing. That was changed recently. But I do not, at this stage, believe any changes, having looked at that law, would be required, but would be happy to work with the Minister should it be deemed necessary to review that legislation. The review would have to be on working on a Sunday, accepting the point that Jersey already permits and has done for some time, Sunday trading across the majority of businesses and industries and other sectors of the economy. The Children's Commissioner also asked if the Panel considered the impact on the European Commission of Human Rights Article 8 right to respect for private and family life at home. Again, this point is in reference to Sunday trading more generally. There has been no evidence in this, or other jurisdictions with similar Sunday trading legislation, that I am aware of that would suggest any impact on the European Commission of Human Rights Article 8. As the Commissioner states in her comments: "It is not an area where children have approached us with any concerns. As the majority of large shops in the E.U. are able to open on a Sunday, it is extremely unlikely, therefore, this will be in contravention of that Article 8." I might ask the Attorney General for a comment, if I may, in just a minute, but at the same time perhaps I can refer to the final point that the Children's Commissioner made, which was asking if consultation with children and young people and refers to U.N.C.R.C. (United Nations Convention on the Rights of the Child) Article 12 that says: "Children and young people have the human right to have opinions and for these opinions to matter. The opinions of children and young people should be considered when people make decisions about things that involve them and they should not be dismissed out of hand on the grounds of age." With that I completely agree. It also says children and young people should be given the information that they need to make a good decision. The thing about Sunday trading, there is a lot of conjecture and speculation, but we are not really going to understand if there will be any ramifications until we are operating and I will be giving an undertaking to come back to the Assembly after reviewing this carefully for the first year. But this has not been raised as an issue by children and young people; however, my Department and I would be prepared to work with the Commissioner should she decide to conduct a survey to determine the views of children and young people on Sunday trading generally. The results of such a survey could be used to inform future considerations, whether businesses across the Island should retain the flexibility to operate on a Sunday. I may now just ask the Attorney General, if I may, for a view on E.U. Human Rights Article 8.

**The Bailiff:**

Mr Attorney, are you able to assist the Assembly with the Human Rights Article 8 ramifications, if any, of this Proposition?

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

Yes. This Regulation does not give rise to a difficulty in terms of possible contravention of Article 8 of the Convention, which to remind Members is the right to respect for private and family life. That requires that there shall be no interference by a public authority with those rights, save as is important and so on. But as there is no question of compulsion, children are not compelled to work, there is, in my view, no interference of the rights in Article 8. Second, of course, children still enjoy the protections given to them by the Children (Regulation of Employment) (Jersey) Order 2011, which protects children under age 13 from working at all and those aged 13, 14 and 15, from working more than a certain number of hours. Those, of course, who are 16 and above can do as they wish. But generally there is no Human Rights Court jurisprudence in this area, as it is a matter of general social policy and, therefore, there is no suggestion of binding you from the case law, or the Convention, that this Regulation would breach the Article 8 protection.

**Deputy J.H. Perchard:**

May I ask the Attorney ...

**The Bailiff:**

If you just wait. Have you finished your proposal?

**Senator L.J. Farnham:**

Regrettably not yet.

**The Bailiff:**

In which case I think, as you have asked the Attorney at this point, it is appropriate to allow Members to ask anything arising out of the Attorney's advice.

**Deputy J.H. Perchard:**

Attorney General, please may I have some clarification on what you said about Article 8, given the fact that children are not compelled to work on a Sunday, is it not the case that, given the fact that their parents may be compelled to work on a Sunday, which could be the case under this legislation depending on the employer, that that could, therefore, infringe upon that Article on those grounds?

**The Attorney General:**

The Deputy is right to raise the point. I was merely making the point that there is no question of compulsion in terms of the Regulation and this is not a situation that may have existed a long time ago when children might have been compelled to work. The Deputy is right to raise the point in the terms that she does, but the position is, as we have heard from the Minister, that it is not uncommon for there to be jurisdictions elsewhere in Europe where Sunday working is more common than it is in Jersey and there is no suggestion from the case law - there is voluminous case law from the European Court of Human Rights - that those provisions have been suggested to breach Article 8 and, in my view, what is suggested by this Regulation does not breach those Article 8 protections.

**Deputy M. Tadier:**

May I ask a question of the Attorney General?

**The Bailiff:**

I think Deputy Perchard has a further point of clarification first, but then yes.

**Deputy J.H. Perchard:**

Just for clarity, with the examples given in case law, do all of those examples include jurisdictions where there is an opt-out option for employees to say that they will not work on a Sunday?

**The Attorney General:**

The point I was trying to make and I will confirm this later on if the Deputy wishes, this simply is not an issue that has troubled the jurisprudence of the European Court, which would seem to indicate that it is not thought that having a provision, which results in shops and other premises being open on a Sunday, resulting in people working or having to work, as you say, has been regarded to give rise to a claim under Article 8.

**Deputy M. Tadier:**

It does follow on very much from Deputy Perchard's question. Could it not be argued then, if the argument being put forward is that being compelled to work on a Sunday, even if that were happening, it was claimed that was an infringement of Article 8, it does not need to be a Sunday that somebody is compelled to work on, so if anybody is compelled to work any day of the week and that is seen as an inconvenience for the family because, for example, Saturday is your particular religious day, or Wednesday is your special time with your family, then that would also give rise to a claim under Article 8 and that is why, indeed, that Sundays *per se* cannot be seen as a breach of Article 8?

**The Attorney General:**

The Deputy makes a good point and I suppose that you could couch the argument, if there was an argument to be run here, on the footing that it might breach the Article 9, freedom of thought, belief and religion, a breach of that. But again, just on the case law, there is no Article 9 argument either. But the point the Deputy makes is well made.

**Deputy R.J. Ward:**

May I ask a question of the Attorney General? Are there any protections in our law that mean that people who will refuse to work on Sunday are protected in any shape or form, thus they could be seen to be being forced to work on a Sunday?

**The Attorney General:**

If their contract, if they were to agree a contract, which required them to work on a Sunday then they could be compelled to work on a Sunday if, of course, these Regulations are passed. It is a matter of the contractual relationship governing their employment.

**Senator L.J. Farnham:**

Equally, I would ask the Attorney General if they could be compelled to work on any day of the week if they were contracted to?

**The Attorney General:**

Yes.

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

It is another question for the Attorney General. If at the point of the start of employment, if an employee was not employed on the basis that they did not want to work on a Sunday, is that allowed? Is that compatible with anti-discrimination law, or not?

**The Attorney General:**

That would be a question for contract law in the first instance and generally variations to contracts of employment are made with consent. If a variation was to be imposed on an employee without their consent, then that might give rise to them saying that they were constructively dismissed and might give rise to a claim before the tribunals. So, that would be their protection against an unreasonable variation of their contract, in this context a variation to work on a Sunday they never had, which on the face of it would be an unreasonable variation of a contract without the consent of the employee.

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

Can I clarify my question? So where it is a new employee and there is not an existing contract, is an employer allowed to lawfully disregard any applicant that states they do not want to work on Sundays?

**The Attorney General:**

That may be reasonable, depending upon the nature of the employment. For example, if they were working in the hospital and it was required to have people available for a Sunday shift, it may be a reasonable stance to take. It would depend upon the nature of the employment and the reasonable requirements of the employer.

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

Further clarification, would that be reasonable in the retail industry?

**The Attorney General:**

Not at the moment, although it would depend, I suppose, on the nature of the shop. If it was one of the small shops that occupies less than 700 metres that can currently open on a Sunday in the general course of events, then an employer might be entitled, when interviewing 2 prospective employees, to prefer one who is available for 7 days a week, as opposed to one who is not available every Sunday.

**Deputy M. Tadier:**

Can I ask the Attorney General, are there any special provisions for people who do not want to work on a Wednesday, so ... no, I think that is reasonable.

[15:45]

We cannot allow questions about Sunday and then say Wednesday is not a special day as well, because I feel very strongly about Wednesday.

**The Bailiff:**

I think, Deputy, in the circumstances, given that the proposer has not finished the proposer's speech, if we draw these questions to the Attorney to an end. If an issue still arises, of course the Attorney can be asked to answer at any point during the course of the debate. Do you wish to carry on, Minister?

