

# STATES OF JERSEY

## OFFICIAL REPORT

**TUESDAY, 30th APRIL 2019**

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[9:30]

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

## **COMMUNICATIONS BY THE PRESIDING OFFICER**

### **The Bailiff:**

#### **1.1 Tribute to Mr. Terence Sowden Q.C.**

Many Members are no doubt aware that Mr. Terence Sowden Q.C. (Queen's Counsel) died on 9th April at the age of 89. He had been Deputy for St. Helier No. 1 for 3 years from 1960 until 1963 and indeed was elected at the top of the poll with 1,139 votes at the time, some way clear of second place. On entering the States, he was elected to the Harbours and Airports Committee, the État Civil Committee, he was president of the Manual Workers Employment Committee. In her tribute to him at his funeral, the former Solicitor General, Stéphanie Nicolle, said that he was also President of the Housing Committee. Although the Greffe records from that time are not entirely clear, I would take the recollections of Ms. Nicolle to be correct, because they were very good friends. Certainly, it is true that *plus ça change, plus c'est la même chose* would come to mind, because there was a housing shortage between 1960 and 1963. Mr. Sowden, indeed, was determined to tackle that issue and the Housing (Jersey) Law was applied rather more rigorously during his time than previously. Mr. Sowden had a second period as a States Member when he became Solicitor General in 1986, an office he held until 1994. During that time, he was responsible for many important matters which concerned Members, perhaps not least of which was the oversight of the defence of the Les Pas litigation. In those days, the Law Officers' Department was considerably less well-staffed than it is today and we should be grateful that a senior advocate was prepared to take the very substantial drop in earnings from his private sector practice and put his name forward to serve the Island in that important office. At his funeral last week, Ms. Nicolle listed many of Mr Sowden's very laudable achievements, both professional and not professional, including national swimming prowess, but she ended on this note: she described him as being a very kind man and surely none of us could want for a better tribute than that. Mr. Sowden leaves behind him a widow and children and grandchildren and on behalf of Members, I extend our sympathy to them all. I ask Members to stand in silence as a mark of respect in the usual way. **[Silence]** May he rest in peace.

#### **1.2 Visit by Her Royal Highness The Princess Royal**

I am pleased to announce to Members that Her Royal Highness The Princess Royal, will be visiting the Island this year on Monday, 10th June. During her visit, the Princess Royal will carry out the following engagements. As president of the Royal Agricultural Society of the Commonwealth, she will attend the annual general meeting of that society at the Royal Jersey Agricultural and Horticultural Society Headquarters and as patron of the British Nutrition Foundation, she will launch the 7th healthy eating week for schools at Jersey College for Girls in St. Saviour.

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

From one Royal matter to another. I am very pleased to welcome His Excellency as the personal representative of Her Majesty. **[Approbation]**

#### **1.4 Mr. Tim Oldham as new Assistant Greffier of the States**

I am also pleased to tell Members: no new face in the Greffe seats yet, but following the retirement from the Greffe of Ms. Anna Goodyear, I administered the oath of office as Assistant Greffier to Mr. Tim Oldham, who will be well-known to Members. I am grateful to him for

taking on this additional responsibility and I am sure Members will join me in wishing him well for this appointment. **[Approbation]**

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

### **2. Nomination of Deputy J.H. Perchard of St. Saviour as a member of the Economic and International Affairs Scrutiny Panel**

#### **The Bailiff:**

There is a nomination of Deputy Perchard as a member of the Economic and International Affairs Scrutiny Panel. Is that proposed? I was looking in the right direction, but I just had the wrong person. I am so sorry, Deputy Morel.

#### **2.1 Deputy K.F. Morel of St. Lawrence (Chairman, Economic and International Affairs Scrutiny Panel):**

No, it was my fault as well. Yes, I would like to nominate Deputy Perchard to a position on the Economic and International Affairs Scrutiny Panel.

#### **The Bailiff:**

Is that seconded? **[Seconded]** Are there any other nominations? I am pleased to announce Deputy Perchard has been elected as a member of that panel. **[Approbation]**

[9:45]

## **QUESTIONS**

### **3. Written Questions**

#### **3.1 DEPUTY J.M. MAÇON OF ST. SAVIOUR OF THE MINISTER FOR HOME AFFAIRS REGARDING THE BREAKDOWN OF COSTS OF THE NORFOLK POLICE INVESTIGATION INTO THE PLANNING DEPARTMENT: (WQ.178/2019)**

##### **Question**

Will the Minister provide a breakdown of the costs to date of the Norfolk police investigation into the Planning Department, including a breakdown of the cost of accommodation and the locations used for such accommodation?

##### **Answer**

A breakdown of the costs associated with the Norfolk police investigation into the Planning Department, including the cost of accommodation and the locations of those costs, are set out below.

Cost Type	Amount	Accommodation by Location	
Payroll	7,351.24		
Stationery	11.40	Jersey	£2,955.56
Car Hire	738.10	UK	£279.00
Air Travel	3,765.56		
Other Travel	1,736.58		
Hotel	3,234.56		
<b>Total</b>	<b>£16,837.44</b>		

### 3.2 SENATOR S.C. FERGUSON OF H.M. ATTORNEY GENERAL REGARDING THE LEGAL PROVISIONS WHICH DEFINE THE ORGANISATIONAL STRUCTURES OF STATES DEPARTMENTS: (WQ.179/2019)

#### Question

Will H.M. Attorney General provide a list of all the legal provisions which currently define the organisational structures of States departments; and advise which of these provisions will need to be considered for change as a consequence of the ‘One Gov’ programme?

#### Answer

It would not be practicable to provide a list of all the legal provisions that *define* the organisational structures of departments and ministries of the States and the Government of Jersey. However, it may assist States Members if this is explained.

In general, the organisational structure of States departments is not defined by legislation. Provision is made with respect to the establishment of Ministerial portfolios, responsibilities and the conferral of functions and powers on Ministers in the States of Jersey Law 2005 (the “**2005 Law**”). The structure of departments is then determined and implemented through the exercise of powers in the 2005 Law to delegate functions to civil servants and Assistant Ministers (Article 28) and through general powers conferred in the Public Finances (Jersey) Law (including Article 8) to provide resources to specific departments and other public bodies and the Employment of States of Jersey Employees (Jersey) Law 2005 in relation to the management of finances and delegation of responsibilities.

The 2005 Law and the other enactments mentioned above are silent about the organisation of departments and do not need to be amended in order to organise civil servants to support ministers in new ways. However, insofar as powers are exercised by officers as delegates of a Minister under Article 28, any form of organisation must accommodate the Minister electing to involve him or herself directly in delegated powers. This will necessarily cease to be the case when Part 4 of the Machinery of Government (Miscellaneous Provisions) (Jersey) Law 2018 is brought into effect.

However, Ministers are charged with delivering particular statutory functions and services, and departments are, in practice, often structured in order to most effectively deliver those functions and services. This is a matter that was recently considered by the Assembly in relation to the “target operating model” for the Justice and Home Affairs Department, where (for example) customs and immigration service is structured and staffed by civil servants in a particular way

in order to deliver that service for which the Minister for Home Affairs is responsible in accordance with the requirements of the Customs and Excise (Jersey) Law 1999.

This is not an arrangement which is particular to the Justice and Home Affairs Department. The Planning Law requires that there be a Chief Officer responsible for the delivery of the functions in that Law, the Education Law gives certain functions to a Chief Officer of the Education Department and so on. How each statutory function that may be exercised by Government may be affected by the implementation of the One Gov programme. That is a question for the Government, which is responsible for the delivery of these reforms.

Of course Members may seek Law Officers' advice on the construction of specific enactments and the effect that particular aspects of these reforms may have on a case by case basis in respect of any plans for Governmental re-organisation. This is advice which the Law Officers' Department stands ready to provide as demonstrated by the recent written answer to the Assembly WQ108/2019 tabled on 26 February 2019.

### **3.3 THE DEPUTY OF ST. JOHN OF THE MINISTER FOR INFRASTRUCTURE REGARDING THE WITHDRAWAL OF THE NUMBER 7A BUS SERVICE: (WQ.181/2019)**

#### **Question**

Will the Minister advise what assessment, if any, was undertaken of the impact that withdrawal of the Number 7A bus service from the timetable would have on the ability of the residents of Rue de la Mare Ballam in St. John to access transport and to travel within the Island; and will he undertake to work with Liberty Bus to ensure that this year-round service is reinstated?

#### **Answer**

Service 7A ceased to operate at the end of the 2018 summer bus timetable in September 2018. At that time, the service consisted of a single weekday morning journey from St Johns Church to St Helier, and a single weekday mid-afternoon journey in the opposite direction. The service was fully replaced by additional journeys on the standard Service 7 via St Mary, still departing from St John and St Helier at the same times, to provide a much-needed additional morning commuter trip for the residents of St Mary and to eliminate a two-hour gap in the afternoon timetable.

Recorded passenger demand for Service 7A on the section of route between St Johns Church and Carrefour Selous during the month of September 2018 was less than one passenger per weekday. The replacement services via St Mary and Six Roads were in March 2019 being used by more than ten times as many people. Therefore LibertyBus were entirely justified in proposing to reallocate their resources in order to benefit the much greater number of customers now using Service 7 at those times.

While the ideal situation would be for every section of major road to be provided with a regular bus service, in this case the area is very rural with few potential customers living within a reasonable walking distance of the former bus route. With a finite number of buses and bus drivers available, it is regrettably not cost-effective to provide a service where there is unlikely to be a viable level of passenger demand.

### **3.4 THE DEPUTY OF ST. JOHN OF THE MINISTER FOR INFRASTRUCTURE REGARDING THE REQUIREMENT THAT COMMERCIAL VEHICLES BE INSPECTED BY DRIVER AND VEHICLE STANDARDS: (WQ.182/2019)**

### **Question**

Will the Minister advise what investigation, if any, has been undertaken into the impact of the requirement that commercial vehicles be inspected by Driver and Vehicle Standards (D.V.S.) on the viability of commercial vehicle-servicing providers to continue trading; and will he commit to explore the implementation of measures that could be used to help such providers to continue servicing the Island's commercial vehicles?

### **Answer**

The introduction of Annual Roadworthiness Inspections and subsequent development of the Commercial Vehicle Operators licence, is already having and will continue to have a positive effect on the viability of the Commercial Vehicle Repair and Maintenance sector. This scheme will compel operators to regularly inspect and maintain their vehicles in adequate facilities (garage/workshop) by competent, trained staff ahead of having them being inspected by DVS.

It should be noted that DVS only carries out Annual Roadworthiness Inspections on commercially operated goods vehicles. DVS do not undertake any mechanical work to the vehicles and all vehicles presented for the inspection should have been inspected/maintained by their garage before being presented.

DVS has met with all garages involved in the repair and maintenance of commercially operated goods vehicles and they have been included in all correspondences in relation to the scheme. The feedback received to date from the servicing industry has been overwhelmingly positive.

### **3.5 DEPUTY J.H. PERCHARD OF ST. SAVIOUR OF THE MINISTER FOR EDUCATION REGARDING THE POLICIES USED TO ASSESS REQUESTS FROM TEACHERS RETURNING FROM PARENTAL LEAVE TO REDUCE THEIR HOURS FROM FULL TIME TO PART TIME: (WQ.183/2019)**

#### **Question**

Will the Minister advise what policies and legislation are used within schools when assessing a request made by a teacher returning from maternity or paternity leave to reduce their hours from full-time to part-time; by whom such requests are considered; on what grounds such a request would be denied; and whether, in denying any such request, it is a requirement for the reasons for turning it down to be given?

#### **Answer**

##### **Maternity leave**

The Government of Jersey has a Maternity Leave policy that applies to all staff and office holders employed on either a permanent or non-permanent basis. In addition, there are guidelines for Managers for managing all aspects of Maternity Leave including the return to work of staff. The guidelines state clearly that if an employee wants to return to work on reduced hours or request other flexible working arrangements, then they should put their request in writing to the Line Manager. Upon receipt of the request, Line Managers should consider them favourably taking into account business and operational needs and the impact on other members of the team. When considering a request for reduced hours, the Line Manager should not agree anything until they are certain what is being requested can be accommodated. When considering the request, Line Managers should also refer to the Flexible Working policy for further guidance.

##### **Paternity leave**

The Government of Jersey also has a Paternity policy and Guidelines for Managers which applies to all staff and office holders employed on either a permanent or non-permanent basis. As with the Maternity policy, employees wishing to change their working hours should do so in writing to their Line Managers. When considering the request, Line Managers should also refer to the Flexible Working policy for further guidance.

The Flexible Working policy outlines what constitutes flexible working and what the Line Manager and employee are responsible for. The employee is responsible for making a written application to request any change to their existing working arrangements. However, the policy does state that employees do not have an automatic right to work in a specific flexible way as this may not be able to be accommodated.

The Line Manager is responsible for considering any requests from the employee, giving the application careful consideration and to be as accommodating as business and operational needs of the service permit, taking into account the impact on all members of the team. If refused, the Line Manager must supply the member of staff with a verbal and written explanation. If a request is refused, an employee can challenge this decision by writing to the Director General (or nominee) within 5 days of the request being declined. The Chief Officer will determine if the request was reasonably refused (normally for business and operational needs) and their decision is final.

### **3.6 SENATOR K.L. MOORE OF THE MINISTER FOR THE ENVIRONMENT REGARDING THE WATER QUALITY OF BOREHOLES USED FOR RESIDENTIAL WATER CONSUMPTION: (WQ.184/2019)**

#### **Question**

Will the Minister indicate the number of boreholes which are used for residential water consumption; and publish the results of any water-sampling tests undertaken by the Official Analyst, indicating in particular the number of samples tested per year for the past 5 years and the number of results that showed nitrate levels of below 40 mg/l; below 50 mg/l; above 50mg/l; and above 70 mg/l?

#### **Answer**

The Water Resources (Jersey) Law 2007 requires that all boreholes and wells used by homes in the Island are registered with the Government of Jersey Environmental Protection team. There are approximately 3393 homes supplied with drinking water by registered or licenced private water supplies (boreholes, wells and surface water)<sup>1</sup>.

The Jersey Official Analyst Laboratory has confirmed that the following number of water sample tests have been submitted by households for nitrate analysis in the past 5 years.

Year	Total Number of Samples <sup>2</sup>
2014	235
2015	256
2016	269
2017	206
2018	239
2019	107 (up to April 2019)

<sup>1</sup> This figure excludes those registered private water supplies that are not used for drinking water, but used for other uses (such as garden watering).

<sup>2</sup> These samples are submitted directly to the Analyst by the public or through a water treatment company. The samples also contain repeat samples for the same dwelling and some mains water samples (20% of the sample number for 2018).

The States of Jersey Official Analyst does not compile an annual breakdown of the specific results, as the results are supplied to the individual householders who commissioned the tests. However, for 2018, the Analyst has provided the following additional specific breakdown in relation to boreholes and wells sampled.

Number of samples	Number of samples				Percentage of samples			
	Below		Above		Below		Above	
	40 mg/l	50 mg/l	50 mg/l	70 mg/l	40 mg/l	50 mg/l	50 mg/l	70 mg/l
192 <sup>3</sup>	107	123	69	33	56	64	36	17

In addition, the Environmental Protection team has previously compiled results from the Official Analyst records between 2008 and 2014.

Number of samples <sup>3 4</sup>	Number of samples				Percentage of samples			
	Below		Above		Below		Above	
	40 mg/l	50 mg/l	50 mg/l	70 mg/l	40 mg/l	50 mg/l	50 mg/l	70 mg/l
491	226	266	225	134	46	54	46	27

Nitrate concentration in groundwater changes gradually over time so the two data sets are broadly comparable.