**Senator L.J. Farnham:**

Coincidentally, I feel very strongly about Tuesdays at the moment. **[Laughter]** I thank the Attorney General and Members for their helpful interventions there. In relation to the question that the Commissioner asked the Panel about children being surveyed, I have been helpfully reminded by the Minister for Education of the Children's Commissioner's Island-wide consultation with children; it is an excellent document. Under the section: "How could the local area be improved?" the children surveyed, one of the key points that came up was more shops. Young people wanted more shops, but also later opening hours, explaining that they wanted places to go in the evenings and on Sundays. I think that is very helpful for Members to know. Another issue that has been raised is the potential this change could generate to additional inward migration and demand for more employment licences, but I am not convinced about that. I have had a number of very helpful discussions with the Constable of St. John. The Assistant Chief Minister in that capacity is chairing the group and it is a hugely challenging task. What I am hearing is that employers are looking initially to the student and the senior citizens end of the employer market, where there is a strong demand for additional work. At least one large employer has confirmed that they have many willing volunteers from within their own workforce. Some have already been successful in mitigating the need for additional staff throughout the week by embracing technology and we have seen more automated pay-points installed. At the same time, this improves productivity and it is worth noting that the management of several large shops have clearly indicated that they are not going to open on additional Sundays,

as, of course, would be their right. Again, I will come back to that issue in summing up. Again, I would refer Members to my comments in response to the Economic and International Affairs Scrutiny Panel in particular. I note the position reflected in the Jersey labour market report for June 2019, which records that jobs in the retail sector continue to fall. This is down by 110 on the previous year and maintains a worrying trend of previous years. While these Regulations may facilitate some new jobs in the retail sector, the net impact is still negative due to the challenges that bricks and mortar retailers are facing. Yes, I think it is a good thing, that this could generate new jobs and new working opportunities, some full-time jobs, some part-time weekend jobs and will help students and senior citizens supplement their income by providing useful working opportunities for them. I now turn to the comments of the Comité des Connétables. I would like to start by thanking them for their guidance and advice, very forthright guidance at times by some Constables, I may add, but very helpful and I thank them for receiving me and my officers on a number of occasions to discuss this. There are 4 points of clarification that I would like to make. When I added additional Sunday shopping ahead of Christmas, I was not targeting a specific percentage reduction in volumes of internet shopping. The intention was to provide greater scope for La Fête dé Noué, our Christmas festival, to flourish and to provide a better platform for on-Island retailers to compete against the increasing prominence of the Black Friday and Cyber Monday online promotions at the end of November. The obvious measure of success was always going to be whether on-Island shops considered it worthwhile to open on those additional Sundays. Many did and I am not hearing any calls to row back from that position, because they were generally successful. On the availability of data from the Statistics Unit, I do not recall advising the Comité that we had no information relating to internet shopping and I apologise if I did, but my point was I believe that the old retail sales survey had not been run since 2015 and that we were waiting for the next household income expenditure survey, which is in progress now. In the meantime, page 159 of the Government Plan shows that Government have been considering the ongoing impact of internet shopping when proposing a revised G.S.T. (Goods and Services Tax) *de minimis* limit. The Assembly may also wish to note that Government have been taking active steps to improve the quality of information in this area. They are in the process of acquiring also anonymised purchasing data from major credit card providers, which will provide us with some very useful information. On the question of where surveys have been targeted - and they have been targeted - I see that as absolutely vital, seeking information from consumers, because understanding consumer demand is critical to the success and the survival of the retail sector as we know it and the employer opportunities it will continue to generate for Islanders into the future. Finally and regarding the regulatory framework, I am pleased to confirm that I have maintained the existing and very important ability of the Connétable to control all of this, to control deliveries and to act in cases where traffic noise and other disturbance from any other shop, whether large or small - those rules apply to all who apply to open on a Sunday - who are excessively impacting neighbouring residents on a Sunday. Again, I would like to thank the Constables for working with me in developing this Proposition. In finishing, I would like to share an editorial comment published in the *Guernsey Press* on 4th July this year, some 3½ years after the States of Guernsey fully repealed their Sunday trading ordinance. I quote: “Workers were exploited, family life was ruined, businesses went bust and Sunday were special no more, except it was nothing of the sort. The dire predictions of religious groups, politicians and a few retailers never came to pass. Like the sale of petrol, the opening of pubs and the lifting of the ban on dancing on Sundays, it is now hard to understand what all the fuss was about, for people and businesses have adjusted. This has neither ruined lives, nor transformed them, it has just provided choice.” That is what I want to do. Where society cannot agree, I believe choice is essential and I am pleased to make this Proposition.

#### **The Bailiff:**

Is the Proposition seconded? [**Seconded**] Does anyone wish to speak on the ...

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



My comments will not come as a great surprise to the proposer, because we had a good talk about them, but I have to say that his proposals have disappointed me. England and Wales liberalised Sunday trading in 1994, but there is a significant difference between the legislation in England and Wales and the legislation here in Jersey. In England and Wales, all retail workers can opt out of Sunday working. They have to give at least 3 months' notice to their employer. The employer is not allowed to reject that notice and the employer must not treat the employee detrimentally as a result of not working on a Sunday. When I first looked at P.93/2019 I was saddened, because there was nothing at all, it seemed to me, giving any protection to employees. Looking at the proposer's reasons as to why he did not include that, he says he would expect employers to consult and to respond to the needs of employees, but how is that a reason for not also introducing an opt-out system? If we are asking our employers to respond to those needs, the need is for the employees to have that choice to be able to say: "No, I value my time with my family. I want to spend it and not be required to work." That is what the Minister wants the employers to do, to respond to that need, but he is not giving them the option. Instead, there has been a lot of talk about choice, the choice to consumers, the choice to business whether to trade or not, but it does not seem there is any choice to employees. The employer here is holding all the cards. I did look to consider whether it was possible for me, or anyone else, to amend the Regulations, but unfortunately that was not possible. That is because of the way the principal law was drafted in 2010 and the Regulation-making powers only allow Regulations to cover the granting of permits and the conditions attached to those permits. The Regulations do not allow for further Regulations which would cover an opt-out system. So the Minister could have proposed an Amendment to the Law to bring that in, but he has chosen not to do so. I find myself in the position where I regret I must oppose him, because I find his proposals are lacking that important protection. The proposer suggests that there is a different workforce out there ready, able and willing to work on Sundays, so that many of the weekday workforce could effectively continue to have their Sundays free, but that seems to be anecdotal evidence. There is nothing in the Proposition that shows that any research has been undertaken, or an analysis, to satisfy us that that is the case. We do not know how large this alternative workforce is. We know there are about 30 large businesses who might avail themselves of the freedom to trade on Sunday if this is adopted. They will employ hundreds of staff. We would create a demand for many thousands of hours of additional labour and we do not know where this workforce would come from. Can we really be confident that there are enough of the other workers, who year on year will fill this gap and not cause a detriment to the weekday workforce, who might wish to have their Sundays with their families, or will it be the case that the existing workforce will be expected to work longer hours, including Sundays? Because even if not immediately, Sunday working will become what is expected by the employer and there will be no opt-out system in place as in England and Wales for employees to avail themselves of. In time, the employer will pay the same wages on a Sunday as on a weekday and employers are bound simply to roster their workforce to work over a 7-day week, so Sunday will become very close to a normal trading day. It is true, as the proposer points out, that this suggestion would only apply to retail, but that is the case in England and Wales. It would not apply to other areas of economic activity and, indeed, smaller retail outlets already trade without an opt-out for their employees, but they are the small outlets. They would perhaps employ a lesser number of workers. I am not suggesting that all activity should stop on Sundays. If people work in hospitality, we know that that sector necessarily trades 7 days a week. It is also important to be able to buy bread and milk and the Sunday papers on Sundays, but is it necessary for 30 large stores to open? Because they have not opened to date and we have survived. Truly I think Jersey, ourselves, myself, we have an ambivalence towards Sundays, it seems. Many want the freedom to shop to their heart's content, or have meals served to us by others, who are required to work in hotels and restaurants and yet we like to have that day as a day we spend at a slower pace and we might spend with our families. Sunday is still that bit different, because it is not yet a full trading day.

[16:00]

I am not making any case for religious observance, but Sunday is seen still as an important day of rest by many. It is a day to recharge batteries, to do something different, to slow the pace and to try and spend quality time with family, or loved ones, to give time to our children and grandchildren. Now, it is true all of that can happen on a weekday, on a Wednesday, on a Tuesday, but there is something extra about it when one day a week is set aside and treated by a large part of the population as a day to slow the pace. If these Regulations are adopted, I fear that that sense of something extra about Sundays will rapidly disappear. It will disappear for hundreds of people who work in the 30 stores; it will disappear for thousands of family members who are connected with those employees; it will disappear for all of us in the Island. Some people think that is a good thing and Sundays should be just the same, we should have the same opportunities to shop and to work and that is a view that they can certainly hold, but I also worry about workforce stress and anxiety. I believe that contributes significantly to increasing mental health problems that we have in the Island. I do ask myself, how will these Regulations help address that? People want to shop on Sundays we are told, so is retail therapy the way to address some of these issues? The issue is, I do not think this has been sufficiently considered from an employee point of view. Would providing an opt-out not be the right thing to do, so that employees can preserve their family time if they choose, ensure their own well-being, if they choose that day to do so and allow them to give priority to their children? It seems to me if Senator Farnham had been confident that there was an alternative workforce to fill all these extra hours of labour, then why would he not have the confidence to include an opt-out system in the Regulations for the weekday workers, who can then still choose whether they want to work on the Sundays, or not? But, regrettably for me, the absence of any sort of opt-out system is detrimental to our valuable workforce in the Island, it is possibly detrimental to their mental health, is detrimental to family life and I am afraid I cannot support the proposal for those reasons.

### **8.1.2 Deputy L.B.E. Ash of St. Clement:**

I must admit, this was a Proposition that I was in 2 minds around and I still am in 2 minds about. I greatly like the idea of having one day of rest in the week. I like the idea of having 7 days of rest in the week, but when you work with Deputy Pinel, that is not really an option. It was meant in the nicest possible way. I greatly miss the days of old when Sundays were Sundays. You would potter around in the morning, you would then have Sunday lunch, then watch the big match - as it was then called, for those of you old enough - and then go out in the garden and pretend to be Moore and Banks. That is Bobby Moore, the England captain, not the Senator - we did not go out in the garden and set up a Scrutiny Committee - but when I sit back and look, those days have gone, they have passed, so we then ask ourselves, does it provide more consumer flexibility; does it give the public more of a choice? The answer has to be yes, it does. The other question I would ask is: does it result in more trade? I would say no, it is not going to. The cake will stay the same, it is just sliced in a different manner, so I do not buy into the argument that it will provide more trade. I am going to go with the Minister here on what he said and I will run through my Sunday, as he said you could do. I started off in the garage, where I bought a paper. I then went home. Later on, I went out to Joe Jennings, where I put on a bet, Liverpool and Manchester United, both teams to score; even money, if you are interested, it was a good win. I then went into the White Horse, where I had a couple of pints and bought a packet of peanuts. The other half then picked me up and we went to Burger King, or I went into Burger King and she went into Iceland where she hoovered up a bottle of red wine. Basically, that is trading in any way you want to put it, so we have Sunday trading. We have it here. There are just anomalies within the system, so I would recommend to everybody that we close all those anomalies down and just make it official that we do have Sunday trading.