### **3.7 DEPUTY R.J. WARD OF ST. HELIER OF THE MINISTER FOR INFRASTRUCTURE REGARDING THE COSTS OF THE BUS SERVICE FOR CHILDREN AND STUDENTS: (WQ.186/2019)**

#### **Question**

What is the cost per year of –

- (a) running the school bus service; and
- (b) the bus service as a whole;

and what is the Minister’s assessment of the prospective cost of making the bus service outside of school hours free to children and students?

#### **Answer**

The bus operating contract, including the school bus network, was tendered as a single service and there are no longer separate payments to the operator in respect of the school bus service. It is not possible to provide an exact figure, although the school bus network was originally determined to represent one-third of the total net cost. In 2017, the most recent year for which figures are currently readily available, the cost to the public of supporting the public transport network was approximately £3.6m when disregarding the reimbursement of concessionary fares, therefore the net cost of the school bus network is in the region of £1.2m.

<sup>3</sup> Often these are submitted in relation to a problem and, it could be argued, represent higher results than the island averages. Both data sets includes a small proportion (~5%) of treated water (for example, water treated through reverse osmosis systems which would reduce nitrate concentrations). No mains water samples are included in the analysis.

<sup>4</sup> These were mainly for years 2013 and 2014.

The cost of introducing free bus travel for young persons is not simply the value of the current fare revenue that would be foregone, as the elasticity of demand for bus travel amongst this group is unknown, therefore it is impossible to determine a figure. It is very likely that free travel would generate significant additional demand which the current level of passenger capacity on the bus network would be unable to satisfy, and alleviating this would initially require a doubling of service frequency on many services, which would potentially generate further demand subsequently. The cost of supplying additional buses and bus drivers would impose significant extra operational costs on the contract which could not be covered by the additional revenue that might accrue from other fare-paying passengers.

### **3.8 DEPUTY R.J. WARD OF ST. HELIER OF THE MINISTER FOR INFRASTRUCTURE REGARDING THE CONDITION OF STATES SCHOOL BUILDINGS: (WQ.187/2019)**

#### **Question**

Will the Minister advise –

- (a) what monitoring is undertaken of the condition of States school buildings, in particular older buildings such as Rouge Bouillon School, Springfield School and any other older primary school buildings that are not due to be replaced; and
- (b) whether any problems currently exist with the condition of such school buildings and, if so, what action is being taken to rectify these problems?

#### **Answer**

A full stock condition survey was undertaken in 2007/8 by qualified building surveyors from the UK of all publicly owned buildings (including schools). In addition, surveyors from the UK Government's District Valuation Service are engaged to undertake periodic valuations and inspections of all publicly owned property. Physical inspections – which, in the case of schools, include an assessment of the condition – are undertaken every five years by suitably qualified building surveyors. In 2017 (the last such inspection) schools were also the subject of an updated inspection and revaluation for the purposes of insurance re-instatement cost assessment.

Whilst the specific details of these inspections and assessments are not designed for investment decisions, the information remains available when considering investment approaches to the estate.

Each school property is assigned a dedicated maintenance officer who will regularly visit and inspect schools. In addition, schools employ on-site site managers and/or caretakers who are responsible for minor repairs and ongoing internal improvements. Being based on site also enables them to conduct inspections and assessments of the condition on a formal and informal basis. Each September school heads and site managers submit 3 year minor works plans for inclusion in Property Holdings' minor projects allocation. These are prioritised on a risk based approach in competition with other properties maintained by Property Holdings.

Works to the 24 primary schools and 7 secondary schools in public ownership is varied and constant. It would be difficult to list the full extent of all outstanding issues arising out of the condition of each. Since 2016, a total of £4.4million has been spent from the Property Holdings' projects budget on primary schools. A further £1.3million has been spent on the secondary schools.



Maintenance of buildings – especially older ones – is an ongoing task which involves planned preventative maintenance, cyclical or periodic maintenance and reactive maintenance. Work is allocated and managed within the available funding. Every effort is made to ensure that buildings remain safe, compliant and within operating parameters agreed with occupiers.

Major capital works to schools including Trinity School, d’Auvergne School, St Martin’s School, Springfield School, St Mary’s School, Haute Valle School and Grainville School have been undertaken or are in the process of being carried out.

Officers from Property Holdings and Children, Education, Young People and Skills are finalising the terms of reference for a full review of the schools and colleges properties. This review will consider, amongst other elements, the condition, suitability and sufficiency of each property and the estate as a whole. One target outcome of this work is to develop a forward looking investment plan for the schools and colleges.

### **3.9 DEPUTY R.J. WARD OF ST. HELIER OF THE MINISTER FOR THE ENVIRONMENT REGARDING TESTING FOR GLYPHOSATE POISONING: (WQ.188/2019)**

#### **Question**

Will the Minister advise –

- (a) whether testing is undertaken for cases of glyphosate-poisoning in humans and animals;
- (b) if not, whether such testing was undertaken in the past and, if so, when the service was discontinued; and
- (c) if such a service was previously provided, whether there are any plans to reinstate it in the light of recent concerns regarding glyphosate?

#### **Answer**

- (a) The decision to test for glyphosate poisoning in humans and animals rests with medical and veterinary practitioners. If a practitioner suspected glyphosate poisoning they may want to have tests carried out. It is not known if individual practitioners undertake such tests.

The Government of Jersey (GoJ) does not undertake testing for glyphosate in humans or animals and there is no laboratory in Jersey accredited to carry out such tests.

- (b) A glyphosate testing service has not been provided by the GoJ in the past, and it is not known if individual practitioners have undertaken such tests in the past.
- (c) There are no plans for the GoJ to provide such a glyphosate testing service. At the request of local practitioners, the GoJ is assisting to find a suitably accredited laboratory in the UK for practitioners to submit samples for testing where they deem it appropriate.

### **3.10 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR ECONOMIC DEVELOPMENT, TOURISM, SPORT AND CULTURE REGARDING THE PROGRESS MADE IN THE DEVELOPMENT OF A PRODUCTIVITY PLAN: (WQ.189/2019)**

### **Question**

Given the Chief Minister's response to Oral Question 72/2019 on 12th March 2019, will the Minister report to members what progress, if any, he has made in producing a productivity plan that will assist the low-paid sectors of our economy to manage the staged rise in the minimum wage this year; and if he is unable to do so, will he state when such a report will be provided?

### **Answer**

As previously noted by the Chief Minister, we are working with Metro-Dynamics Limited to establish what will be the key elements of a programme to improve productivity in low-paid sectors.

The report (the Productivity Plan) is currently being finalised and I will be arranging meetings, before the end of this second quarter, with the Minister for Treasury and Resources and the Minister for Social Security, with whom I met last year to discuss the early considerations, to discuss the Productivity Plan and determine how to take the recommendations forward.

The Employment Forum's recommendation in respect to increasing the minimum wage was made on the basis of available economic and industry evidence. The Employment Forum's report detailing their recommendation stated "the Forum is satisfied that the recommended increase relative to the mean weekly figure by October 2019 demonstrates a willingness to reach the 45 percent relatively quickly, without being excessive in the absence of a productivity plan."

Increasing productivity is a long-term process and interventions can take a long time to show results. As previously noted by the Chief Minister, this task is particularly challenging for Jersey's agriculture, hospitality and retail businesses due to the nature of these three sectors and the specific limitations of Jersey's economy and geography.

The Productivity Plan will seek to develop ways in which productivity can be improved in the lower paid sectors, specifically the agriculture, hospitality and retail sectors. This is part of the wider development of productivity proposals that will be developed as part of the Economic Framework. The importance of which has been both recognised through the Common Strategic Policy and more recently as part of the Fiscal Policy Panels report 'Advice for the 2020-23 Government Plan'.

### **3.11 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR ECONOMIC DEVELOPMENT, TOURISM, SPORT AND CULTURE REGARDING MEASURES TO REDUCE THE LEVEL OF INFLATION IN JERSEY: (WQ.190/2019)**

#### **Question**

Given the Minister's responsibilities in respect of addressing the level of inflation, what measures, if any, does the Minister either have in place or under consideration to enable a reduction in the level of Jersey's Retail Price Index (R.P.I.) to the level found in the U.K.; and, in particular, will he state what measures he is considering to help reduce house prices and rental inflation levels in the private and social rental sectors?

#### **Answer**

As Jersey is a small, open economy, prices are subject to a number of drivers - both local and external. In particular, a large part of price changes in Jersey are driven by changes in the sterling exchange rate that affects the price of imported goods and by global commodity prices

– in particular oil. Jersey is in monetary union with the UK and does not have control over the policy instrument that could be used to target local inflation – interest rates. There are therefore limits to the extent to which the Jersey government can influence prices, particularly as the interest rates set by the Bank of England may not always be appropriate to manage demand for the goods and services consumed in Jersey.

Rising housing costs have been a large part of the recent high rates of inflation in Jersey. Over the twelve months to March 2019, these costs including mortgage payments and rents in the RPI ‘basket’ rose by 4.9% in Jersey, compared with 2.0% in the UK. Given that housing costs are 1/5 of the RPI basket this is a significant driver of the difference. This is why one of the five strategic priorities of the Common Strategy Policy is to reduce income inequality and improve the standard of living by improving the quality and affordability of housing, improving social inclusion, and by removing barriers to and at work. The forthcoming Government Plan will set out costed proposals to deliver on this priority.

A ministerial group has been set up to consider ways in which government can support low and stable inflation in Jersey. The group is currently gathering evidence and commissioning analysis of the drivers of inflation in Jersey. The main ways that government can directly influence inflation are limited to the rates of indirect taxes e.g. impôts and GST, and the prices charged by the public sector directly, and through public corporations.

It is important that government’s fiscal stance does not exacerbate the economic cycle and contribute to higher domestic demand and rising prices when the economy is already above capacity.

### **3.12 DEPUTY G.P. SOUTHERN OF ST. HELIER TO THE CHAIRMAN OF THE STATES EMPLOYMENT BOARD REGARDING MEASURES TO ADDRESS ANY SOCIAL AND ECONOMIC DISRUPTION ARISING FROM THE PUBLIC SECTOR PAY DISPUTE: (WQ.191/2019)**

#### **Question**

In the light of the ongoing dispute with firefighters, head teachers, teaching unions and civil servants regarding pay awards, what steps, if any, does the Chairman propose to take to resolve the outstanding issues and to address any social and economic disruption which may arise?

#### **Answer**

The States Employment Board continue to remain active in the direction of officers to complete the pay negotiations for 2018-20.

The Board has successfully resolved negotiations with Nurses, Manual Workers and Police.

Officers continue to meet with all workforces, who have yet to settle their pay claims, in order to conclude them within the pay mandate the Board has set.

Specifically, the Fire and Rescue Service Association, having rejected the Board’s final offer, will be taking their claim to binding arbitration in accordance with their agreement with the employer. Head teachers are considering a revised offer, and at the time of writing, the results are expected imminently.

Teachers and civil servants, whilst in dispute with the employer, are attending discussions in an attempt to resolve their disputes.

The States Assembly recently took the view that there was not a social or economic crisis and since then nothing has changed. Indeed, continued progress in negotiations secured the

agreement of the Nursing workforce to the Boards offer. As stated above, active discussions continue.

### **3.13 DEPUTY M. TADIER OF ST. BRELADE OF THE MINISTER FOR INFRASTRUCTURE REGARDING INCENTIVES TO USE ELECTRIC VEHICLES: (WQ.192/2019)**

#### **Question**

Further to comments he has recently made in the media with regard to encouraging sustainable transport, will the Minister –

- (a) list the Government-led incentives, if any, that currently exist for people wishing to purchase electric vehicles (including electric bikes);
- (b) state whether it is his assessment that further such schemes or incentives are required and, if so, what new schemes he intends to propose;
- (c) provide an indication of how any current incentives compare with incentives that have been offered in the past but which have been discontinued;
- (d) state why the previous subsidy provided for people wishing to buy electric bikes was stopped and whether this subsidy will be reintroduced?

#### **Answer**

a) Government of Jersey currently offers the following in relation to ultra-low emissions vehicles:

- Eco Parking Permit, offering free parking to the private owners of vehicles with carbon dioxide emissions of less than 50 grams per kilometre for 12 months from the date of first registration, and half price parking thereafter, providing a potential saving of over £1500 in the first year and over £750 in each subsequent year
- Vehicle Emissions Duty (VED) is not charged on the first registration of vehicles with carbon dioxide emissions of less than 50 grams per kilometre, which provides a saving of nearly £2000 compared to vehicles in the highest emissions band
- Provision of electric vehicle charge points in public car parks, which we are currently in the process of planning to increase where we have capacity.

b) “We will protect and value our environment” is a priority in the Common Strategic Policy and this will be reflected in the Government Plan which is under development, it would be wrong of me to comment upon or pre-empt policy that has not yet been finalised, but this will be published later in 2019 for the States to consider as a cohesive package of measures.

c) While comprehensive studies of current incentives are not being carried out at present, a measure of their impact can be demonstrated by the increase in numbers of electric cars registered, from 140 in 2016 to 298 in 2018, and numbers of hybrid vehicles registered, from 439 in 2016 to 744 in 2018.

d) The previous scheme to assist the purchase of electric bikes was allocated a fixed budget and intended to be in operation for a maximum of three years. As such it has now run its course and can be considered to have kick-started a market for new e-bikes which are stocked in many retail outlets in addition to all the cycle shops, with an affordable second-hand market now also existing. Funding has subsequently been prioritised for road safety measures including the creation and improvement of cycle infrastructure, for example the St Clement path from Le

Hocq to Le Rocquier, the completion of the southern link between the Albert Pier and Havre des Pas via the Old Harbours, and development of crossing facilities in La Rue du Pont Marquet for users of the Railway Walk.

**3.14 DEPUTY L.B.E. ASH OF ST. CLEMENT OF THE MINISTER FOR INFRASTRUCTURE REGARDING THE TEMPORARY CLOSURE OF RUE DE MAUPERTUIS: (WQ.193/2019)**

**Question**

Will the Minister explain the rationale for the closure of Rue de Maupertuis as an experiment and state the reason the experiment needs to be for a period of 12 months; and will he provide an assurance that local residents will be fully consulted on the future use of the road after the 12-month period is completed?

**Answer**

The appended appraisal methodology statement to this response outlines the rationale for the closure of Rue de Maupertuis, and the general approach that will be undertaken for the trial.

Closing the road for a period of twelve months allows traffic patterns to settle down and become established, enable the organisation and collection of surveys in a traffic-neutral month and to carry out any analysis and consultation following the results of the trial closure.

This trial is being initiated following extensive consultation with the local community and schools, in collaboration with the Parish of St Clement. A copy of the consultation report and materials is appended to this response.

Following the completion of the trial, Growth, Housing and Environment will make a recommendation to the Parish of St Clement (who administer the road) as to whether or not the trial should be made permanent.