### **8.1.3 Deputy R. Labey:**

I enjoyed hearing about Deputy Ash's Sunday. How unlike that of our own dear Queen. We have all been there, have we not, on a Sunday morning in the middle of assembling a flat-pack and there is one widget missing? It would be incredibly handy if there was a well-known large D.I.Y. store

open on that Sunday. Indeed, while I was living in the U.K. I have seen for some families going out to super-stores, it is a day out. They used to say the family that prays stays together, but it seemed that the family that retails together prevails together. I have always been in favour of Sunday opening. Before I became a States Member, I would listen to the speeches like that of the Minister for Health and Social Services and they were an anathema to me. I could not understand. Then one day, just after I became a States Member, I was in an out of town store and a senior lady said to me: "Oh, please, let us hope they never bring in Sunday trading, because they will force me to work and I will not be able to spend the day, as I do every Sunday, with my children and grandchildren." She was absolutely terrified at this prospect and it is that voice that I cannot get out of my head on this. I understand the economic argument put forward by the Minister just now, but I cannot shake the feeling that, in fact, if we think that the current workforce will not be compelled to work on a Sunday against their will, I think we are kidding ourselves, because employers have ways and means of doing this, pressure to apply: "You cannot be the odd one out. Everyone else has to work on a Sunday. You have got to too." That is what really worries me the most. As the Deputy of St. Ouen and the Minister for Health and Social Services said, in terms of choice, it will limit people's choice not to work on a Sunday I feel and so I will listen to the Minister's summing up, but that is how I feel at the moment.

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

The previous speakers have covered some of what I was going to say, so I am trying to edit my speech on the go. We have looked at this from a religious angle slightly and, obviously, Sunday being a day of rest, that is where it comes from, it is from our history and the state religion that we have and that is the day of rest. But those of you who know me will know that I am not a religious person, but I agree with the Deputy of St. Ouen that Sunday is a precious day and should remain as a day of rest. Just as I have deeply-held beliefs that happen to be humanist beliefs and I expect those beliefs to be respected, I also expect that we should be respecting the beliefs of employees that do not wish to work on a Sunday, possibly for religious reasons, but also, of course, for family reasons and also just by reason of being a human being that needs to rest, because while this could be characterised as a religious construct, I think having a regular day of rest is a very human construct, because it is seen across all of the major religions. It is about being a human being. We need time to regularly switch off from work and there is lots of research that shows how decreasing stress levels by having a break, a regular break from work, can increase productivity, it improves the immune system, sleep quality and so on. But the additional point that I really want to make and it relates to ... it is a town and country issue for me. Where I live, it is on the St. Saviour/St. Helier border, so it is very much an urban area. My district, St. Saviour 2, is a suburban area, but it is becoming more and more urban as it gets more built up. It is very easy, I think, for people that live in country Parishes and have that peace around them 7 days a week, they can go and opt in to the hustle and bustle of St. Helier and Town whenever they want to. If they live out in St. Ouen, for example and they have a car, they can go into Town and they do not have to go into Town on any day of the week that they might choose to be their day of rest. But, by having Sunday as a special day - whether it is for religious reasons, or not - across the Island, it means that those people who might live in St. Saviour, or St. Helier, or even possibly St. Clement, who cannot afford to have a car and some cannot even afford ... I think Deputy Truscott mentioned at the previous sitting £18 for a family for a round trip on the bus somewhere. Families just cannot afford that, so there are some families that are just stuck in urban and suburban areas where they live. Speaking as somebody who lives in one of those areas, it is a totally different atmosphere on a Sunday. I am so lucky that we have a car in our family and we do this every weekend. I cannot get through a weekend, without driving out to one of the other Parishes to be in the woods, or to be by the beach, because I feel I need that as a human being and I need that for my child, but not everybody has that privilege. When we do walk through town on a Sunday, which we do that as well, because we like the calm, quiet atmosphere on a Sunday, there are lots of families having a stroll at a slower pace, not shopping, just enjoying the streets of St. Helier and enjoying that

quiet atmosphere. Lots of those families that I see, they are Portuguese families, they are Polish families, so there are socioeconomic factors here that I think we do need to consider. We have also touched on how ... and Deputy Perchard was asking advice on this, about children and how it affects children. I think she is going to speak on that, but that is also another thing that worries me, is that it will really affect family life and without the protections for workers, which I mentioned to the A.G. (Attorney General), I do not think that I can support this. I could possibly if it is withdrawn and brought back with those protections in future and I would consider supporting it. So, that is where I am today. I am not going to vote for this for those reasons, but if it did come back in a different form, with protections, I might consider it.

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

The debate is going in the predictable way that we thought it would, i.e. there are lots of emotional arguments that are being used. There are also figures that are being quoted that are inaccurate. There is quite a lot of unclear thinking that is going on to try and ... some have been harking back to bygone days when you go to the pub and you could probably get a proper pint glass with a proper head on your pint and you pay in shillings and pence for it. I, for one, never had the Deputy of St. Ouen down as a socialist, or a trade union man and that is because he is not. I can smell something when it does not smell right. When he stands up and says: "Oh, but I could support this [as Deputy Doublet has said] if there were an opt-out for it" why only an opt-out for retail staff and why only an opt-out for retail staff who would be working for the biggest retailers in the Island, because an amendment to employment law ... and there are strong arguments for an amendment to employment law to give workers in Jersey greater protections. As a trade unionist, I will fight to do that if I think it is necessary, along with my other socialist and social democratic colleagues in Reform Jersey, but you do not need to have this Proposition in front of you as an excuse to vote against this, because you want to improve employer law. You do that anyway if you feel so compelled to do this. There are hundreds, if not thousands, of people in Jersey compelled to work on a Sunday, or who work on a Sunday out of choice, because that is what they do and not just in the public sector, not just in jobs that we see as core services, such as the ambulance, the fire, the police and so on. There are people who work in our cafés, they work in our restaurants, they work in our bowling alley, they work at our harbour, they work at our airport. They sell things to people who go to church in the morning and then who want to drive down. Let us take a little journey. I will do something similar to Deputy Ash. I noticed earlier there was a suggestion that we just close everything on a Sunday, because after all Sunday needs to be the one special day. Let us just make this point now.

[16:15]

For some people Sunday is the special day, because they work 6 days a week and we want to say: "On your special day, we want to shut the Island, so you have got nothing that you can do, because Sunday is your special day." You might be working 10 hours a week (sic) for 6 days a week. I will give you an example. I was lucky enough to go to France for a weekend and it was one of those unusual trips where Manche Iles were doing a trip to Normandy and it went to Diélette, but in the past it might have gone to Carteret, because it was the Foire de Lessay, the Lessay Fair, which is quite appropriate, perhaps, for this debate. We went for the weekend and it turned out to be a slightly wrong choice, because there was nothing to do in Diélette and we had to get to Cherbourg and it is not the easiest place to get around if you do not have a car. But most people, because they were a bit cleverer than us, did the day trip. There were 2-day trips that ran on the Saturday and another day trip that ran on the Sunday. When we went over on the Saturday, there was a good mix of people on the boat. When we went on the Sunday, it was interesting that there was a demographic shift of those who went over on the Sunday. It was great to see, in fact, because there was a contingent of Portuguese people; it seemed the majority of those in the boat were from the Portuguese and Madeiran communities and they had a great time. They clearly enjoyed their Sunday off, they went to the Lessay Fair and on the way back they were playing some really good accordion music and we