Appendix A – Appraisal Methodology Statement TD 15.05.18 FINAL ISSUED

Appendix B – Consultation Report 12052017

# Department for Infrastructure Technical Note

Title	St Clement Safer Routes to School: Appraisal Methodology Statement
Version	1.2
Date	15 May 2018
Prepared By	Rob Hayward
Checked By	Tristen Dodd
File Location	<a href="\\ois\sojdata\PSD\Transport\Transport Policy\2016 Schemes\Maupertuis ped improvements\Appraisal Methodology Statement TD 15.05.18 FINAL ISSUED.docx">\\ois\sojdata\PSD\Transport\Transport Policy\2016 Schemes\Maupertuis ped improvements\Appraisal Methodology Statement TD 15.05.18 FINAL ISSUED.docx</a>

## 1. INTRODUCTION

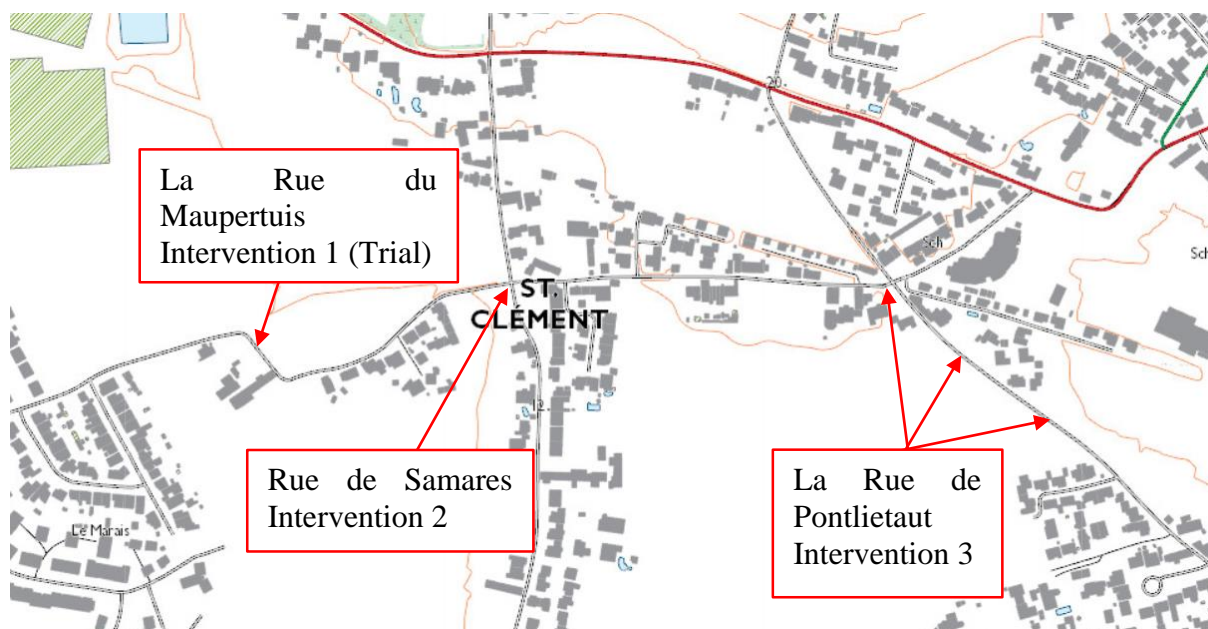
### 1.1 Background

1.1.1. This technical note outlines the Department for Infrastructure's (DfI) methodology for appraising proposed highways safety interventions at locations in St Clement.

### 1.2 Site Location

1.2.1 A map indicating the locations of the proposed interventions is provided in [Figure 1](#).

**Figure 1 – Scheme Locations**



### 1.3 Document Purpose

1.3.1. DfI are the promoter of Safer Routes to School and are undertaking a trial closure of Rue du Maupertuis to determine whether an intervention should become permanent. This trial will be based on an assessment of the benefits afforded to vulnerable road users through the implementation of the

scheme. Consideration will also be given to the potential impact in neighbouring areas. This includes an assessment for the likelihood for potential increases in accidents brought about by displaced traffic.

1.3.2. There are three interventions detailed in [Figure 1](#) above, however the focus of this note is aligned towards appraising the effect of a trial of Intervention 1.

1.3.3. The locations of the proposed interventions are on Parish Roads, which fall under the administration of the Parish of St Clement. Therefore the purpose of this document is to set out the basis upon which any future recommendation to the Parish will be formed.

1.3.4. This document has been prepared to outline the intended appraisal methodology for the proposed road safety interventions. By setting out the methodology it clarifies what performance indicators will be used to measure the scheme outcomes.

## 1.4 Intervention 1: Rue Du Maupertuis

1.4.1. This intervention involves the trial closure of Rue de Maupertuis by installing planters (or bollards) near the two right-angle bends in the road, located to the east of Willow Cottage. This will effectively turn Rue du Maupertuis into a no-through road for vehicular traffic.

1.4.2. Access will be maintained for premises along the route.

1.4.3. Access for pedestrians, cyclists (using either manual bicycles, pedelecs or ebikes) and mobility scooters will remain as per the current arrangement.

## 1.5. Intervention 2: La Rue de Samares / La Rue de la Croix / Rue du Maupertuis Junction

1.5.1. This intervention consists of installing a complete suite of improvements from Le Rocquier to Maupertuis Lane, comprising of a number of raised tables.

1.5.2. This feature is intended to be permanent.

## 1.6. Intervention 3: La Rue de Pontlietaut

1.6.1. This intervention consists of a group of raised tables, installed at three locations La Rue de Pontlietaut.

1.6.2. This intervention does not change the access arrangements for properties along this route.

1.6.3. This feature is intended to be permanent.

# 2. SCHEME APPRAISAL

## 2.1. Scheme Aims

2.1.1. The interventions have been designed, to improve the quality and safety of walking and cycling routes to and from Le Rocquier, St Christopher's and St Clements Schools. The primary aim is to make walking and cycling to school safer and more attractive.

2.1.2. These interventions align with wider States of Jersey policies such as Future Jersey, the Island Plan and the Sustainable Transport Policy in promoting walking and cycling modes of transport above private car use and reducing the risk of road traffic collisions.

2.1.3. Promoting walking and cycling will contribute towards an uptake in active travel and will realise wider health benefits to the population in Jersey.

2.1.4. The benefits of the interventions will be assessed using the methodology outlined in 0.

## 2.2. Measuring the benefits

### **Road Safety Assessment by Qualified Road Safety Auditor**

2.2.1. A comparison of the existing road layout and the benefits achieved through the trial intervention.

2.2.2. This will involve an appropriately qualified independent Road Safety Auditor (MSoRSA qualified or equivalent – Member of Chartered Institution of Highways & Transportation’s Society of Road Safety Auditors) undertaking a Road Safety Assessment of the proposed scheme.

2.2.3. The auditor will be appropriately qualified to the level outlined in DfI’s Road Safety Audit Policy, which broadly mirrors the UK standard HD 19/15 document.

2.2.4. The auditor will complete a review of the intervention and produce a recommendation as to how the intervention is anticipated to impact on the overall level of risk in the area, with respect to all highway users.

2.2.5. If, in the opinion of the qualified road safety auditor the overall level of risk (of collisions) has decreased following the intervention then the scheme will be regarded as successfully fulfilling its intended aims. Conversely, if in the opinion of the qualified road safety auditor the overall level of risk (of collisions) has not decreased following the intervention then the scheme will not be regarded as successfully fulfilling its intended aims

2.2.6. If the opinion of the independent auditor is that the quality of the in-lane environment has improved with respect to highway safety, the scheme will be regarded as successfully fulfilling its intended aims. Conversely, if in the opinion of the qualified road safety auditor the quality of the in-lane environment has not improved following the intervention then the scheme will not be regarded as successfully fulfilling its intended aims

2.2.7. The independent auditor will be asked to consider the wider context of the proposals and whether displaced vehicles are thought to significantly increase the level of traffic risk on neighbouring roads.

### **Number of Users**

#### *Pedestrians and Cyclists*

2.2.8. Surveys will be undertaken to measure the number of users before and after the closure. These will be conducted during term time for an average dry day as there is more potential for journeys to be made via walking and cycling modes when the prevailing weather conditions are favourable.



2.2.9. The surveys will pay particular attention to the period including the beginning and end of the school day when evaluating the outcome. This data will be passed onto the independent auditor for the purpose of the assessment detailed above.

2.2.10. If the number of users has increased following the installation of the scheme it will be reasoned that the scheme has had a beneficial effect on the amount of people walking and cycling

### *Vehicles*

2.2.11. Traffic counts will be undertaken in La Rue de Samares in the northbound and southbound direction both before and after the implementation of Intervention 1. This data will be made available to the Road Safety Auditor for consideration of the effect of displaced traffic on the surrounding highway network.

2.2.12. Traffic speed data will also be collected both before and after the introduction of Intervention 2, at a location near to the raised table.

### **Perception of Safety**

2.2.13. This element of the appraisal will involve questionnaire surveys to collect information from users of the route relating to their perception of safety. Surveys will be undertaken before, to establish a baseline, and after 'intervention 1' is installed.

2.2.14. It is proposed that students at Le Rocquier School will be interviewed via questionnaire survey.

## **3. NEXT STEPS**

### **3.1. Recommendation to Parish of St Clement**

3.1.1. DfI officers will review the outcomes and prepare a recommendation to the Parish of St Clement Roads Committee that will be based on whether the interventions have demonstrated benefits.

# St Clement: Safe Routes to School

## Public Consultation Report



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# **1 Introduction**

## **1.1 Outline**

There are 3 schools within the area; two primary schools, St Clement and St Christopher, and Le Rocquier Secondary School.

St Clement Primary and Le Rocquier schools both have active travel plans. Their aspirations are to improve safety for children and families in the area to promote independent travel for older pupils and to increase active travel, in particular walking.

A review of road safety in the area, by an independent road safety advisor, highlighted a number of safety concerns. As a consequence, the Department for Infrastructure (Dfi) are looking at improving the facilities for pedestrians and cyclists.

## **1.2 Purpose of the Consultations**

The consultations are to provide a platform for members of the public to comment on the proposals. The consultations were open to everybody to try and get as many view points as possible and understanding the issues of those using the area.

A Dfi technical team were present at the consultations to ensure that attendees' needs and concerns were recorded on the questionnaire so that they can be taken into account in the development of the scheme. The purpose of the consultations is to elicit user views.

## **1.3 Stakeholder Consultations**

Dfi had consultations with the following:

- Le Rocquier School
- St Clement Primary School
- St Christopher's School
- Parish Roads Committee
- Honorary Police

# **2 Consultation Process**

## **2.1 Notification of Event**

An article was placed in the St Clement Parish magazine inviting them to attend the drop-in session.

Following comments from members of the public, a further drop-in session was arranged for a month later. Letter drops for this second session were hand delivered to 1500 properties in the area.

Both drop-in sessions were advertised in the local media and radio.

## **2.2 Event Arrangements**

(c)

(d) The first drop-in session was held at Le Rocquier School. The event was on Wednesday 22 March between 3pm and 5:30pm.

(e)

(f) The second drop-in session was held at the Good Companions Club on Rue de Maupertuis on Thursday 20 April between 6 and 7pm.

(g)

(h) The technical team at both events encouraged members of the public to complete a questionnaire which was available for each person who attended the consultations. They could record their views on the proposals and add any additional comments which they felt would help the situation.

(i)

## **3 Consultation material**

### **3.1 Display Banners**

Display banners were set up within the school foyer for the first consultation and in the main hall of the Good Companions Club for the second event. Between the two drop-in sessions, the banners were on display for a week at the school then moved to the Parish Hall. The banners described the aims of the proposals and provided an insight into the key issues. Each element of the proposals was then described in greater detail including providing artist's impressions of the interventions. The final banner detailed the next steps.

A copy of the banners can be found in Appendix A

### **3.2 Questionnaires**

The questionnaires were designed to understand the public's concerns and issues with parking and cycling in the area. It asked them whether they were responding as a student, parent/guardian or as a local resident. It then went on to ask how often they used the area and in what capacity. They were also asked if they believed there was a need for improvements in the area and whether the proposals would be of benefit. They were then able to add any additional comments which they thought may be of benefit.

## **4 Responses to the Consultation**

### **4.1 Number of Questionnaires Returned**

A total of 147 responses to the consultation have been received. The number of questionnaires per event is as follows:

Thirty (30) questionnaires were completed and returned by those visiting the consultation at the school on 22 March.

Fifty-nine (59) questionnaires were completed and returned by the school whilst the banners were there between 22 – 30 March.

Thirty-nine (39) questionnaires were completed and returned by those visiting the consultation at the Good Companions Club on 20 April.

Four questionnaires were filled in at the Parish Hall whilst the banners were on display there.

A further 16 responses were sent via the website.

Analysis of the responses will show the combined results followed by the results from each different session. Comments sent in via the website will be listed separately as they do not necessary address the questions posed on the questionnaire.

#### 4.2 Analysis of How People were Commenting

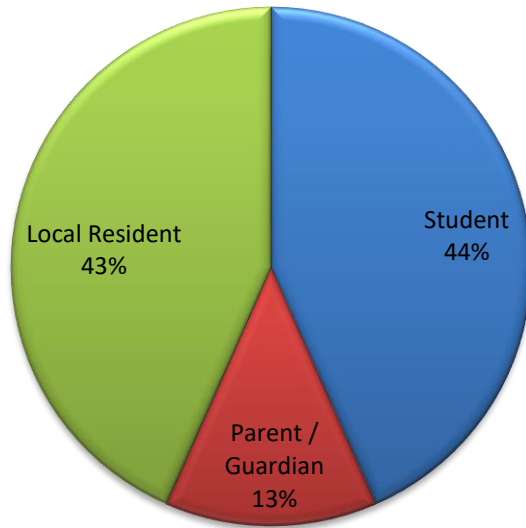
*Are you commenting as:*

Are you a

	Student		Parent / Guardian		Local Resident	
Total	59	44%	18	13%	59	43%
First Consultation	3	10%	7	24%	19	66%
School	56	95%	2	3%	1	2%
Parish Hall	0	-	3	75%	1	25%
Second Consultation	0	-	6	14%	38	86%

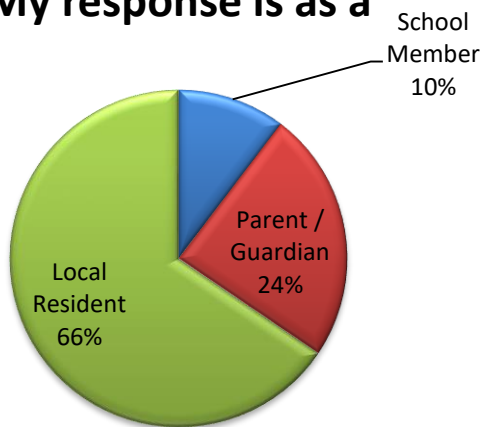
#### **Total Responses**

### My response is as a

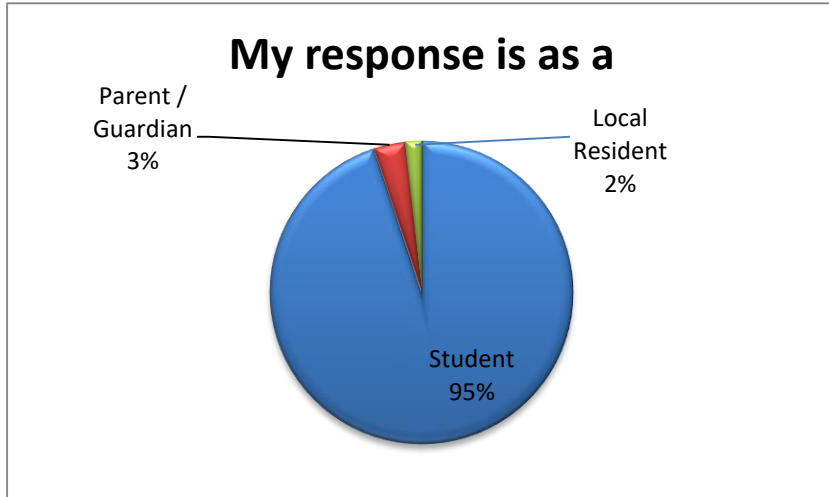


### Response from First Drop-in

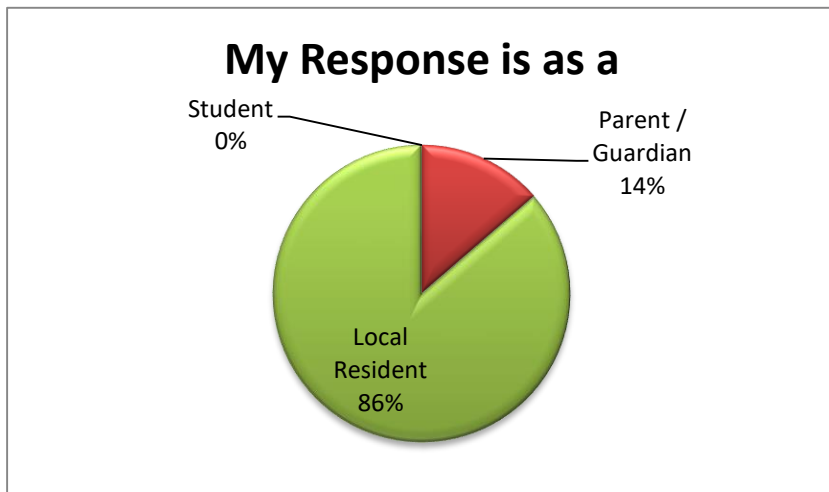
### My response is as a



### Response from School



**Response from Second Drop-in**





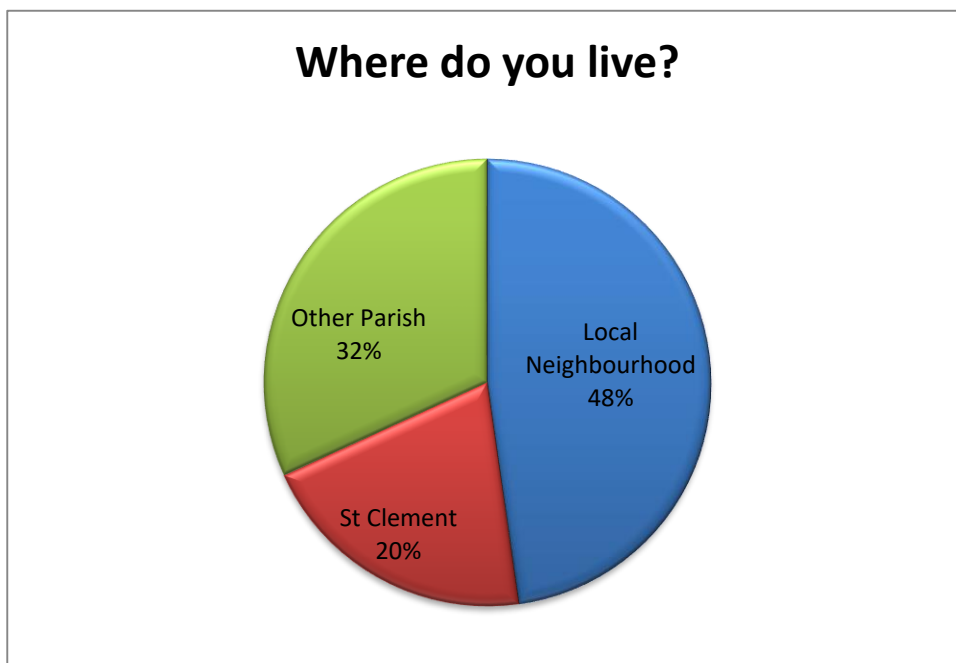
### 4.3 Analysis of Question 1

#### Question 1

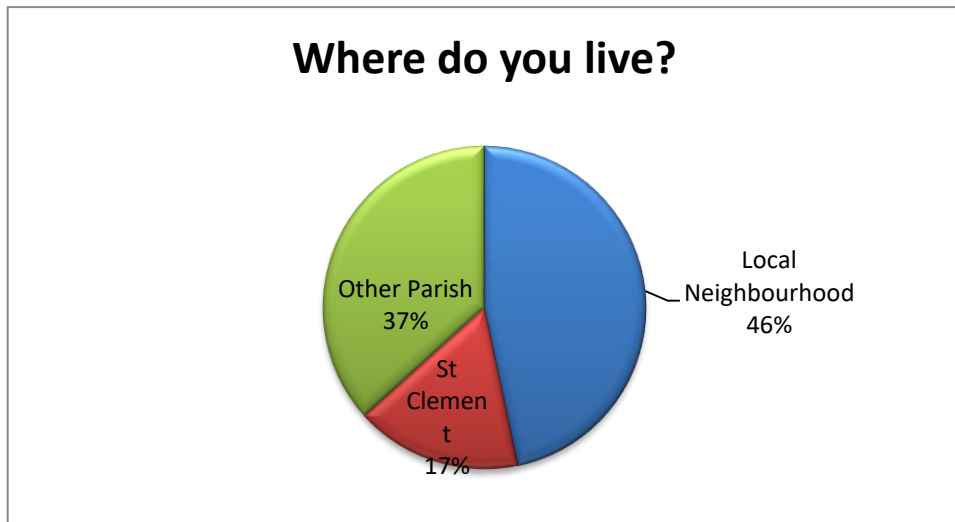
Where do you live?

	Local neighbourhood		St Clement		Other Parish	
Total	63	48%	27	20%	42	32%
First Consultation	14	46%	5	17%	11	37%
School	10	17%	19	32%	30	51%
Parish Hall	3	75%	0	-	1	25%
Second Consultation	36	92%	3	8%	0	-

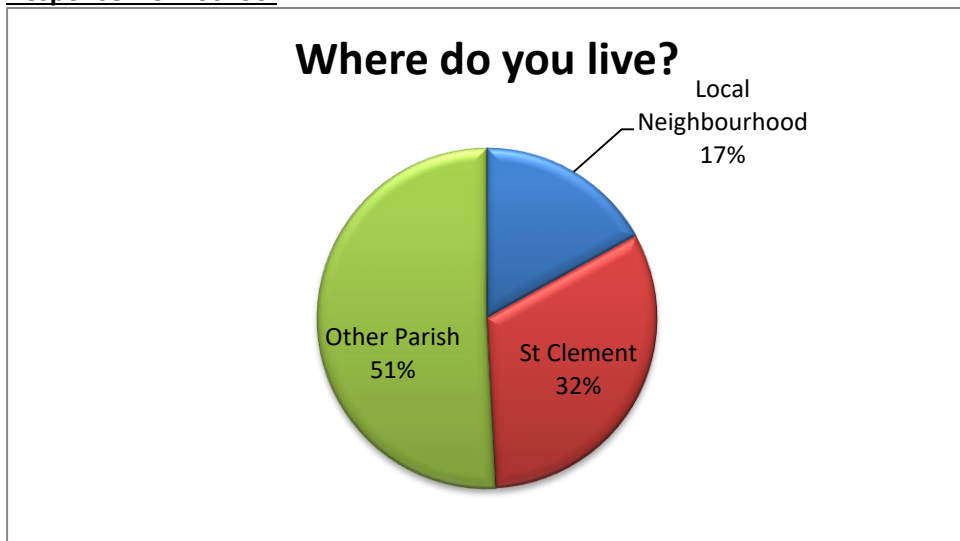
Total Responses



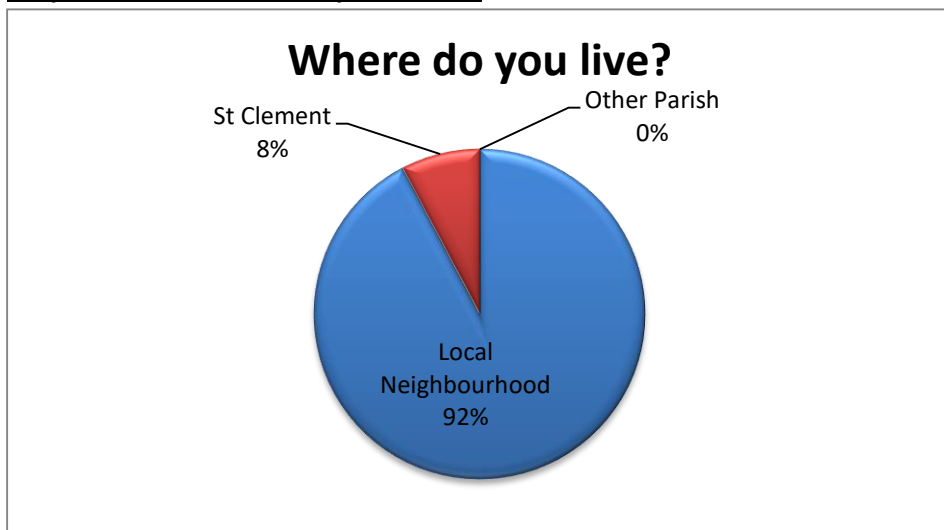
**Response from First Drop-in Session**



**Response from School**



**Response from Second Drop-in Session**

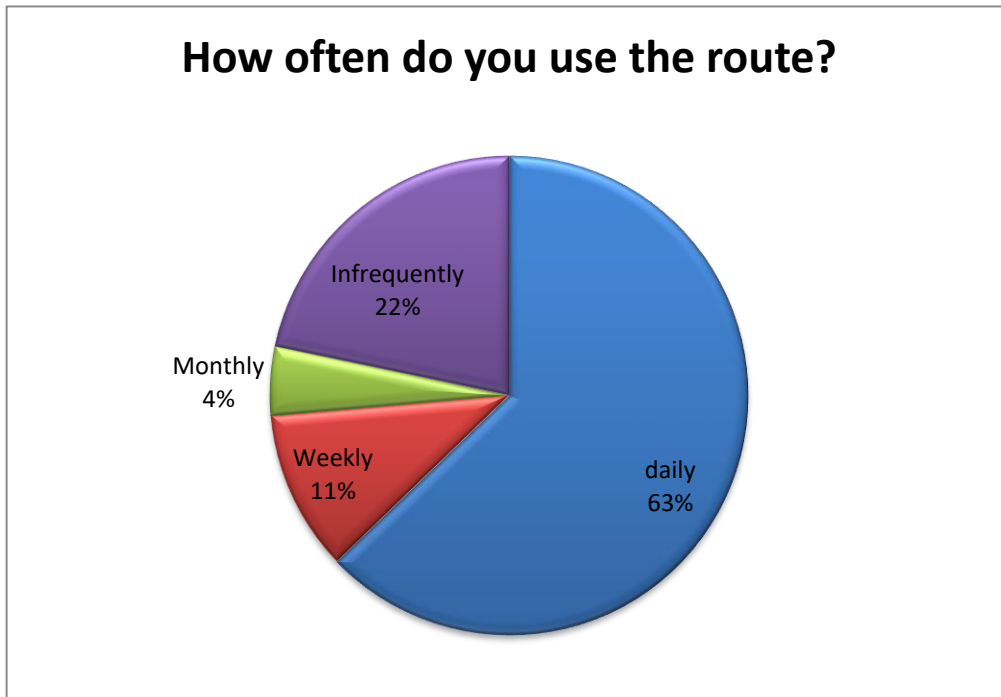


#### 4.4 Analysis of Question 2

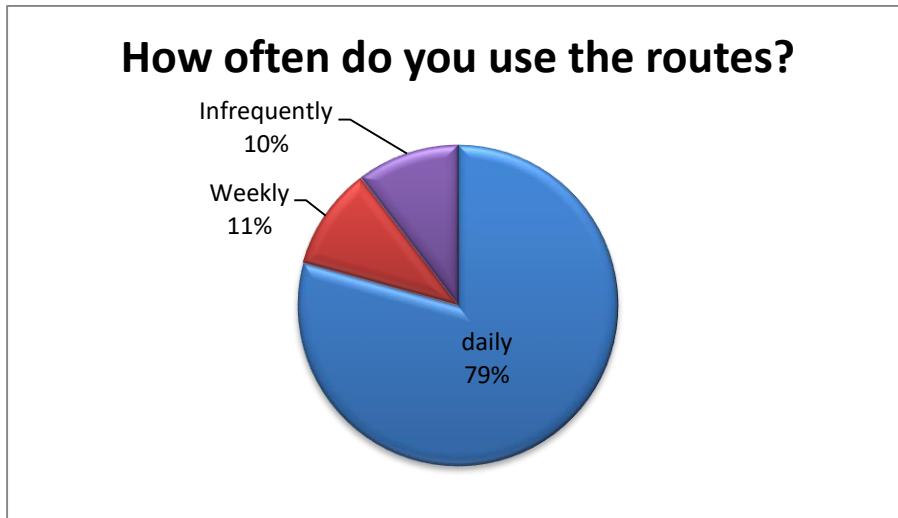
Question 2

How often do you use these routes?

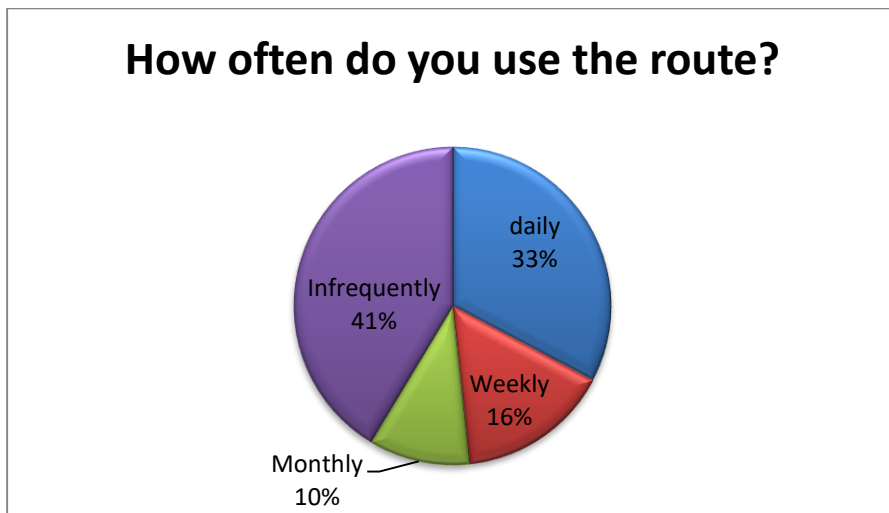
	Daily		Weekly		Monthly		Infrequently	
Total	81	63%	14	11%	6	4%	28	22%
First Consultation	23	79%	3	11%	0	-	3	10%
School	19	33%	9	16%	6	10%	24	41%
Parish Hall	4	100%	0	-	0	-	0	-
Second Consultation	35	92%	2	5%	0	-	1	3%