sat there and we enjoyed it with them. That is because, by and large, they work 6 days a week. Some work on a Sunday, of course. It is probably the same for a lot of the immigrant community. I think, well-intentionedly, we are here pontificating on jobs, which OK, it is a really difficult job being a politician and it is unusual, it is not 9.00 a.m. to 5.00 p.m., but we get a lot of flexible time. We can choose when we want to work. Others cannot choose when they want to work. They cannot choose when they want to shop, so why should you not be able to go to that garden centre and enjoy afternoon tea? You might have been to church in the morning, you might have been to the synagogue on the Saturday, or you might have been to whatever choice your religion, or nothing is, that you go to and then you might want to have a look around: "I need to buy a bag of compost" or: "I need to buy a plant for my mother, who is in a home and I want to see her on a Sunday, but unfortunately I have not been able to get out here." So, we dictate to people what they can do. Let us imagine, let us take that little journey around Jersey in the ideal scenario that does not exist and that perhaps has not ever existed for quite a few years. We start off at the airport. Let us imagine the liberals in the Assembly have decided that even though everything else in the Island has had to stop, we still keep the airport and the harbour closed. So, we are going to take a little journey from the airport to the harbour on a Sunday. We are going to pick somebody up and we are going to take them out and then we are going to go to the harbour. We come from the airport, we go past the bowling alley, but we cannot go to the bowling alley, because it is closed on a Sunday, because Sunday is a day of rest and we have to have a slower pace on a Sunday, as the Deputy of St. Ouen has said. Then we go past the garden centre. That is already closed, because that cannot open on a Sunday, but the tearoom might well be open, but that is now closed, because we have decided that nobody should be working on a Sunday, because they should not be compelled to work on a Sunday and because there is no opt-out clause for those who work in cafés that we should shut all cafés on a Sunday until such a time that we have an opt-out clause. If only we had a way to do something about that, if only we were politicians ourselves and we could bring amendments to the employment law, but alas, in this scenario we cannot. So we go past the bowling alley and then we go down the hill to Beaumont and we see that the takeaway is now shut. The Co-op, which normally used to be open on a Sunday, because it is under a certain amount of square feet, has now been unilaterally closed. We go past the Goose on the Green, but we cannot go in there for our pint, so we cannot check on the football result, because the televisions are not on in the Goose, because we do not think it is fair that the waiters and waitressing staff and the chefs in there and the bar staff should be working on a Sunday, because we do not think it is right that they work on a Sunday, even if they want to. So we do not go in there to check how our bet went, but it does not matter, because we could not have gone to the bookies anyway a few hours earlier to put that bet across the counter. But that is OK, because Deputy Ash was still able to do that on the internet, because the internet does not specify ... oh, but we could say that the internet gets closed down on a Sunday, so it will be good. We would save electricity. Jersey Telecom could shut on a Sunday, but maybe just have a core staff, in case there is a problem with some of the private wires that the finance industry rely on. So we carry on. We go a bit further up the road past that little garage which is on the left as you come before the hamburger place, but that is probably closed anyway, because they operate a choice-based system, they just decide, as a business, whether they want to open or not. You go past the hamburger place, which is, of course, on the other side of the road, you could turn into that if you want to, but that is shut anyway, so is the Pizza Quarter. Then you get back down the end, then you decide to do a little loop around Cheapside. The pubs are shut there and the Portuguese ... the Relogio Café is closed as well on a Sunday. I do not know what the Portuguese and the other patrons, who normally go there on a Sunday do, because it is their day off. They presumably have to stay in their bedsits, or whatever their townhouses are in St. Helier, because we have decided that they cannot go shopping on a Sunday. Then we go a bit further, we go past perhaps the Morrisons garage, which is closed, so you cannot put petrol ... in fact, you should not really be driving away on a Sunday anyway, because there is nothing open anyway. We have not asked ourselves why this person is going from the airport into town anyway, but the reason is they are trying to find somewhere to eat, because somebody has come in off the plane and

they are really hungry. You think there is a really new and nice café/restaurant/diner which has opened at the harbour, which is really good. It is brilliant, because we have been crying out for a proper diner to be opened down there and now it is open, but you cannot go down there on a Sunday, even though we have decided that the boats should be open anyway, so you cannot get a pint, you cannot get a plate of chips, you cannot get a vegan sausage or a Pukka Pie or a beef burger. I am coming to the end, Sir.

**Deputy R.J. Ward:**

Can I just ask for a point of clarification?

**The Bailiff:**

I was just wondering how many more closed retail outlets we need to go past before Members understand the point that you are making.

**Deputy R.J. Ward:**

A point of clarification. Can I ask the Deputy's final destination? **[Laughter]**

**Deputy M. Tadier:**

I think we have arrived at the harbour now, so luckily I took a fairly direct route. I think my visitor has got the message that the Island is closed for business on a Sunday. Coming back to the real world, of course, the destination, if I had a DeLorean and I managed to get up to 87 miles an hour on the Avenue, would have probably been 1955, I suspect. If the Methodists in this Island - no disrespect to anyone, or those who hold those views - had got their way and we still were not allowed to dance on a Sunday, the only place you would be able to dance now on a Sunday is probably inside the Odeon Cinema at the Freedom Church. It would have been really ironic, as I am sure you probably dance and clap to a lot of the very good music that no doubt gets played there. Really, we are living in a slightly strange world, but to come back to reality, the point I am making is that when we have comments from the Deputy of St. Ouen saying that: "It is generally accepted that on a Sunday there is a slower pace in the Island", it might be a slower pace for him, when he is going out to get his Sunday lunch and he is being served by restaurateurs and waiters and waitresses, who are being run off their feet on a Sunday. Everybody is coming in on a Sunday, because they do not want to go out and there is nothing else for them to do anyway, you might as well go and get Sunday lunch, because really what they want is to be going up to B&Q to buy that wheelbarrow that they have been meaning to repair for ages, so they can go out and get their *vraic* at this time of year and put it on their little vegetable patch. But they cannot do that, because somebody in here has told them that they do not want to work on a Sunday, even though they are working on a Sunday. It is the irony of this and to the point where I do not think it is genuine. I think if these Members really wanted to give protection to these workers, they would do that. Thankfully - I have to moderate my comments slightly, because I think there are valid concerns that Members will be raising shortly - but I do not think this is one of them. How special do you want to make Sunday? I asked it genuinely earlier about what if Saturday is your special day? What if, in fact, your girlfriend works on a Sunday, she gets the Saturday off, or she gets the Wednesday off? What about if your children are working in Waitrose? The other thing is, it is not fair for the Co-op versus Waitrose. If you are an employee for the Co-op, let us say at Beaumont, which is a small Co-op, or the one at Red Houses, you can still be asked by your boss to go ... sorry, the other way around, so if you work at Grand Marché on your normal hours, you can still get asked to go and work at the St. Brelade branch on a Sunday, because that is open. There is no protection at all with that, so Waitrose do not do that at the moment, but there is nothing to stop people moonlighting anyway, so you can work 6 days a week and you go and moonlight on your day off and that is personal choice. Where are the protections, as I said, for the Jewish community, or the Islamic community, or the Spaghetti Colander, which is probably my favourite one? As I have said, our day is Wednesday, so that is why I will not turn up to any Ministerial meetings on a

Wednesday, Senator Farnham. But we can work around that, because he knows that I am quite happy to work a Sunday afternoon every now and again on a South African golf course, if I need to. I have never been asked to do that yet. But there is a more serious point here. There was a survey undertaken by the Department and it would miss the point if we simply thought we were doing this for the convenience of the business community. I think there is an element of truth when certain retailers like Gerald Voisin of Voisins have said publicly that he does not think he wants to open on a Sunday, because you just spread the business out. This is not primarily being done for the benefit of the business community, as I see it, although I think it does give more flexibility and it takes away the anomalies. This is as much about consumer choice, which I have some responsibility for. It is also about a touristic offering for people who come to the Island. I have a limited amount of knowledge of the tourist industry, insofar as I spent a few years working for Condor and for Tourism. I remember this one occasion where there was a special offer which was marketed to the French to come over on a Sunday and you paid £10 for the day trip, as opposed to, let us say, a £25 fee. They came over and I felt really bad for them. I almost felt like they had been conned into coming to the Island, because when they walked through the high street there was nothing to do, everything was shut. That is under the current scenario, of course, where the shops can open. I think there is a strong argument that if you get a few anchor shops in the high street which open - and we have seen it at Christmastime - then Town will become open for business. The animations and the festivals and the busking, everything that goes with that, we will have a dynamism in our town centre. I think the retail survey shows that the tourism industry in particular, those visitors for touristic purposes want to see Sunday trading as a thing. There is a bit more ambivalence when it comes to the local population, but in reality we all buy things, we all trade on a Sunday, we expect things to be open. It does not really wash for me when most shops are open anyway and we are trying to protect people who are not asking to be protected. What I will say, of course, is that no matter which shop you work for, whether you work on a Sunday or not, join a trade union. That is the best thing to do if you are worried about your rights. I suppose this is the good point to finish on. I think the Deputy of St. Ouen said that employers hold all the cards. Of course they do. This is capitalism realism. Welcome to neoliberal modern capitalism, Deputy. Of course employers hold all the cards, because there is an asymmetric relationship between employers and employees. There is not necessarily as much of an asymmetric relationship if there is a booming economy and the workers have more choice about where they can go to work and when they want to work, but in my experience there is usually a conversation. That is again why you have to join a union. In order to combat that asymmetric relationship, you join a trade union, because they represent you and they stick up for your rights. I am sure the Deputy will go back to St. Ouen and make sure all the people who work at Morrisons, all the people who work at the Farmers Inn are members of a trade union. I can certainly recommend a good one if he needs any advice in that respect. But the argument is not to try and resolve the global problem of capitalism by tackling this small problem of a few big shops being able to open on a Sunday. It is by getting to grips with the real problems that we are trying to resolve and making sure that workers feel empowered, that they do not live and work in a bullying culture and that we address those issues separately. I am quite happy, on this occasion, to be giving my support to this, because I think it makes sense and I think it gives choice both to consumers, workers and the business.

**Deputy J.H. Perchard:**

One of the 5 strategic priorities in the Common Strategic Policy, as we know, is to put children first by protecting and supporting children and by improving their educational outcomes and by involving and engaging children in decisions that affect their everyday lives.