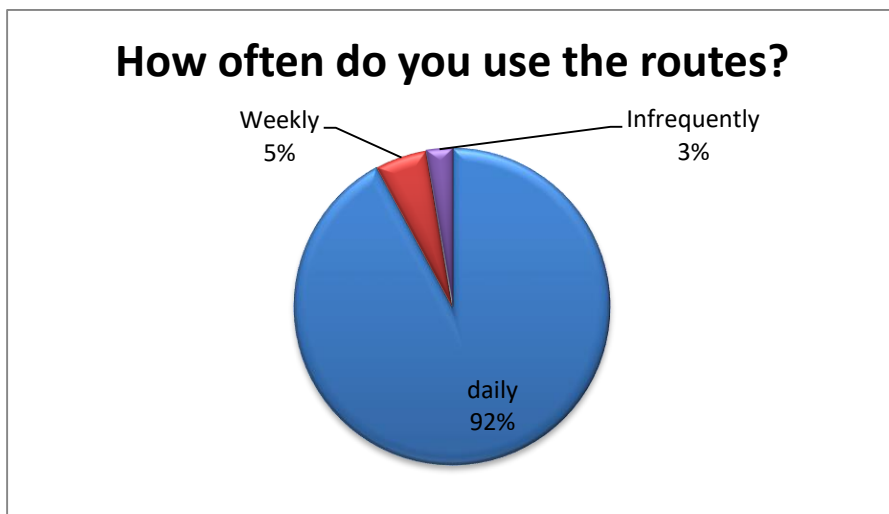
**Response from First Drop-in Session**



**Response from School**



**Response from Second Drop-in Session**

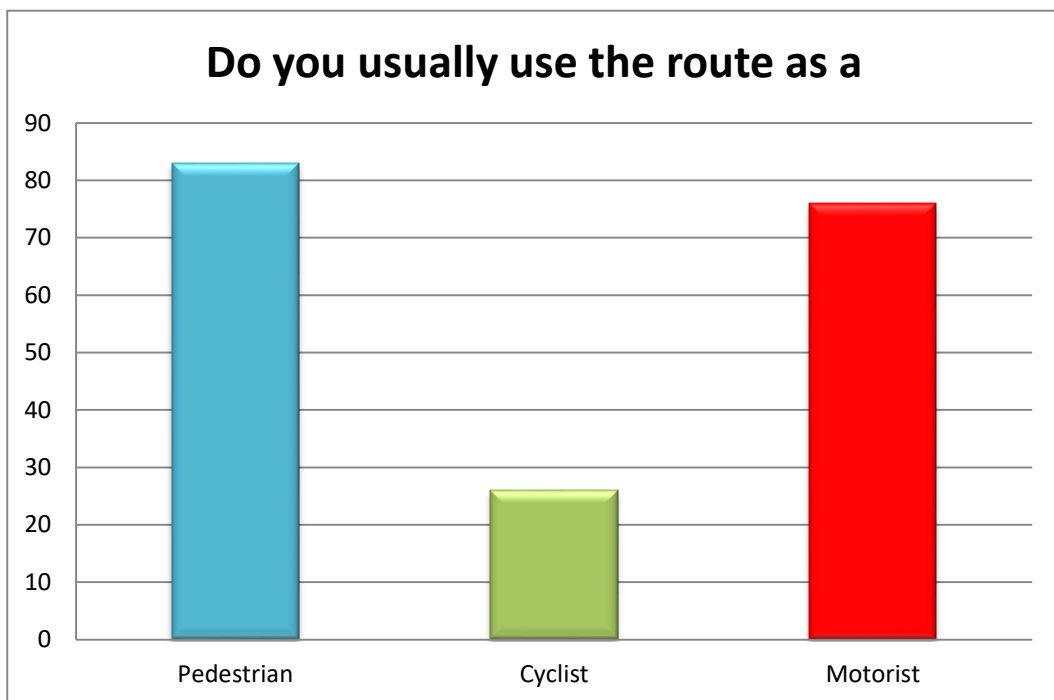


#### 4.5 Analysis of Question 3

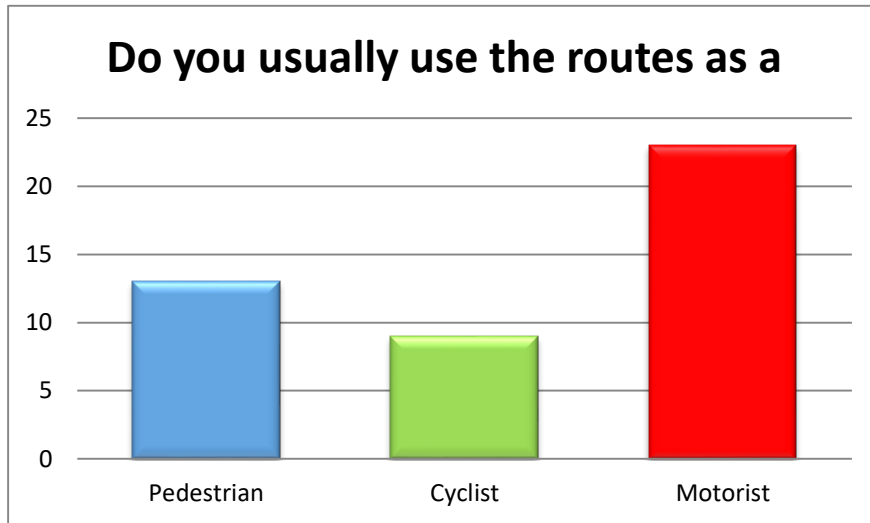
##### Question 3

Do you usually use the route as a?

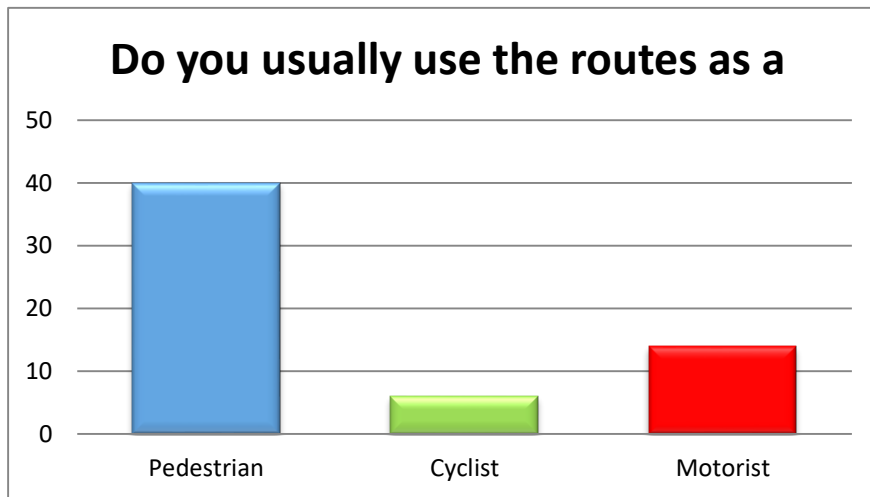
	Pedestrian	Cyclist	Motorist
Total	83	26	76
First Consultation	13	9	23
School	40	6	14
Parish Hall	2	1	4
Second Consultation	28	10	35



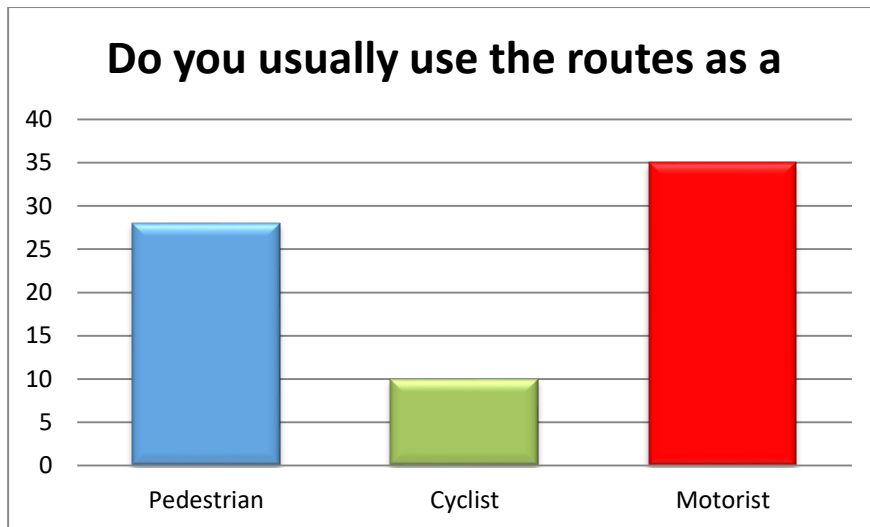
**Response from First Drop-in Session**



**Response from School**



**Response from Second Drop-in Session**



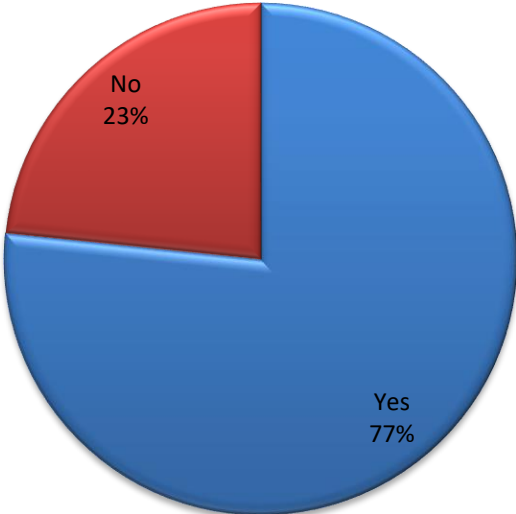
#### 4.6 Analysis of Question 4

##### *Question 4*

Is there a need for improvements for walking and cycling?

	Yes		No	
	Count	Percentage	Count	Percentage
Total	105	77%	32	23%
First Consultation	28	93%	2	7%
School	40	69%	18	31%
Parish Hall	2	50%	2	50%
Second Consultation	29	81%	7	19%

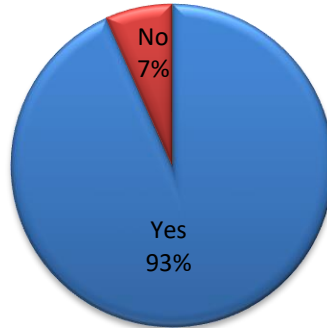
# Is there a need for Improvement?





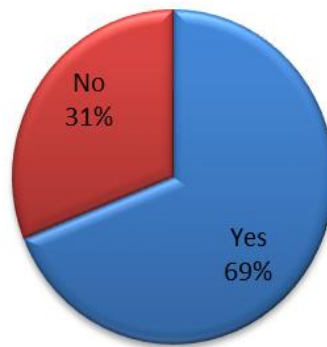
Response from First Drop-in Session

**Is there a need for improvements?**



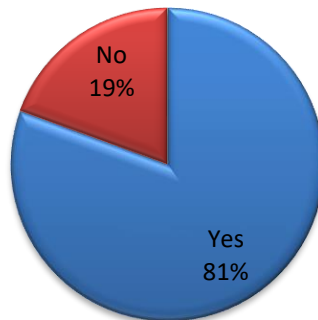
Response from School

**Is there a need for Improvements?**

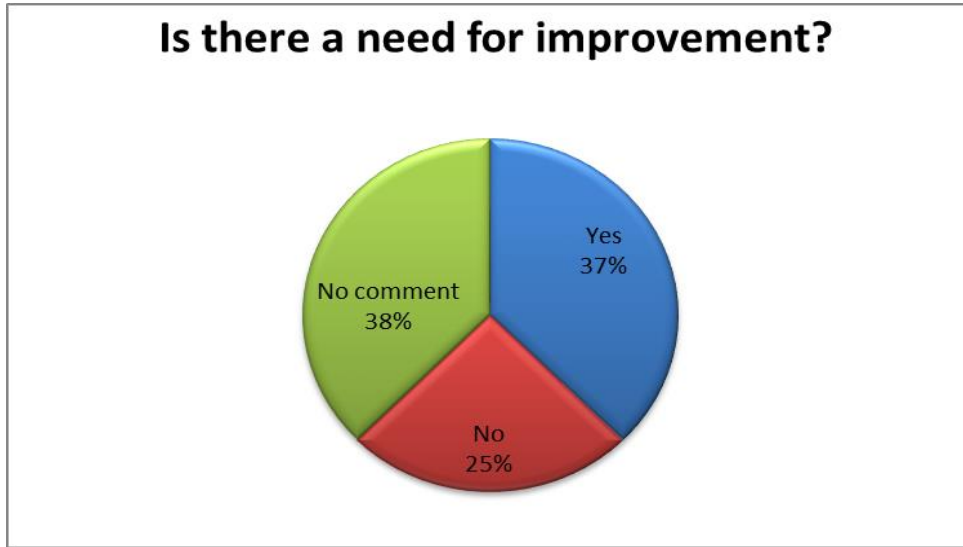


Response from Second Drop-in Session

**Is there a need for improvement?**



Response from gov.je website



**4.7 Analysis of Question 5**

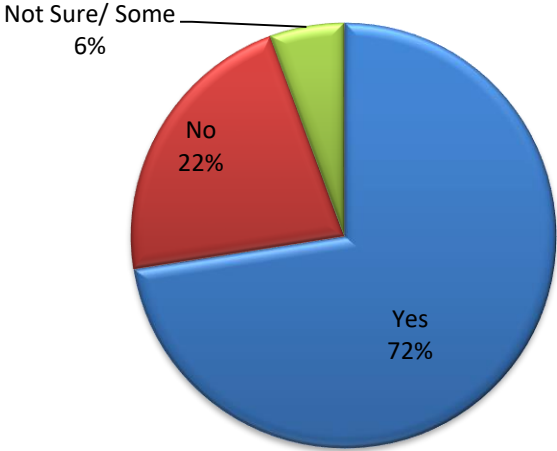
*Question 5*

Do you agree that the proposals would be of benefit?

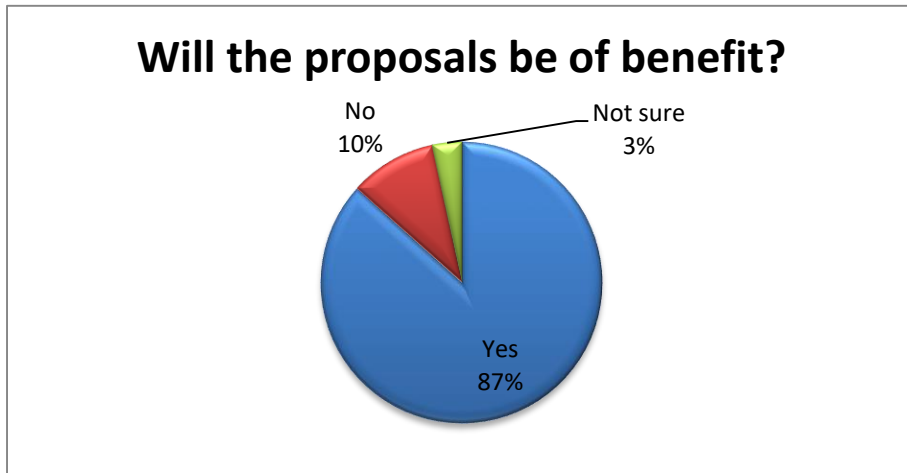
	Yes		No		Not sure / Some	
	Count	Percentage	Count	Percentage	Count	Percentage
Total*	103	72%	31	22%	8	6%
First Consultation	26	87%	3	10%	1	3%
School	50	86%	8	14%		
Parish Hall	1	25%	3	75%		
Second Consultation	20	51%	11	28%	8	21%

\*Includes direct comments made via the website

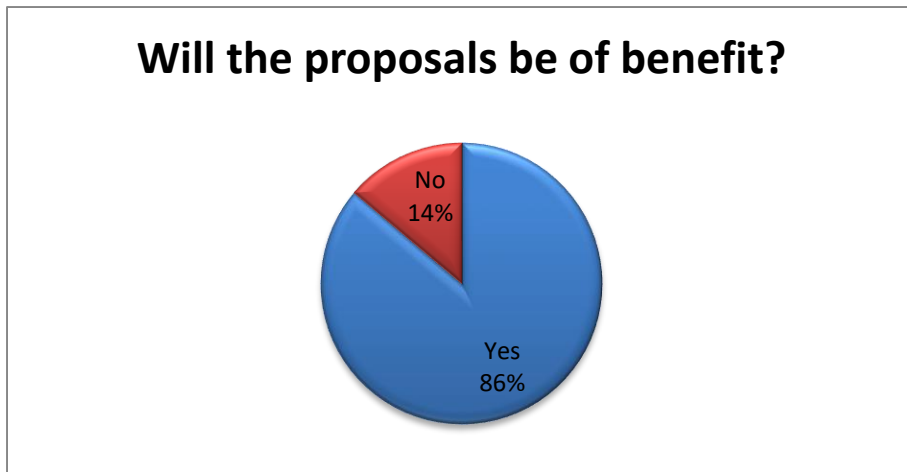
# Are the proposals of benefit?