[16:30]

During a public hearing with the Minister, we asked what consideration was given to families and children in taking this decision. As part of a much longer answer, the Minister stated: "We have not said: 'How does this impact on children?' We have not done that." For a Government that has put

children first, as a top priority, a consideration of the impact on children is woefully absent. The point about Sundays here has been missed. We may live in a world that is moving towards a 7-day working week, where you can work on a Sunday and take off a Wednesday, but we live on an Island where children are educated over a 5-day period with weekends off. We know that the educational outcomes of children from lower income households are adversely affected by a lack of familial wealth and it is the parents of these same children, the children who are already negatively impacted by their social status, who will be working more on Sundays. It is not those on average, or above average, salaries whom we are asking to give up a family day. It is parents on low incomes, who will be asked, possibly made, to give up precious time with their children. Sunday is a family day and for many children a homework day. We simply cannot justify making it harder for parents to spend valuable developmental time with their children. In comments alluded to by the Minister in the introduction, it is stated that the Minister or his Department, that: "Sunday trading is not an area where children have approached us." Let me change the emphasis of that. This is not an area where children have approached us. How many children do we know ...

**Senator L.J. Farnham:**

Sir, may I have a point of order?

**Deputy J.H. Perchard:**

It is quoted directly from the comments paper.

**The Bailiff:**

Firstly, the speaker needs to give way if you are to interrupt. If the speaker does not wish to give way, then you cannot do it.

**Deputy J.H. Perchard:**

I will not give way, Sir. That was a direct quote from a comments paper. Furthermore and now I quote the Minister from his speech verbally at the beginning, he said: "This has not been raised as an issue by children and young people." We cannot expect children and young people to read through these draft Propositions and then come to us with their issues and concerns. It is our duty to engage them. It is our duty to inform them of the things that will affect them and it is our duty to gather their views on those issues. That is on us, not on them. Absence of a child's voice does not mean that they have no view, or that they are unaffected by an issue. I also refer to page 16 of the Children's Commissioner's survey, that was referred to in the opening remarks of the Minister, where he rightly states that in the survey it states young people wanted more shops, but also later opening hours, explaining that they wanted places to go in the evenings and on Sundays. This demographic of child was 11 to 18. Why do 11 year-olds want somewhere to go? That is exactly how it is phrased: "We want somewhere to go in the evenings and on Sundays." Is it because they cannot go home? Is it because if they go home they will be alone and unsupervised? Is that because, perhaps, their parents already are working in family-unfriendly hours? Why do 11 year-olds need somewhere to go in the evening? Of course, when it comes to certain jobs, such as in the emergency services, there are things and people we need and for those who give their time willingly by signing up to a career of service and work patterns of shifts, we owe our thanks. We owe our respect for being so lucky for their sense of community and duty, but those people have chosen that career path and with that choice they have undertaken to carry out a public service for the greater good of the wider community. The people affected by these Regulations, by this change, are not those people who have chosen a path that they knew would result in less time with their children. So much talk today has been about us and our needs and our desires: I want to be able to spend money; it does not matter to me that you have been forced to work on the only 2 days your children have off, because I want to eat, drink, shop, bet. For me, the biggest problem with this is a lack of process. The fact that the impact on children was not aptly considered under a Government that has pledged to put children first makes this a legislation I



cannot currently support. The educational outcomes of children, whose parents already work the whole weekend, are probably already negatively affected by their absence. We know that educational outcomes of children are affected by the amount of support and time they have with parents and with adults outside of school time. For the low income earners and for people who will not have a choice on whether they get to work Sundays or not and who do have children, we are saying that we are OK with potentially creating an environment where those children will have an even greater impact on their educational outcomes and potentially even widen the gap between those on low incomes and families who can afford to choose which days they have off and who can afford to spend their children's day off, which is a Saturday and a Sunday because of the school calendar, with them.

**Senator L.J. Farnham:**

I have to raise a point of order. I think the Deputy inadvertently misled the Assembly when she attributed a quote to me, when I was quoting the Children's Commissioner. It was the Children's Commissioner who said, and I quote from the Deputy's own report: "It is not an area where children have approached us with any concerns", not me.

**Deputy J.H. Perchard:**

Apologies, Sir, I was quoting the Minister quoting the Children's Commissioner, that is correct.

**The Bailiff:**

I think that is an additional point of clarification, so I will allow that.

**8.1.6 The Connétable of St. John:**

I have worked most Sundays throughout my life. As a dairy farmer, the cows have to be milked. I think the vast number of trading organisations do work on Sundays. We are talking, essentially, of about 30 large shops on the Island. We are not talking about all the shops, just a very small number. I have an issue in that people are saying Sunday is a special day, which it certainly is and it always has been and it always will be. But retail is one of the largest leisure pastimes in today's calendar. People go shopping as part of a leisure pastime. So is it not right that the family can go *en famille* shopping, that you can go with little Johnny to buy his football boots and both parents can be there helping him choose? You can bring a football with you and let him practise in the shop, then get expelled and only brought back in again to pay the bill at the end. Why does that necessitate it has to be a weekday when perhaps both parents cannot be there? Why can it not be a family affair? Why can the family not spend their time together shopping? If one of your children want to choose the duvet cover for their bed, why can both parents not be there choosing it? This is just a matter of choice and I believe there is an opportunity to enhance family life by being allowed to shop on a Sunday. I do understand the arguments both for and against and it has been a very difficult job for me, especially as the shop that started the Sunday trading debacle way back in the late 1980s was a shop in the Parish of St. John where they managed to persuade the Constable to give them a Sunday trading permit and it duly opened on the Sunday, promptly to be, I understand, raided by various trading inspectors only to be sent away again because they had a trading licence. So, I move full circle to today. Why has it taken so long for just a very small number of shops to open on a Sunday? I have spoken to the Minister at length on one particular topic and this is one that is close to my heart, because I have political responsibility for it. That is the creation of additional jobs. I would find it very difficult to give additional permissions to the retail sector to open shops on a Sunday, so shops will need to adjust their business model to ensure that they do not create an enormous number of jobs just to sell the same amount of goods over a longer period of time. I will be supporting this, because I think that the choice that people will have is enhanced and I also believe it can assist in keeping the family together and encouraging the family to shop as a family unit, whether it is choosing daffodils in a garden centre, football boots in a sports shop, or a duvet cover in a ... whatever shop you ...

duvet shop, yes. **[Laughter]** Above all, you can all sit down to a good Sunday lunch. I would ask Members to support this.

**Deputy M. Tadier:**

I think I may have misled the House earlier. I have been reminded by the Assembly. **[Interruption]** Thank you. *Assemblée, merci bein des fais.*

**The Bailiff:**

Well, when you say ...

**Deputy M. Tadier:**

Sorry, I have been reminded, Sir, I should have said that when the DeLorean hits 88 miles an hour ... **[Members: Oh!]** that is the actual ... and I could not let that go on record, Sir.

**The Bailiff:**

Thank you very much, Deputy. Please sit down. Please sit down, Deputy, that is ... I call on the Dean.

### **8.1.7 The Dean of Jersey:**

I was going to point that out in my speech, that it was 88 miles an hour. **[Laughter]** Thank you very much. It is very interesting. My Sunday looks really quite different to the Senator's Sunday. I get up at 5.45 a.m. and I work through until about 8.00 p.m. in the evening, so there is a certain irony in me standing up as someone whose job is most pointedly aligned with working on a Sunday, perhaps more than anybody else in this Assembly and it would certainly be wrong of me and, indeed, naive to come to this debate from any perspective of a theological, or theocratic, perspective as if the fault line falls neatly down the middle there. The reality is with regard to Sunday trading, that ship has sailed. I was in Guernsey when there was complete deregulation. The interesting thing that followed on from that was that not many shops did open on a Sunday as a result, so the market determined where that was going. Frankly, I think the cake was just sliced in a slightly different way. It would be interesting to see what the figures are over the last 5 years since that happened, to see if there has been an increase in retail. I think the rather interesting thing here is what is driving all this. We have heard lots about choice and I reflected on the Proposition there, which said that there had been a survey of 1,118 people, of whom 63 per cent, which is incidentally 704.34 people, were in favour of Sunday trading. I am not quite sure how 0.34 of a person could be in favour, but Members can draw their own conclusions about that. I think we need to be clear here that this is being driven largely by the retail industry and so be it, in that sense. Even I have sneaked out for an illicit jar of mint sauce when we have discovered that there was not anything in the cupboard. But I would like to congratulate Deputy Perchard on her speech, because we do live in a world where our collective mental health and well-being has never been more challenged. The strain and pace of life has left its scar on a new generation in a way that those of us of, perhaps, more mature years really do not understand. We are not solving the problem. We do also live in the spotlight of the Independent Jersey Care Inquiry, which underlined, in as many ways as is possible, the need to give children and young people a voice. That was further underscored by this Assembly's pledge to put children first in everything we do. I think we have to be honest here, to say that the voice of the child here has been perhaps not ignored, but has been seen as an afterthought.

[16:45]

I think what I want to say to the Assembly is that I want to hold that up as a mirror to you to, say, reflect on what this will do to family life. I think children are educated 5 days a week. There are only 2 days where that collective time off may happen. While I am greatly in favour of having a Wednesday off - fantastic, I would take a Thursday off - there is something about that community collective time off, however it is spent, even if it is going shopping as a family. I ask you to reflect

on that as you continue in this debate and also to reflect ... I have written down the word “voices” here. We have heard a lot of voices, my choice and again I congratulate Deputy Perchard on her reflections on that, but there are voices that are not being heard here. There are the voices of the children that are not being heard. I am still concerned, despite what other people have said, that the voices of those who will be compelled, or may be compelled, to work will not be heard. That remains my concern. I ask Members, please, to reflect on that as you continue in this debate.

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

It may be hard for Members to realise this, but I have not always been a States Member, although it feels like I have been here for ever. In a previous life, as they say, I ran cinemas, which involved working on a Sunday. I did that for the best part of 45 years, Forum Cinema, Ciné de France, took over the Odeon Cinema for 5 years. Great times, but that was in the past. Regarding taking on new staff, obviously interviewing staff was not a real problem: “Would you like to work on a Sunday?” “Oh, no, sir, I do not work Sundays.” “Would you like to work on a Sunday?” “Yes, I do not mind working Sundays.” “Terrific, you start Sunday.” It is going to happen and there will be mild pressure applied for people to work on Sundays. I do miss all the Sunday lunches I have missed over the years, but I am trying to make up for it now. Even though I am a St. Saviour No. 2 Deputy, we do have some large supermarkets in the Parish, namely one off Rue des Près, which is a very large supermarket, surrounded by several housing estates. The people involved there, whose gardens back up onto the car park of the supermarket, get one clear day per week and that is a Sunday. Even though I am sure the operators of the supermarket do their best to keep the noise down, they do have lots of people using the car park and there will be deliveries, there will be rattling of crates, people talking, not to mention the abysmal reversing beepers, stand well clear vehicle reversing and, of course, the fumes of vehicles and transport vehicles running around. So, for people who are religious and people who have no religion, but want to keep Sundays special, for that very reason I will be voting against the Proposition.

#### **8.1.9 Deputy J.M. Maçon:**

My St. Saviour colleague has just touched on what I wanted to say, which was just to remind Members that we had been contacted by an alias of a St. Saviour resident, who works for the States, who did not want to reveal their identity for fear of repercussions, about the impact of living next to one of the biggest supermarkets in the U.K. and how Sunday for them and many of their neighbours is the only respite day that they get. I do take from the proposer’s point about the legislation in that there are some safeguards in that there are some controls that the Connétables can put over things like delivery times and whether deliveries can happen on a Sunday and all this type of stuff. But again, listening to the Dean, it was a point I was going to raise as well, that we have just written into our Finance Law how we need to think and evaluate the well-being of any proposal coming forward from this Assembly. Again, as Deputy Lewis pointed out, it is all the incidental things. It is that extra day of car pollution, it is all the clattering of the trolleys, it is the beepers going, which are really going to negatively affect the quality of life of some of my constituents. Because I know when we were looking to reduce the Sunday trading laws previously, I did go round my district, as I tend to now and again and ask residents what they thought and not only in here, but among the community it does polarise people. Some people, who live just around the corner, are absolutely fine: “I should be able to buy anything whenever I want. Why are you getting in the way? Let me do what I want to do, it is absolutely fine.” Of course, we do hear the other residents who say: “Well, wait a minute, this is a very busy urban area. It is quite nice for that one day a week where it slows down” and that is something which is weighing on my mind as a constituency representative just thinking about the well-being of those individuals, who have sent me here in order to represent their views and put that on the record. There are some other points I just want to add. Again, I have had other constituents, as Deputy Tadier has put, who have stated how, when tourists come over, they come over on a day trip on a Sunday and there is not much necessarily to do over here for them and should we be

improving and increasing that offer? It is a good counterbalance argument. One point which I do want to add is thinking about most of these larger retailers, most of them are not Jersey companies. Most of them are offshoots of companies from the U.K. and they will just be told: "Right, here is your rota, go fill the hours of the local group, because that is what we do in the U.K." Members have said that is without the protections that the U.K. necessarily has. But, as the Minister said in the States, in a sense, well, that is just kind of the way that the world is moving. If we go to another jurisdiction for a long weekend, if we went to London, or Manchester, or Edinburgh, or somewhere, would we not want ... or somewhere a bit further afield, why am I U.K. based? Let us say Paris as well. We would expect to have that ability to go into the big department stores and do that shopping as well, so why should we be any different? Members may say: "Jeremy, get down off the fence" and I am trying to, but as I am reflecting the views of my constituents, this is an issue that polarises people and there is not one clear: "Do this, or do that." We heard from Deputy Perchard who ... and as an Assistant Minister for Education, something I obviously care about is the ability for children to have that time to study and learn. Of course, we have also had correspondence from people who said, thinking a bit higher up the scale: "This is a really good opportunity for some of our students to get a longer weekend job, in order to repay back some of their student loans, because they are accumulating as they are going along." It always seems, in this particular debate, we are always trying to balance and counterbalance and there are going to be some things which will benefit should this go through, but there does seem to be in some areas some things which perhaps we are going to lose. I have not quite got into my head about how far the scale kind of balances on those types of things, but ultimately I think it is the point that Deputy Tadier raises. Ultimately, it is for the consumer to decide in these cases. If it is going to be a successful business model, then really, as former Senator Breckon used to say, we need to vote with our feet. So, I do have concerns about the well-being of my constituents, which is at the forefront of my mind, but I will continue to listen to this debate. I do think we are having quite a well thought through and a well ... apart from my contribution which has just gone ... but generally a well thought through debate which has had very good contributions.

#### **8.1.10 The Connétable of Trinity:**

I will do my best not to repeat the arguments that have been put forward, or take us on an Island tour, but I really wanted to speak today about just what is right for Jersey. Is it right for Jersey just to kowtow down and comply with the requests and the wishes of large U.K. retail outlets? I think it is going to be damaging to the small retail shops and I speak for my own parishioners where we have one independent shop in Trinity and that serves the elderly people in our retirement homes and the people in the first-time buyer development and the village centre. Where are they going to go for their shopping when that business is driven out? Because it is only going to be marginal business, it will not survive. We will have the Tesco effect in Jersey, because if you go to most of the villages and towns in the U.K., the small independent shops have been wiped out by the major retailers. I think, like Deputy Maçon said, the quality of life for those people who, unfortunately, have gardens and properties that back on to these larger retail outlets is going to be seriously affected by this, despite the fact that we can put restrictions on movements and things. The argument has already been made. I cannot see that it is going to do anything much for tourism, because the proper Jersey shops, we have heard - Voisins - really do not think that they can justify having 7 days' heat, light, staffing expenses, to run their shop on a Sunday. What are tourists going to go and have a look at when they come to Jersey, if they cannot see something unique on a Sunday? My argument is let us keep Jersey as it is, keep it special. Let us not go for the unintended consequences of diminishing the small offerings that we get from the small independent and smaller supermarkets where people can go and get their paper and their milk on a Sunday without having to get the car out and drive to St. Helier.

#### **8.1.11 Senator S.Y. Mézec:**

Can I start by leaving no Member of this Assembly with any doubt whatsoever that on this subject I am resolutely, firmly and undeniably on the fence? **[Laughter]** I have absolutely no idea at this point how I am going to vote, but I will promise that I will not abstain. So my vote is a prize to be won by the most persuasive argument in this debate. I have thought long and hard about this, in particular this very narrow subject about Sunday trading and the very specific changes that are being proposed in these Regulations. I just cannot quite make up my mind, because of all of the issues around the issue of Sunday trading. For what it is worth, Reform Jersey is treating this as a conscience issue. Many people, when they are faced with a dilemma on their conscience, will consult with their priest. That does not work for me, so I did my equivalent, which was consult with my trade union officer, who was very helpful and brought in some of the other issues and experience from the U.K. where there is Sunday trading, but where there is also extra protection for workers as well, which is not being considered as part of this. I see 2 main issues facing each other in conflict in this debate. One is the issue of whether people ought to have the right to shop on a Sunday versus the issue of people being compelled, or essentially compelled, to work on a Sunday. But then, even when I look at those 2 points together, they are still both flawed as well. Is it the case that people are being prevented from shopping on Sunday at the moment? Well, given the amount of businesses that can open under the current rules, no. Is it a workers' rights issue when, as Deputy Tadier explained before, this does not count for all the people who work in other industries as well? If you work in hospitality, we would not be having the discussion in the same way that we are about retail workers, and those workers ought to be just as entitled as anybody else to spend quality time with their family as well. **[Approbation]** The whole way we are framing this debate I find difficult, because when push comes to shove I do believe that shops should be able to open on a Sunday and I do believe that shoppers should have the rights to be able to go shopping on Sunday on the same terms as they would on other days. But that being said, I am absolutely pro workers' rights and so I think the Minister may come to this view naturally after this debate that perhaps it has been a mistake not to combine this with some of the opt-outs that exist in the U.K. legislation. What I hope happens as a consequence of this debate, irrespective of what happens and what the result is, I certainly will treat this as an impetus to think more and eventually bring proposals to the Assembly, in some form or another, that look at this workers' rights issue. I think that it is important that we certainly do not fall below the standard of workers' rights that exist in the U.K., which is what we are risking happening now. The Minister, I think, has made a good case for why that is not necessary, because of the capacity that there is in the economy right now and I certainly hope that that is the case, but I would worry about what would happen in a year's time if the economy did change and what impact that would have on people being compelled to work at different times.