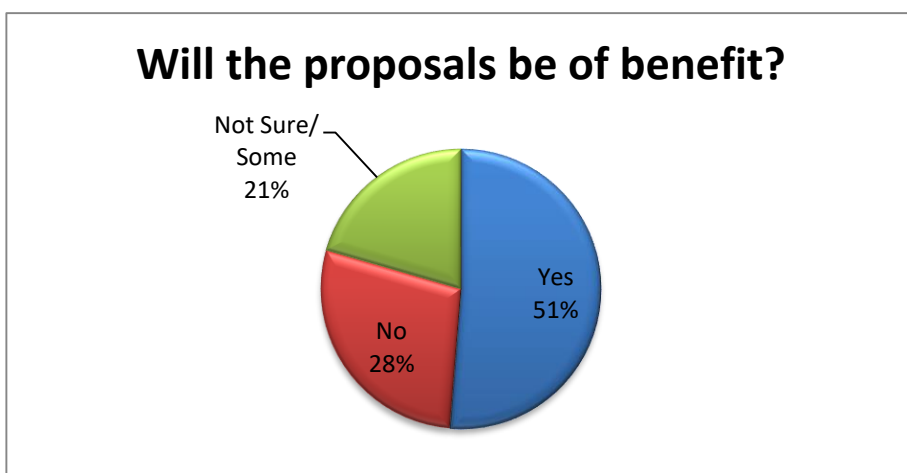
Response from First Drop-in Session



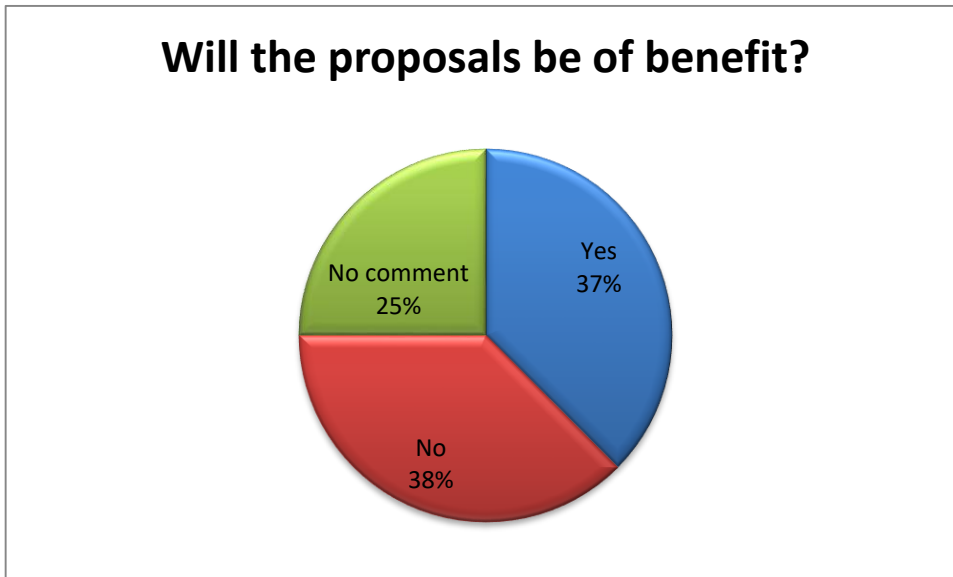
Response from School



Response from Second Drop-in Session



Response from gov.je website



#### 4.8 Summary of Free Form Comments

The key issues relating from the consultation events are included in Appendix B and may be summarised as follows:

- Fourteen people suggested that school children need to be more aware of the rules of the road, in particular the Highway Code when riding a cycle.
- There were 12 comments regarding the issues of vehicles parking near to the junction on Pontorson lane.
- Eleven responders requested a lower speed limit in the area.
- Ten people said no to closing off Rue de Maupertuis whilst 5 people stated it was a good idea.
- Nine commented that the proposals would make the area safer.
- Four requested additional measures on Rue de Samares.
- Three people requested that the school hours were adjusted to stagger the starting and finishing times of the three schools in the area.
- There were 2 comments for each of the following:
  - Put speed bumps along Rue de Maupertuis
  - Make Rue de Maupertuis one way only
  - Provide a path along Rue de Maupertuis
  - Against the construction of raised tables at the junction
- One additional comment asked about widening the pavements in the area.

## 5 Responses from Stakeholders

### Stakeholder 1

██████████ has an Eco travel plan.

To be able to cycle, pupils need to have cycling proficiency

30%+ don't live within the catchment area

A lot of traffic comes through from Rue de Maupertuis.

Both schools finish at the same time and ██████████ pupils dominate the area.  
Parents are not keen on allowing mixing.

Can't see a downside to the proposals

Parking is difficult with ██████████ – Use bollards to prevent illegal parking

Change the right of way at Pontorson Lane

### Stakeholder 2

Some residents of Beech Avenue go against the No Entry sign, is there the possibility of moving it back so that they can enter via Pontorson Lane

Children use informal walkway along field C129/128/124 and onto Samares Lane

### Stakeholder 3

Can the roads be closed by the roads committee or by parish assembly?

Rue de Maupertuis is used as a rat run, especially if the Coast Road is blocked / accident etc

██████████ school used to finish and clear before ██████████ finished

Issue with fields becoming unviable which will lead to them going for development.  
One member against.

Raised tables agreed in principle by all.

### Stakeholder 4

Parking on Pontorson Lane – ██████████ felt moving it will cause an issue elsewhere which was agreed by ██████████ and some members

Road closure on Rue de Maupertuis – other options which were considered discussed. When the road was closed for the drain collapse it was not seen as an issue.

It was felt that de-mountable bollards would be preferred to planters

Biggest issue is that both Rue de Maupertuis and Le Squez would both be closed.

In a couple of years may not be able to go past Marks and Spencer to Rue de Maupertuis.

Reduce the speed limits as flashing signs are often ignored.

What is time limit of works as the Inner Road will be closed whilst Samares Nurseries site starts up. There needs to be management of the roads closures.

Change the routes to green lanes.

Temporary closure morning and afternoon during school term time.

Makes more sense than through the playing field as pupils from Le Squez will go straight on to Rue Chapelle and cycle the wrong way and through St Clement Primary school.

General consensus is that there is no problem with the proposals.

#### **Stakeholder 5**

Supportive of measures

Will make the area safer for school children

## **6 Responses to the gov.je website**

**1**

Please accept this as my comments relating to the proposed closure of the road to through traffic. I am unable to attend the drop in session but would like my comments against the plan noted.

Whilst I accept safety is a key priority it is also unfair to close the road off permanently when the road is only being used by schoolchildren heading to/from Le Rocquier School (– I have never seen any primary school (St Christopher’s & St Clement’s children actually walk through that lane) at certain times of the day; ie at the start of & end of the school day. Surely it would make more sense that if this must be done for safety then go ahead & close this road to through traffic between say 8 & 9am & between 3 & 4pm! Enough time for children to get safely through the lane to get to & from school – It seem that to close it at all times & weekends & holidays is a little bit of Health & safety overkill surely? You will still have vehicles using the road anyway – stating they are using it to “access premises” so why make potential criminals out of people when you don’t need to!

We live in Samares Avenue and are becoming increasingly isolated from Le Squez/Les Marais by the closing of all the roads around us & forcing us to use an already heavily used Inner & Coast Road to get anywhere!!!. I regularly use this lane to access my parents who

live in Le Petit Marais & who take care of my young child before & after school. I very rarely come across any children/cyclists using this road before 8am & after 4pm – the only pedestrians are the odd dog walker! By using this lane instead of the Inner & Coast Roads I can save up to 5 minutes on each journey time. This may not seem a lot but it is important to me.

Please think about all aspects & consider the feelings of Parishoners who have to use the road daily – not just the minority of a few children going to Le Rocquier School.

I look forward to hearing from you & your thoughts

## 2

The proposed safety changes seem very sensible, however, the road parking at the top end of Rue de Pontlietaut is also a danger and needs addressing in my opinion.

## 3

I have just seen this e-mail regarding the proposed Safer Routes, I have only seen this because I am on the e-mailing list of the Parish. I have checked the JEP classifieds for today and there is nothing regarding this Drop In Session. On another note the number of residents that live in Le Marais, Le Benefice and Le Petit Marais as well as Le Petit Hinguettes, La Selliere are numerous. I like many other people that work can't arrange to be at a meeting with less than 24 hours notice and the time of the Drop In is open is during working hours. So I suggest that this is advertised correctly and that an evening Drop In can be arranged so hard working people of the parish can attend.

Did DFI think they could just get this passed if most of the Parishioners didn't know about it. Does traffic calming measures mean a replay of St Mary's, St Aubin's recent road works and costs?

I have lived here for 26 years, so I remember when you could drive from St Clements Inner Road to Rue De Maupertuis through Le Squez Estate and the traffic was two-way.

I remember a few years ago there was a very bad traffic accident on the Coast Road just before rush-hour, the Parish Police diverted east bound traffic along Rue de Maupertuis. The speed limit has changed throughout the Parish. But when walking along the Inner Road to St Clements Football Pitch the speed of some far exceeds the 40 miles per hour.

As I have seen children in Le Marais, on the roads walking or cycling they have no idea of the highway code or the dangers on roads. But surely the parents and Education should make sure they know the highway code. Such as The Cycling Proficiency Test before taking your bike on the road to school, but perhaps this has been dropped due to the cost? If children aren't taught how to use the public highway then they won't know any better as an adult!

I did a school run some years ago to Grainville School, and the worst drivers I have ever seen are Parents, they drive anywhere and park anywhere regardless of if their actions



are safe or not. Perhaps the Parish Police could place themselves on roads around the schools and witness the poor road behaviour of School Children and Parents.

4

It would be interesting to know what happened to the responses which were made for the last "email shot" on this subject.

5

During the weekend I have made contact with residents of Rue de la Croix, Rue de Samares, Rue de Maupertuis, and Rue de Pontlietaut and it would appear that St. Clement's Parish Magazine is not as well read as perhaps you and the editorial team would wish.

I wish to state that I am not against the proposed safety measures per se but I am against what is being perceived as an attempt to slip these proposed changes in "under the radar".

I have watched the ITV news coverage and find it unsurprisingly very biased towards your proposal.

I therefore request that rather than a one to one presentation, you voluntarily hold another open presentation, similar to the one held for the Parish Hall cycle track.

I suggest the Parish Hall at a more suitable time of day and at a date properly publicised giving residents and Parishioners in general the opportunity to attend and express their views on a project which will have a massive affect on the area in which we live.

In the recent past a speed meter was fitted outside my house in Rue de la Croix can you please tell me who has the data obtained.

6

I am writing to object to the consultation process on the proposed safer routes to St Clement Schools.

I live at [REDACTED], Rue de Samares, which is on the southerly junction of Rue de Samares and Rue de la Croix. Myself and my family will be directly affected by the proposed changes and have the following objections to the process so far:

1. Parishioners were informed via a parish newsletter only one week before the consultation meeting took place. I was away last week (although back in time for the meeting) and did not receive a newsletter. As my property directly adjoins the area for proposed change (namely 4 speed bumps right outside my house!) really I should have been informed by letter addressed to me.

2. The consultation meeting was held at Le Rocquier School and was therefore aimed to attract parents of children at that school. Residents without children at that school wishing to meet would therefore be in the minority and, for some of the more elderly residents, it would have been an intimidating prospect.

3. The meeting was on a weekday between 3-5.30pm. Again, this was aimed to attract parents collecting from Le Rocquier school at that time. No working parent would have been able to attend nor would any other working resident. It feels like it was designed to be an under the radar meeting.

4. The consultation process is only for 6 days. This is not long enough for a proper consultative process.

5. I walk the roads around here with my dog every day and have not seen any notices about this consultation process.

As we were not, as key residents, able to attend the poorly advertised consultation meeting, it may be that some of the issues raised below have been considered. In the absence of such information, we have the following points in relation to the proposal:

#### 1. Pedestrianisation of Rue de Maupertuis

This is a blunt instrument to effect change which is only required (if at all) for one hour in the morning and one hour in the afternoon, term time only.

Rue de Maupertuis is an important route for us to access town and the west of the Island. I do not use Rue de Samares as it is a single track road with a dangerous, horrid junction with La Grande Route de la Cote. It has a mirror which is difficult to use and the coast road is typically very busy in the morning and evenings.

In order to let vehicles pass each other on Rue de Samares, one typically needs to mount the narrow pavement. More traffic will use this route if Rue de Maupertuis is closed to traffic and it will be much more dangerous for the many school children, residents and dog walkers using this road.

The Inner road from Rue de Samares going north is also a four way junction with cars and dog walkers coming from La Blinerie (a Green Lane) as well as many school children, school buses plus traffic from both directions. Traffic and pollution on La Blinerie, a green lane, is going to increase with people cutting through to Longueville to avoid the already dreadful queues at the tennis courts at St Clement.

The only other option is to travel up Rue de la Croix, which has many houses and elderly residents, and cars frequently parked on both sides and then to turn left onto Rue de Pontlietaut and then again onto St Clements Inner Road. This is even more dangerous as at peak times, school children and cyclists are weaving in and out of the cars, usually walking 3 or 4 abreast with headphones and with very little regard for traffic. Closing Rue de Maupertuis is going to dramatically increase the traffic on Rue de la Croix. It is an accident waiting to happen.

Due to the two blind corners on Rue de Maupertuis, cars are typically very cautious and do not drive at speed. To my knowledge, there have not been any injuries caused to school children who again, are usually walking in groups or some cut across the fields.

What is the status of the application to build a cycle track on Rue de Maupertuis. I cannot now find any information on this online and yet I do remember a draft

consent/consultation in relation to this extension of the Eastern Cycle corridor. Surely any cycle track could be shared use with pedestrians?

Is this infrastructure change a way of improving the chances for the Samares Nurseries development by Andium Homes? All of the traffic problems listed above are only going to be exacerbated by the arrival of 200 new families at the Samares Nurseries development.

## 2. Proposed raised table at the Rue de Maupertuis junction

We moved from London three years ago and were very relieved to leave the speed bumps and raised tables behind.

There is no evidence that speed bumps help to reduce speed. In fact, typically it encourages drivers to speed, particularly with a raised table there is space to accelerate before taking off again!

This will be particularly marked if there is no vehicular access to Rue de Maupertuis. Rue de Samares will become a fast rat run between the inner and coast roads at St Clement.

Speed bumps increase the pollution in the area, with vehicles having to slow down and speed up again, and it is very noisy. Our garden makes the corner between these two roads and this proposal will seriously affect our use and enjoyment of our garden. It will also adversely affect the value of our property and the additional vibrations are likely to compromise the very old retaining granite wall around the garden.

Has any thought been given to putting a zebra crossing along the junctions on Rue de Samares instead? Or a Lollipop lady at peak times?

## 3. Rue de Pontlietaut Raised table

As stated above, there is no evidence that a raised table reduces speed. It increases environmental pollution in an area with lots of schools.

Again, why can't you put a zebra crossing here? This will alert drivers to the likelihood of pedestrians crossing. The visual splay at this junction is already very good indeed. Also, you need to put double yellow lines as we get parents parking on the northern sector of Rue de la Croix which means if you are trying to turn right into Rue de la Croix from Rue de Pontlietaut you have to swing very wide to access the lane.

What evidence is there of threat to the children at this junction. Has anyone actually been injured?

In general, while I understand that there needs to be a safe walking route to school, I have not seen any evidence of the requirement for these dramatic and expensive 'precautions'. Most children at St Christophers are driven to school by parents or on the minibuses and do not walk. Most children at St Clements School are accompanied by their parents. The Le Rocquier children would be better served by educating them about walking in single file and not listening to music while crossing roads or walking 4 abreast.

I look forward to receiving details of a more meaningful consultation and evidence for these expensive and, in my view, heavy handed proposed consultations.

**7**

I live in the [REDACTED], Rue de la Croix. This is the last house and abuts the proposed development.