[17:00]

So, let us not accept this debate as what one Deputy beforehand said, which is ... I forget the exact phrase she used, but she talked about the trend towards a 7-day working week. Well, I reject that trend entirely. In fact, I think we ought to be working towards a 4-day working week, which is the position of trade unionists around the world. Some may think that that is radical, but we used to have a 7-day working week, then it became a 6, then it became a 5, so there is nothing radical at all about saying that we could move towards a 4-day working week. One concern is that the workers, who would end up taking these shifts, would be more likely to end up on zero-hours contracts, so here is a solution to that. Let us abolish zero-hours contracts entirely and look at our employment legislation and find better ways for people to manage the hours they work. Let us look at abolishing poverty wages, so people are not simply having to do these extra hours because they are so desperate to make ends meet. Let us make sure that if they are doing full-time hours they ought to be paid a decent living wage for it and we should not, in a wealthy society, be accepting poverty wages. There are all sorts of other improvements to workers' rights that ought to be considered in terms of how collective bargaining works. We do not have T.U.P.E. (Transfer of Undertakings (Protection of Employment)) legislation, when Thatcher brought that into the U.K. decades ago. I am still not 100 per cent sure

how I will vote on this, but what I hope that this debate will have done is it will have hopefully kick started that discussion, so those who have stood up in this Assembly, perhaps those who we would not have expected to make the pro workers' rights argument, to then count on their support next time round when we start talking about the rights of working people, no matter what day of the week they are working, whether it is on a Sunday, whether it is on a Wednesday, whether it is in hospitality, whether it is in retail. On the isolated issue of whether shops ought to be able to open on a Sunday, yes, I think I am in support of that, quite honestly, but there are a whole bunch of other issues that need to be considered within this that we can and ought to be considering irrespective of how this debate goes.

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

It is far from predictable. What a day. Deputy Southern has agreed with the Chief Minister and now we find ourselves in different positions. In any organisation I do not think it is how you agree, it is how you disagree. How I disagree with my comrades is very important, but I do disagree with Deputy Tadier. There are a number of reasons why and I will put them before you now. I feel that what we have enabled is the gradual erosion of the weekend and family life and this just further erodes that ability to have a day which is set aside for your family, or your friends or, indeed, yourself. I am not a religious man. I have no faith. However, I represent constituents that do have faith and would like to see their Sundays kept special and I respect that. I respect that fully and I respect their right to worship in whatever faith they are, because I think that is about equality and removing discrimination from our society, which is what I believe in. I also firmly believe that workers' rights should be at the centre of what we do in this Assembly. It is certainly at the centre of my politics and my Party's politics and, yes, that is my concern over this. We are creating, it appears, even from the communication paper, low-paid, insecure and what would almost necessarily be zero-hours contracts for both the young and senior citizens. That seems to be a strange demographic to rely on to produce this access, so that we can simply consume more. In the end, that is what we are doing. We are enabling us to just simply consume more with the hope of growth, which just simply does not work. The other point about this is that inevitably there will be full-time staff who will need to work on that day. We simply can survive without these large shops opening. When my children were born, when my son was a baby, we were in London and we found ourselves travelling to Bluewater - or, as it is called, Bluewater **[Laughter]** - or Lakeside, in order to trolley our children around the shops and consume stuff we really did not need. Coming to Jersey, for me, when he was still a baby, because we came soon after that, was a revelation to not have the ability to do that. It did not take anything away from my life. In fact, it added to it, because it meant I went out to the outdoors, to the beach, to the countryside and I could enjoy that. I cannot vote for anything that may not enable families to do that with their children, because I think that is such an important part of their development. We are, I believe, heading to 7-day working here and as a trade unionist ... if I have a religion I suppose it is trade unionism and it is about equality and the basis that those standards are built upon. As a trade unionist, I have fought long and hard to get a weekend for staff and I cannot go along with anything that gets in the way of that. Many people have talked about the effects on family life and I believe that to be true. The biggest issue with this Proposition is that, I believe, it is only half complete, because there is no protection for workers built into it now and there are no protections for workers built into it into the future. This is a classic example of once you have released this ability to open it will be unlikely that those protections will be built in afterwards. They will simply have to be fought for. Now, why are we doing that? Why are we making law that in the future means that a section of our community will have to fight for some sorts of rights? It is the wrong way around. If the rights of the protection of our workers - and this is where we do agree within our group - are put first, then perhaps we can look at this again. In the U.K. they do have those rights. There is something unique about Jersey and that Sunday is something that is unique about Jersey. I think we should try and keep it. Other areas where people work, in hospitals and so on, are because of necessity, because we need them there and the retail sector, I agree, perhaps there do need to be more

restraints on the hospitality sector in terms of restaurants, but that is about giving workers rights. I see nothing in this Proposition to say that if you work on a Sunday you are paid double time, or time and a half, which is what it is in the U.K., or you get guaranteed time off *in lieu* if you work that time. Perhaps if that was there I could be more accepting of it. There is a difference between a Wednesday, a Tuesday, a Thursday and a Sunday. Children are not at school on a Sunday and a Saturday at the weekend, so there is a time available to spend that time with your children and your families. That, to me, was the most precious time I have. I would not have wanted to lose it. Much has been said already, which I do not want to repeat, but I think for those who speak in favour it is significant, I think, that a number of shops do not want to open. I think I agree with the fact that when larger shops open, the small retailers, the small local shops, do have pressure put upon them. They do lose out. They will lose out to the large conglomerates that are not Jersey based and probably do not pay any tax, for example, which is not good for our community. So I would suggest, finally - sorry, just trying to read my own handwriting - it is an unnecessary move forward at the moment. It does nothing for families. It does nothing for children. It does nothing for low-paid workers because it will not be the wealthy workers who work. It will not be those who have careers in the finance sector, or other areas that work Monday 9.00 a.m. to 5.00 p.m., it will be those on the lowest incomes. This is the fact that I really want you to consider. If you are working 40 hours a week on minimum wage, you will struggle to get by. If you are offered another 5 or 6 hours, you are likely to take that time, simply because it is a bit more money for your family, those who may not have a genuine choice to give that money up, because that is what living on the breadline is like. So, I ask you to oppose this Proposition and let us move forward in a different way. Rather than the god of consumerism, let us think about the good of our children.

#### **8.1.13 Deputy I. Gardiner:**

I am joining all those speakers who are on the fence and I might add a couple more arguments to be on the fence, but I will need to make a decision and I will make it. There were a couple of speakers who gave experience of what happens on the weekend and I would like to share mine. I have been out for birthday celebrations with ladies with children from immigrant communities, some of them on low income and low wages. Some of them work in retail and hospitality. Their insight into family friendly was a bit different from what we just heard in the Assembly. For example, one of them said: "I would rather work on Sunday long hours and have Monday and Tuesday half days to spend half days with my children and not to pay for childcare." It is a different perspective, but this is what is happening because they really need to make their living. They need to pay their rent. The second one said: "My husband works at the restaurant. He works on Sunday and he is off on Monday and basically I have 2 grandmothers who can happily spend time with grandchildren on Sunday and me and my husband will have a great time on Monday together and we will pick up our children from school together." What is family friendly if it is Monday to Friday, 9.00 a.m. to 5.00 p.m.? I do not know. Definitely it is not in my family Monday to Friday, 9.00 a.m. to 5.00 p.m., also with some religions. Jewish is a different way. About the homework, maybe in different classes. My child is tiny, she is 4. She receives her homework book on Monday and I need to return the homework book on Friday and I hope I will have time today to deal with her homework. I am definitely not doing her homework on Saturday and Sunday. So, there are lots of examples on different lifestyles and family friendly and how families do things together on different days. I definitely agree we need to have one day off, but each family can decide how they are taking this day off. I am going back to the proposal and this is what is raised here. It is the opt-out. How do we monitor that our employees will not be bullied to work on Sundays when they do not want to work on Sundays? It was very interesting to hear from Deputy Tadier about joining the trade union and I am not a person from the trade unions, but if trade unions can help us to be sure that employees will not be bullied to work on Sundays, I will definitely support this. So I will think and make a decision very soon.

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

When one takes a job, you normally know what the hours are going to be and, like the Constable of St. John, I have a farm and I worked every day. I now have 2 guys working for me, so I do not work every day, I only work here, so I have a Sunday off. But what worries me about this proposal is not the working, it is how it is going to be brought in. If you are already in retail, you are going to be told: "We are opening on Sundays and you are working." That is not right. People who work in hospitality know when they have signed a contract they are going to be working on a Sunday. They know the days they are going to be working. I do not have a problem with that, because if you do not want to work on a Sunday, you just down tools and you say: "No, I am sorry, I cannot do that." But if you are already working in retail and all of a sudden we are passing a law which says you are allowed to open, your boss is allowed to open on a Sunday and he is going to come to you on the shop floor and say: "I am open next Sunday, I need this", it does not matter if it is 30 shops or 40 shops, 30 shops are going to have to be staffed. The guy who owns the shop is not going to be standing in the doorway serving everybody. It is going to be the people that he has employed and the people that he has employed think they are off on a Sunday. So I think this Proposition, although it is well-meaning, needs to come back and we need to have an opt-in, or an opt-out, for the people who are working in retail. This is what we are discussing today, is people working in retail and big shops being allowed to open. People who work in cafes, restaurants and bars, they know that part of their day is going to be a Sunday working, so they are OK with that. If they are not OK with that, then they would not have taken the position in the first place. But if you are working in retail and those of you who saw the television the other morning and again today, 2 big retailers, Ransoms and Voisins, have said - and I know there are other garden facilities and there are other big stores - that they are not going to be wanting to open on a Sunday. If this comes back and it says that the employers have a chance of discussing whether they want to be on a Sunday working, or whether they want to be home on a Sunday, then I will go for this, but at this moment in time, because the person who is working in retail is not looked after, I am going to vote against this, I am afraid, because the employee has to be protected and cannot just be told from one day to the next: "You are working on a Sunday because we are open."