We are three apartments with off road parking. Entrance and egress from the car port is often hampered by poor parking opposite, on the north side of the road, 15m from the junction. Can this area be protected by a yellow line please.

Also, vehicles park on the right side of the road, rue le Pontletaut, north of the junction, causing southbound traffic to travel on the wrong side of the road when approaching the junction. This is a hazard for both pedestrians and vehicles exiting Rue de la Croix.

**8**

The sooner the better these proposed changes are carried out. In the interim maybe make Rue De Maupertuis a 15mph and police it like you do Le Blinerie.

I've been using this route to Le Rocquier at 8am and 3pm only going , not returning as it is so jam packed with kids that it's impassable , for the last 12 years. I had one unfortunate accident when I had stopped to squeeze past a car when a pedal cyclist went through the back windscreen of my ford galaxy. It was only the fact that he was wearing a helmet that that saved his life as it was his head that took the impact, along with his nose and top lip.

I have had a few near misses in the lane especially with mopeds speeding from the opposite direction, and sometimes cars. Put a spanner in the works when a large removal van, an oil tanker or a flat bed lorry comes zooming through this lane at 30mph as that is the speed limit, which is far too fast. It's not only school Kids, there are dog walkers , general walkers and I even came across a man walking a Shetland pony down there one day.

Years ago I used to cut through Le Squez until they closed the road but that was a far safer option than Rue De Maupertuis.

When making this lane no entry to cars maybe some kind of other barrier rather than planters as I bet the motorcycles and mopeds will still go down there as a short cut regardless of the no entry signs.

The sooner this lane is sorted the better. Kids walk 4 or 5 abreast with earphones in totally oblivious to cars behind them trying to get through. I've had children mess around and push their friend literally into the path of my car. It's a miracle I've only had one accident and go no more than 20mph down there, any faster and it's too dangerous.

Another thing to think of is every route to Le Rocquier is via a lane from Le Squez/ Le Marais. Samares Lane, Ponterson lane and le Hocq lane. So there is no main road into school.

Another huge issue is at 3pm both schools coming out at the same time is madness. In my opinion when Le Rocquier used to come out at 3.10pm at least St Clement School was clear. It's chaos, I go down Rue De la Chapelle at 3.05pm daily and with all the cars parked outside St Christopher's, with parents picking up from St Clements it's a disaster. There should be barriers continued along there to prevent on road parking. There are cars squeezing past the parked cars and others having to mount the cobbled pavement on the left. There are mounds of primary schools kids and you have to really concentrate on the left no to knock a pupils arm Or their bag. That road is not wide enough for 2 cars. I then go down ponterson lane but again this is a disaster with le Rocquier kids walking in the road and exiting the field on their bikes , doing wheelies up the road riding 4 a breast sometimes and looking behind them totally oblivious to oncoming cars!! Even then this lane is too narrow at most points for 2 cars. I actually do a sigh of relief when I can turn right at the bottom to go onto the coast road.

There are a lot of issues there.

I never see school teachers or honorary police policing the situation. It's dyer and I really don't know how there hasn't been more accidents. Nearly every day we witness so many close calls.

Let's get this sorted and keep our parish school kids safe.

## 9

I applaud the Parish in their attempt to reduce fast moving traffic on these routes. I live on Clos de la Mar, and have first-hand experience on a daily basis as to how much this road is used as a fast cut-through by various drivers, at various times of the day, seven days a week. It not only puts school children at risk, but out of school hours it puts normal pedestrians at risk as they enjoy the countryside walks.

One suggestion I would have is on the plan item "1" (Rue du Maupertuis bends) it shows 1 x planter in place to prevent through traffic. I would politely suggest that 3 x planters be used, placed in a tight "chicane" format, as to place one would still allow fast motorcycles to have access at speed. (the main culprits and danger threat as I would see it currently.) This tight "chicane" format would still allow walkers and cyclists ease of access but would prevent the motorcyclists from doing so at speed. This could be placed at the south of the opposite field entrances to allow the farmer access to the fields. (the same position as when they were placed when the road was closed during repair work to the sewage water pipes a few years back.)

## 10

Dear Sirs, I am unable to attend the meeting on 20th April. We have lived on Rue de Samares for 29 years and my son went to both St Clement and Le Rocquier School. We campaigned for years for a lower traffic speed on this road although of course now it is at least subject to a max of 30mph.

However, these proposals do nothing to teach children to exercise caution in crossing at these junctions. In addition, raised ramps are not the answer - particularly on Rue de la Croix, where ramps will only be used as fun-ramps by young cyclists which will launch them into Samares Lane at greater speed. I am also particularly opposed to the proliferation of signage in the parish. There is a sign on a lamp-post at every turn, more signs do not mean better safety in fact I believe that motorists become blind to them. I also do not agree to any signage on the road at the Rue de Samares junction showing school children given that it is at least a quarter of a mile to the nearest school.

Bearing in mind that the schools are only open during term time and school children are only using these crossings twice a day; these proposals are wholly inappropriate. If children crossing at these junctions at certain times of days during term-time are to have right of way then a system commensurate with that challenge should be considered but these proposals are nothing more than an expensive attempt to signal traffic calming. I shall continue to resist the continued proliferation of signage and urbanisation of the parish. It will not make these junctions safer for children.

## **11**

I would be grateful if my comments could be sent to the correct department. I am so relieved to see that something is going to change regarding the very dangerous roads to and from St Clements schools. It has been an accident waiting to happen. I agree with your changes but also feel Rue des Samares should be looked at also. I have lived in Samares Lane for 30 years and the through traffic has increased excessively. Motor bikes speed down the lane, lorries taking short cuts... it's endless. children walk to school this way aswell and I am surprised is road has not been taken into consideration and made traffic to premises only. The lane seems to be used mostly as a through road to the inner road which is not necessary. My daughter was nearly run into the wall at the bend nearer the top of the lane near Rue de Maupertuis by a speeding car.

I also feel that pupils who cycle should be made more aware that it is necessary to stop at the yellow lines. Since taking my granddaughter to Samares School since last September it's been just pure luck I have not seen a pupil run down.

It is time that St Clement had some proper cycle lanes as have most other Parishes and I am in agreement with any reasonable idea that will make these roads and lanes safer for all.

## **12**

As I am unable to attend the meeting on April 20th to discuss making walking etc to the local schools safer, I would like to make the following comments.

I live on Rue du Pontlietaut and it is a very dangerous road at certain times of the day. I often see mothers struggling with prams/ push chairs and young children on the narrow pavement and this forces them into the road which is not ideal. This also applies to school children walking to school with their friends. They often walk up from the coast road after getting off the bus and again they are forced to walk in the road.

I would like some of the following points considered --

- 1 Widen the pavement for the whole of Rue du Pontlietaut making it safer for everyone.
  - 2 As the road is fairly straight cars do travel at speed. Maybe the speed limit should be lowered for the whole of Rue du Pontlietaut at the start and finish of the school day or lowered to 20 miles per hour permanently.  
At the moment there is only a speed restriction of 20 in force near St Clement primary school
  - 3 Mark the road surface on Rue du Pontlietaut with the speed limit.
  - 4 Stop all parking around the junctions of Rue de la Croix and Rue du Pontlietaut.
- I must add that making this area safer is long overdue and any improvements are most welcome.

### **13**

Unfortunately I am unable to attend the consultation at the good companions club tomorrow night however I would like to comment on the proposal to the change of road. I live in Clos De La Mare so it affects me, I think the change is a good idea as it is dangerous for children walking down Rue de Maupertuis. However I think you should also extend the yellow line to cover the second entrance of Clos De La Mare as having cars parked under the light has caused problems for years and by extending the yellow line this will help with making the lane safer for everyone.

I look forward to seeing the final results after the consultation.

### **14**

Since the closure of the road through Le Squez there are only two exits, Le Mare slipway or Rue de Maupertuis. If Rue de Maupertuis to La Grande Route de St Clement was closed to motor traffic all residents of Le Squez, Le marais and Le Benefice would have to go via the coast road. At present it is difficult enough to get on the coast road and when Le Squez is finished it will be worse.

Pupils only walk mornings and afternoons in term time. Some flashing lights, as are in use in other schools might suffice. Pupils should learn to walk into oncoming traffic and keep to the correct side of the road. In that way Rue de Maupertuis could remain open all through the year.

Thank you for your kind attention.



## 15

I was unable to attend the public meeting for the above issue last week, and while I doubt little will change to the proposed plans I'd like to suggest the following...

A complete closure of Rue de Maupertuis to traffic is not necessary, and would be a nuisance to those needing to get in that direction from Le Squez (not only during school term time, but at other times too). I presume the only other alternative would be to go via Green Island, only to end up a matter of yards from where you began?

An allocated pedestrian 'path' along that road would be a much more logical solution, if common sense were to prevail - like the one in place on Rue de Jambart in St Clement. It would provide students with a safer route, and may in fact stop them from walking three or four abreast in the middle of the road – seemingly oblivious to the traffic coming from behind (a regular occurrence each morning).

I appreciate that children's safety is the top priority, and that Rue de Maupertuis was closed for a long period not too long ago, but to close it voluntarily for the sake of 60 minutes each day, during term time only, seems a little drastic.

## 16

If Maupertuis Lane is closed permanently as is proposed, can attention be paid to the only Coast Road access junctions, at School Road and, particularly, the main one, exiting Maupertuis Lane at La Mare Slip? This latter junction now has to cope with far more traffic than was once the case, because of the extensive building which has taken place over the years with apparently little thought given to traffic flow. At peak times it's difficult and potentially dangerous to get on to the Coast Road.

It's true that comparatively few people choose to use Maupertuis Lane "northwards", but it does provide an alternative route, otherwise the Coast Road will be the only means of getting to and from town, Gorey, Georgetown or the Inner Road and all areas beyond.

Of course the children need to be kept safe and encouraged to continue to walk and cycle (please don't suggest bussing them home); but would there be any way of providing paths, leaving the already narrow lane for slow motor traffic?

I'm sorry that I have no practical solutions to this problem which has been allowed to worsen over the past fifty years. I'm just suggesting that forcing traffic into ever-increasing circles to get from A to B is not necessarily the best way.

## 7 Summary

From the analysis of the returned questionnaires, there is a desire to improve and create safer walking and cycling routes around Rue de Maupertuis, Rue de Samares and Pontorson Lane to the three schools in the area.

Overall, 77% of responders to the questionnaires think there is a need for improvements with 72% believing that the proposals will be of benefit.

The responses sent in via the website differ from those sent in via the questionnaires. Of those where a comparison can be made, 37.5% thought there was a need for improvement whilst 25% did not. Only 37.5% thought the proposals would be of benefit and the same percentage said they would not be of benefit. The remaining responses did not indicate either way.

## **8 Conclusion**

It can be concluded from the responses received that there is a desire to walk and cycle in the area in a safer manner.

However, some of the proposals were received in a more favourable light than others.

## **9 Next Steps**

The report and proposals will be presented to the Roads Committee for a second time for their comments and approval.

Following this, a parish assembly will be held to determine the final outcome of the proposals.

If the proposals are agreed at the parish assembly, work will move onto the design phase, which will consider comments received relevant to the detailed design.

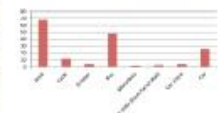
## **Appendix A – Consultation Display Panels**

# WHAT IS THE PROJECT:

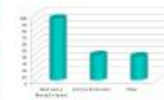
THE AIM IS TO IMPROVE WALKING AND CYCLING ROUTES LINKING LE MARAIS AND LE SQUEZ AREAS WITH ST CLEMENT'S SCHOOLS TO ENCOURAGE ACTIVE STUDENT TRAVEL, REDUCING CAR CONGESTION AND CONTRIBUTING TO STUDENTS' HEALTH.



## WALKING & CYCLING LA ROCQUIER PUPILS SURVEY RESULTS



How do you normally travel TO or FROM school?  
Almost half (48%) of pupils WALK AND CYCLE to and from Le Rocquier and St Clement Schools.



Where do you usually travel from?  
Over half of pupils travel from the West via Le Marais/Le Squez.

## Background and Objectives

- Around 400 students at Le Rocquier School are from Le Squez / Le Marais area.
- Around 140 regularly walk or cycle via Maupertuis Lane.
- A similar number travel the same route by car but could walk or cycle.
- New residential development likely to increase students walking and cycling the route.
- Proposed field paths would link to this route.



## OTHER INITIATIVES IN THE AREA

### Le Hocq to Pontorson Lane Path



- Public Consulted
- Presented to Parish Assembly
- Planning Consent already applied for (Approved)
- Construction Planned for 2017

### Rue de Maupertuis (not approved yet)



# ST CLEMENT'S SAFE ROUTES TO SCHOOLS

# ISSUES:

## MAIN LOCATION WHERE WALKERS / CYCLISTS CONFLICT WITH MOTOR VEHICLES:



## 1. RUE DE MAUPERTUIS BENDS ISSUES:

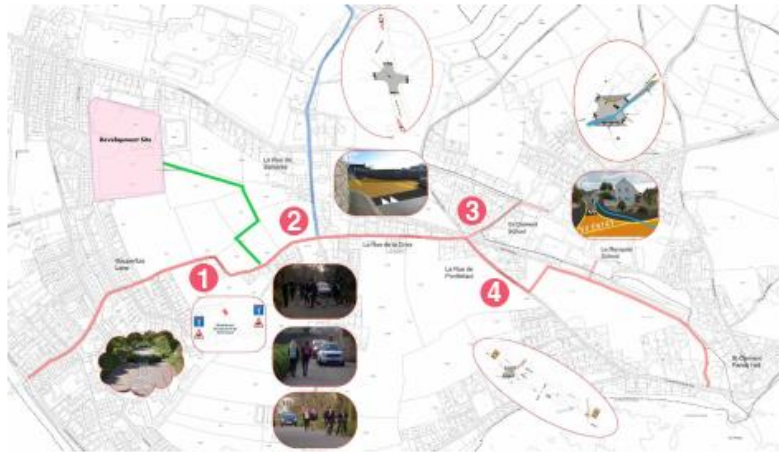


- Two way traffic on the narrow lane
- Poor visibility at the sharp narrow bends
- Conflict between the traffic and pedestrians/cyclists

# ST CLEMENT'S SAFE ROUTES TO SCHOOLS

# PROPOSALS:

## SUMMARY OF THE PROPOSED IMPROVEMENTS



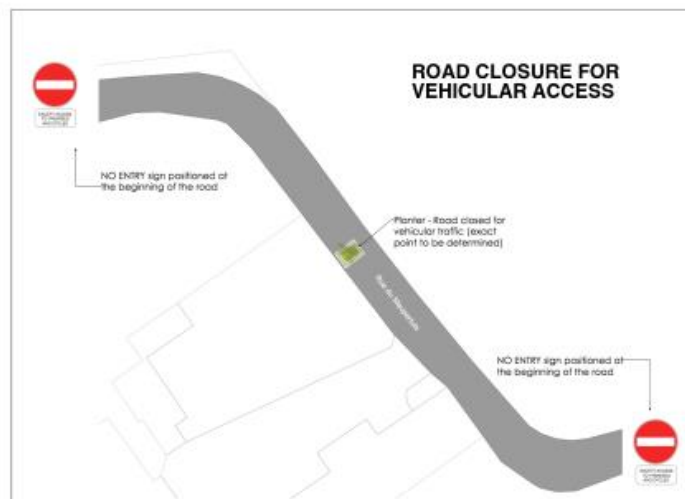
1. RUE DE MAUPERTUIS BENDS
2. SAMARES LANE JUNCTION
3. PONTLIETAUT LANE JUNCTION
4. ENTRANCE TO PLAYING FIELDS/  
NEW PATH