[17:15]

**The Bailiff:**

I want to let Members know that I have so far 5 more speakers indicating a desire to speak, plus, of course, the response from the *rapporteur*. Members might wish to start to think about whether they wish to work on into the evening, or finish ... sorry, yes?

**Senator I.J. Gorst:**

Sorry, Sir, I have spoken to the mover of the proposition and his view, with which I concur, is that I will seek the adjournment at 5.30 p.m. [Approbation]

**The Bailiff:**

Very well, I think that is a very helpful indication. Thank you very much, Senator.

**8.1.15 The Connétable of St. Ouen:**

I will not detain the Assembly for too long. I am sat on the same fence as Senator Mézec, though I can say, given my size, I hope it is a strong fence, preferably from a fencing centre that does not open on Sundays. I have all the concerns that everyone else has expressed about the impact on family life, the concerns about workers' rights, which I have to say I agree entirely with Deputy Ward. Frankly, I would support a decision that came back and protected workers' rights, giving them the option to opt out of working on a Sunday, because knowing a number of people who are at the bottom end of the income scale as I do, we can talk about the theoretical possibility of these people having rights but, as the Constable of St. Saviour very eloquently put, unfortunately the facts of life are that pressure will be brought to bear on them. They cannot afford to lose those jobs and they will be



pressurised into working on a Sunday. I have considerable concerns with that. Personally, I also have concerns about any shop opening on Christmas Day, on Easter weekend or, indeed, on Liberation Day, which is a very special day for this Island. I think, frankly, my view is all shops should be firmly shut that day, because we should be celebrating the glories of our Island and the fact that we were liberated from an oppressive regime, but that is probably a personal view. I also have great concerns about the impact on the substantial number of retail traders who are open on a Sunday, who provide a tremendous service to this Island and whose workers by and large work there by choice. Do we really need to open bigger stores? Do we really need to give people that choice? Also, we have all seen the email from the resident of St. Saviour and I have tremendous sympathy with them about the noise and pollution that would take place on a Sunday and would, quite frankly, ruin their Sundays. They put their case very eloquently about how it is the only day of the week they are free from the clatter of trolleys being unloaded and those horrible beeping noises and keep clear noises. So I have great sympathy for them. However, my background is commercial and I think we do need to think about something else. There is another consideration that we need to bear in mind. Let us be clear about this. The current retail model in Jersey is busted. The internet has done that for it. You can buy on the internet at half price and with speedier delivery times if you have to order stock that people have on their shelves in Jersey, or do not have on their shelves. It means that retailers are struggling. There is a good reason why there are a substantial number of shops in this Island that have shut down, simply because they do not have a viable business model. So let us be clear about this. There is a good reason why this Proposition has been brought. It is to help them change their business model and add some value to what they are doing, because if they do not add value quite clearly those shops that provide goods and services that we can buy over the internet in 10 years' time will not be here in the Island. We will not have that choice, because they will not be in existence. So, that is the reason I am sat on the fence because I think on the one hand I accept ... and Deputy Perchard very eloquently put the debate about family life and the fact that children only have Saturdays and Sundays off and I know for myself that I value my time with my grandchildren. My oldest grandchild is at school on weekdays and is there on a Sunday. We should not underestimate the value of family life, but we have to set against that the value of the businesses that operate in this Island, those shops that provide us with services and goods, which we value, because we can go and look and touch and feel them and they are available instantly. If we do not help these shops, at the end of the day they may well not be there, so this for me is the choice that faces me when I think about where I am going to put my vote. I have to be honest, I have yet to make my mind up on this subject and I will look to be persuaded by the very eloquent Senator as to the reasons I should vote for his Proposition in this matter.

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

I will try and be brief. I start from the same position as my leader, as it were. I, too, am fundamentally, firmly and fixed on the side of the worker. I am off the fence on the side of the worker. I, too, was there at that meeting last night. We were talking to our area representative and he went straight away to protection that occurs in the U.K., non-existent in Jersey. As the Constable of St. Saviour carefully pointed out, this is going to impact upon those people who are in retail and will be told that they are working on Sundays. No protection, no detriment as in the U.K., and Deputy Renouf went on at length about that and perfectly right, too, he was. Then what else does it foretell? Well, he said this is a recipe for a rise in the number of zero-hours contracts. You will be rung up on Friday saying: "I want you on Sunday" or not, full stop. Again, that we still do not have any protection against in Jersey. For the moment, while there is a shortage of warm and breathing bodies to staff the shops, there may be a supplement for working on a Sunday that people can negotiate, but for how long? As Sunday working becomes routine, maybe that supplement goes and you are working all the hours God sends, all the hours sent, without any supplement on top of that. I loved the Constable of St. John's story about the family going shopping for the football boots on a Sunday, as a joint activity going out to the shops on a Sunday, but my mind was struck by what a nice, middle-

class family this was. My attention was drawn to the family of low earners, who are not going to be there on a Sunday, because they will still be busy working at the third, or fourth, or fifth job that they occupy and not having family time. That is in contrast to what we are presented with. Then you have the financial argument, which says what is going to be happening and some proprietors have noticed it, is that what you are going to be doing is spreading 6 days' profit over 7 days. Overheads up, because you are open and you have your lighting, heating, *et cetera*, on Sunday, but overall sales not up, so why would you do it? Then the single piece of information that I want to get hold of, it was mentioned that Guernsey had converted to Sunday opening and I do not think I have heard anybody say: "It was a runaway success and people are making much more profit" or is it the situation that it is 6 days' profit in Guernsey over 7 days? Is that the same happening? We do not know. Finally, a nice little tale at the end. We are talking about the competition with the internet. Opening on a Sunday is not going to drive the internet away. It does not solve the question, it does not answer that particular aspect of the retail. So, there you go, that is my position. I will be voting against this Proposition.

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

For a Government who says that they are putting children first, what sort of proposition is this? This is not taking into account children. Voting for this is not putting children first. Children are off 2 days per week. For many of them, Sunday will be the only day with their family. We often talk about well-being in this Assembly. This Proposition does not take into account the mental health and well-being of the people who will be made to work. I have spoken to several people who worked in hospitality and chose to move to retail, simply because they could have Sunday off with their families. I have been told time and time again they do not want to work on Sunday. We are targeting those on lower incomes, who will feel compelled to work. This is not right. They have no choice and, therefore, I will not be voting for this Proposition.

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

We have heard some good, emotional speeches this afternoon on this subject, but I really do think that some of us have got the subject totally out of perspective. If you listen to some Members, you would think we were being asked to vote for the end of the world, we are being asked to introduce Sunday trading, but we are not. We did that, or that was done, decades ago when we had the list, the infamous list, the list of goods that any shop of any size could sell on a Sunday. That included pornographic magazines, but not the Bible. It included cut flowers, but not flowers in pots. It was an absolute nonsense and probably observed more in the breach than anything else. So, it was in 2011 that we changed the law to what we have now. So, what we have now is that every shop under 700 square metres can open with the permission of the Constable every Sunday, Liberation Day and all the other holidays and so on, if they choose to do so. I insist and I remind Members: with the permission of the Constable. I think there were one or 2 Deputies from St. Saviour who mentioned a large supermarket in Plat Douet Road whose initial begins with "W". If the Constable thinks it is totally inappropriate for that store to open every Sunday, then the Constable does not have to give a permit. Of course, that shop already opens a minimum of 11 Sundays a year anyway for La Fête de Noué and also, I think, they are entitled to 5 additional Sundays. So it does happen anyway. Now, I am not saying that it is right that it should. What I am saying is there is this control that the Constable can either refuse, or put serious conditions on, about when deliveries are made, when these lorries with their beeping and their very annoying reversing noises are allowed to come. So they can do that anyway, but the reality is most shops who are entitled to open and can open with the permission of the Constable choose not to do so. But many do choose to open. Think of Iceland, the Co-op, Marks and Spencer, Morrisons; all do. Why do they do that? It is because the consumer, the public, want them to open and to be able to purchase from them. It is still the case that in most of those stores, in the Locales, Sunday is their busiest day for footfall and sales, so that is the consumer, the public, who are making the demands for these shops to open. If they were not, then clearly they would not open.

It is the busiest day of the week for the Locales and every single one of those shops has a waiting list of staff who want to be rostered for a Sunday. So what are we talking about, workers' rights? It is quite right we should be concerned about workers' rights, but why just the few individuals who work in the large shops? What about those in the shops that are already open? Other people have mentioned the hospitality industry, the transport companies, the harbour, the airport, the bus company, everything else we can think of. If we are going to be worried about these few who might work for B&Q or Voisins or whatever shops are open, then surely we must be equally concerned about all these other people. But what about the other right, the right of these people to work? We are denying those people, who work in these large shops, the right to work, to go and earn money to support their families that so many of us seem to be concerned about. You want to support your family by going out to work and earning money? If you work for those large supermarkets, those large stores, no, you cannot. Stop and think about how we are dealing with this and if we are not perhaps being just a little bit - just a little bit - hypocritical. **[Approbation]**

**Senator I.J. Gorst:**

Sir, may I call for the adjournment, please?

**The Bailiff:**

The adjournment is proposed. Very well, the Assembly stands adjourned until 9.30 a.m. tomorrow morning.

**ADJOURNMENT**

[17:29]