### 1. RUE DE MAUPERTUIS BENDS

#### Improvements at the Maupertuis:

- Road closed to through traffic, access to premises only
- Minimises the amount of traffic and helps to reduce speed
- Allows unrestricted cyclist and pedestrians access
- Reduces conflict between the traffic and pedestrians/cyclists particularly at sharp bends



## ST CLEMENT'S SAFE ROUTES TO SCHOOLS



# PROPOSALS:



## 2. RUE DE SAMARES JUNCTION

### Improvements at the Maupertuis Lane junction:

- Raised table - emphasise the junction and raises drivers awareness, helps to reduce speed



## 3. RUE DU PONTLIETAUT - RAISED TABLE

### Improvements at the Rue du Pontlietaut junction:

- Raised table - helps to reduce speed and make crossing the road easier
- Narrowed road - directs and slows down traffic flow, it is easier to cross
- Built out pavement directs pedestrians flow and helps to cross the road
- Reduces the conflict between the traffic and pedestrians/cyclists



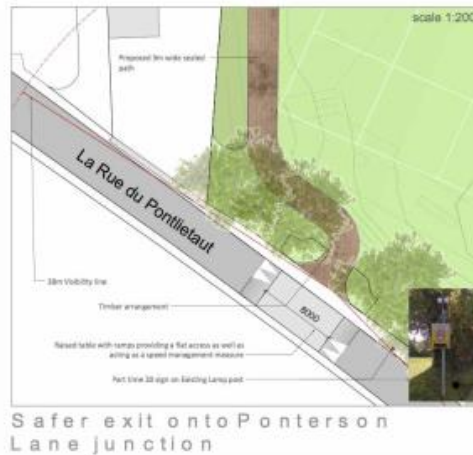
ST CLEMENT'S  
SAFE ROUTES TO SCHOOLS

# PROPOSALS:

## 4. CYCLE ENTRANCE TO PLAYING FIELD



### La Rocquier School cycle path proposal (to be build in Summer 2017)



# ST CLEMENT'S SAFE ROUTES TO SCHOOLS



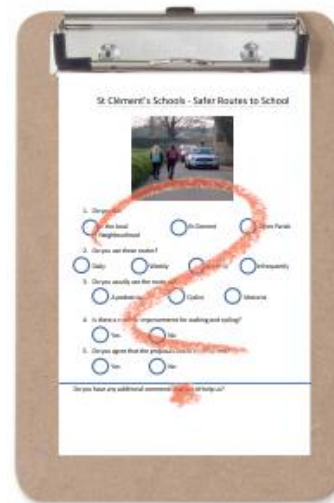
# WHAT'S NEXT



## PUBLIC CONSULTATION



*Please complete a questionnaire so that we can take your opinion into account; please return them today or by the of this week*



# ST CLEMENT'S SAFE ROUTES TO SCHOOLS

## St Clement's Schools - Safer Routes to School



Are you commenting as a: **Student**  **Parent / Guardian**  **Local Resident**

1. Do you live:

In the local  
Neighbourhood

St Clement

Other Parish

2. Do you use these routes?

Daily

Weekly

Monthly

Infrequently

3. Do you usually use the route as?

A pedestrian

Cyclist

Motorist

4. Is there a need for improvements for walking and cycling?

Yes

No

5. Do you agree that the proposals would be of benefit?

Yes

No

---

Do you have any additional comments that would help us?

Please continue overleaf

## **Appendix B – Free Form Comments**

Ref	Comment
2	Stagger school hours
3	This will make the roads a lot safer for all our students
11	Hopefully but with wider objectives of cycling / walking route all the way to St Helier
12	Excellent idea to make Maupertuis Lane a No Through Road - Great to have cycle / foot access across fields to Samares- Marina Road and hopefully to continue further to town
13	It will be a good idea to teach the children the highway code
14	If these routes are approved, there is absolutely no need for a cycle track to be constructed in good agricultural fields from Samares Nurseries. This will only encourage further development
18	Particularly for children to learn the Highway Code. Not against the traffic calming measures but more needs to be done concerning the parking of cars in Pontorson Lane and the end of Rue de la Croix into Pontorson Lane has cars parked there at times block the road which could make it a problem for emergency vehicles and makes it difficult to use Pontorson Lane properly. Children should be educated on how to use the roads as at the moment they block the roads when walking and cycling and do not move out of the way. They also race across the yellow line from Rue de la Croix into Samares Lane without stopping. There have been incidents in the past at that junction with a cyclist coming off his bike into the path of a car because the cyclist did not respect the code of the road. With a table to slow traffic cyclists will only use that to race even more across the yellow line.
19	Concerns over parking in Rue de la Chapelle and Ponterson Lane - lines of sight / access for fire/emergency vehicles maybe a problem currently. Will this be affected by changes?
21	Live in Rue de la Croix and see issues daily at both Ponterson Lane and Samares crossroads. The road calming idea is much needed. However, 2 extra things to really look at are: Speed limits on Rue de la Croix/Rue de Maupertuis. -Constant parking of about 10 cars on the left hand side of Pontorson Lane during school day. It is a bit of luck whether you can pass the cars safely before another car comes the opposite way. You are in the other side of the road approaching a busy school junction with no-where to pull in (know these cars are St Ch teachers) I also frequently see cars parking on the yellow line along the corner at the Halt and cars going through the No Entry into Rue de la Chappelle to enter the housing close along the old railway line
22	Speed bumps in Rue de Maupertuis and Rue de Samares. 20mph at all times - pavements if there are any are only very narrow
23	Any measures to slow down traffic and reduce noise would be welcome
24	Yes I believe the proposals will help cyclists and pedestrians (safety)
26	General health of Jersey
27	If there is a No Through Road the cyclists and pedestrians can come via Le Squez estate to and from Maupertuis Lane
46	Stop cars parking in road. Hard for kids to get pass. Cars also park on pavements so you have to go on road

<b>90</b>	Picture shows cyclists riding 3 abreast- highlighting the fact that teenagers who cycle need to be more road aware. Appreciate that wherever possible cyclists / pedestrians need to be kept separate from vehicles however I'm not sure closing lanes off is necessarily the solution. Maupertuis Lane being closed off would increase traffic on Pontorson Lane and Samares Lane potentially making both crossroads more dangerous for cyclists pedestrians. walked route as both a student and parent and have never seen or heard of any accidents amongst these lanes on the times in question as most people using the lanes are parents driving their children to / from school and as such are fully aware of the amount of cyclists and children in the lanes at these times so therefore drive at an appropriate speed.
<b>91</b>	But: Not sure they go far enough. Has the raised platform reduced speed in other areas? Live on corner of Rue de Samares and Rue de la Croix. I often hear brakes screeching, cars racing at excessive speeds passed house and cars tooting as they near the junction and continue at the same speed. It is an accident waiting to happen and fear that the road could become even faster with these improvements.
<b>92</b>	Education. Respect from all road users-especially pedestrians (school pupils). Always walk facing the traffic when in a pack, be considerate and respect that a vehicle will hurt you (common sense). Be aware of surroundings - all users. Don't waste resources when there are far better things to fund. Introduce filter in turn at junctions- automatically reduces speed yet allows flow.
<b>93</b>	Think the ideas are good, but for more safety the school time/ general parking issue on Pontorson Lane/ Rue de la Croix junction needs to be looked at - yellow line areas on junction /corners need bollards/planters to stop silly parking
<b>94</b>	I agree with proposals 2,3,4. Proposal 1: I don't see the need for the planter. I run along that road on a daily basis and feel that the overall traffic volume doesn't provide a high enough risk to justify essentially closing the road. For larger vehicles (dust carts, oil delivery, other delivery) I see placing a planter as an increased risk as on accessing the area would be unable to drive through and have to attempt reversing or turning which would provide a greater risk. During school traffic I see the benefit but a permanent blockage I don't agree with. I think the perception of the risk outweighs the actual risk and on a risk review it would be considered unnecessary and a frustration during other hours.
<b>97</b>	Main concern is at the junction of Rue de la Chappelle and Pontorson Lane, during school finishing time. Illegal parking will create a blackspot that will impede the safety of both cyclists and walkers
<b>98</b>	Rue de Samares 15mph
<b>99</b>	But need to educate children to use the roads properly. Have residual concerns about speed increases generated by concept of reduced usage- 'no one else on the road so I can go as fast as I want
<b>100</b>	Would hopefully aid to slow traffic in Rue de Maupertuis as an issue with speed along windy road. I would feel safer for my child and myself. An issue with cars passing in and out of school time, would help reduce the amount of large vehicles that use this route as a through road.
<b>103</b>	Wonderful idea for Maupertuis Lane. An accident waiting to happen. Also the rest of the children will be safer
<b>107</b>	I think the proposals are a very good idea
<b>112</b>	Very disappointed there is no suggested solutions or even comment regarding what will happen to the traffic that will continue to travel to any of the schools. Where will all this traffic go- Rue de Samares, Pontorson, Rue de la Croix? All these lanes are already extremely dangerous for pedestrians, cyclists with either no or completely inadequate pavements and 'safe' routes. I am supportive of this project in principle but it has clearly not been thought through very well.

<b>113</b>	Waste of time - children will still be delivered by car but on a longer route, so more pollution and congestion. Leave Rue de Maupertuis open!
<b>114</b>	No to road closure. 15mph Green Lane would be sufficient, road closure would mean access only from Coast Road which has enough congestion already. Speed humps would also make it safer before and after the proposed closure area
<b>115</b>	A cheaper option would be to spend the time and money on employing someone during the busy times (say to and from school hours) to police the roads and educate the children not to walk 4 abreast and cycle in the middle of the road they have to share with motorists
<b>116</b>	School children should be taught the rules of the road. To provide for the children 1 hour in the morning, 1 hour in the afternoon, five days a week term time only is it necessary to close off Maupertuis Lane 24/7. 1) on the blind bend by the farm-a mirror could be placed. 2)Maupertuis could become 15mph 3) lane could be made 1 way with a separation for walkers/cyclists 4) If road closed, there will be much more traffic exiting into Coast Road 5)any requirement to travel east will necessitate exit to Coast Road and then more traffic up Samares Lane 6)at least 50% of my journeys are eastbound 7)the school children are 11+ -surely they should know the rules of the road. One of the problems is that boys on cycles ride slowly and all over the road so that they can keep up with their friends who are walking 8) a post of some kind which can be triggered out of the ground at the same time as the lights flash when approaching school, closing the road just for school hours 9)one very dangerous place is exiting Rue de la Croix at east exit. Traffic travelling south down Pontorson Lane is over on the right hand side of the road because there is always a number of parked cars. It is blind exit for traffic
<b>118</b>	Suggest La Blinnerie/ Samares Lane crossing improved first as all extra traffic will go via Samares Lane and the above crossing is lethal now.
<b>119</b>	Children need to be taught road safety. They walk 4 abreast the road with ear phones in so they don't keep to the side. The issue of the rat run are caused by parents taking children to school with no regard for others. Perhaps parents and school should teach green cross code. I live in Le Marais and when at my window I see children of all ages and they have no idea about how to behave on the road. The Parish has been made 30mph speed limit. When I walk from Le Marias to St Clement's football club on the inner road the speeds appear to be in excess of 45mph. How much will these alterations cost, will it be another St Marys?
<b>120</b>	The closing of Rue de Maupertuis is unnecessary. Why should local residents be inconvenienced 7 days a week, 24 hours a day for the sake of approx 5-10 hours of school use per week. On many occasions the children run across the road in front of cars or walk several abreast with no interest in the traffic around them. By all means use traffic calming measures but please do not close the road.
<b>121</b>	Not at all. No need to close Rue de Maupertuis. No accidents/injury to pedestrians
<b>122</b>	Some. I don't agree with shutting Rue de Maupertuis I use it quite a bit and having a young family I have to use the car and Rue de Maupertuis is my main way of my journey. I agree with calming traffic down and slowing traffic but stopping it completely I think is silly all you're doing is causing further problems in other areas. Also why can't you make it either a green lane or widen road so both can co-exist in the same place. it seems you're using a hammer to crack a small nut. it's ok slowing traffic down but stopping it for school children for a couple of hours a day whilst most of us use it more often seems silly.
<b>123</b>	Perhaps. Should be one way going east rather than close the road completely
<b>124</b>	Cars parked in areas that clearly state there should be no parking. Especially at beginning of school / end of school



<b>125</b>	Car parking along roads besides primary schools cause problems... with visibility at peak times pedestrian/cyclist/car congestion at 8:30-9am is a problem along rue de la Chapelle. Scheme appears to encourage school children to cycle the wrong way up a one way street. raised junctions will probably result in students crossing junctions without looking
<b>126</b>	Rue de Samares needs to be 20mph max. Also I feel further speed bumps in Samares Lane would help
<b>127</b>	Speed bumps, Green Lanes
<b>128</b>	Make it 15mph. Students need to be taught how to road sense. I do not want the road closed as I use it constantly both ways
<b>129</b>	We do not want Clos de la Mare estate as a turn around to go back to Coast Road
<b>131</b>	Children and young people need to learn life skills which will last them a life time. Part of these life skills are learnt walking to and from school safely. They need to learn road safety and compromise ie how to share the road with other road users in a safe manner. If you close the road to traffic, how will they learn these skills. My children go to school here in this area and I want them to be safe, but to also learn safety and respect using the roads.
<b>132</b>	Whilst I accept safety is a key priority it is also unfair to close the road off permanently when the road is only being used by schoolchildren heading to/from Le Rocquier School (– I have never seen any primary school (St Christopher’s & St Clement’s children) actually walk through that lane) at certain times of the day; ie at the start of & end of the school day. Surely it would make more sense that if this must be done for safety then go ahead & close this road to through traffic between say 8 & 9am & between 3 & 4pm! Enough time for children to get safely through the lane to get to & from school – It seem that to close it at all times & weekends & holidays is a little bit of Health & safety overkill surely? You will still have vehicles using the road anyway – stating they are using it to “access premises” so why make potential criminals out of people when you don’t need to! We live in Samares Avenue and are becoming increasingly isolated from Le Squez/Les Marais by the closing of all the roads around us & forcing us to use an already heavily used Inner & Coast Road to get anywhere!!!. I regularly use this lane to access my parents who live in Le Petit Marais & who take care of my young child before & after school. I very rarely come across any children/cyclists using this road before 8am & after 4pm – the only pedestrians are the odd dog walker! By using this lane instead of the Inner & Coast Roads I can save up to 5 minutes on each journey time. This may not seem a lot but it is important to me. Please think about all aspects & consider the feelings of Parishoners who have to use the road daily – not just the minority of a few children going to Le Rocquier School.
<b>133</b>	The proposed safety changes seem very sensible, however, the road parking at the top end of Rue de Pontlietaut is also a danger and needs addressing in my opinion.
<b>134</b>	I have just seen this e-mail regarding the proposed Safer Routes, I have only seen this because I am on the e-mailing list of the Parish. I have checked the JEP classifieds for today and there is nothing regarding this Drop In Session. On another note the number of residents that live in Le Marais, Le Benefice and Le Petit Marais as well as Le Petit Hinguettes, La Selliere are numerous. I like many other people that work can’t arrange to be at a meeting with less than 24 hours notice and the time of the Drop In is open is during working hours. So I suggest that this is advertised correctly and that an evening Drop In can be arranged so hard working people of the parish can attend. Did DFI think they could just get this passed if most of the Parishoners didn’t know about it. Does traffic calming measures mean a replay of St Mary’s, St Aubin’s recent road works and costs? I have lived here for 26 years, so I remember when you could drive from St Clements Inner Road to Rue De Maupertuis through Le

	<p>Squez Estate and the traffic was two-way. I remember a few years ago there was a very bad traffic accident on the Coast Road just before rush-hour, the Parish Police diverted east bound traffic along Rue de Maupertuis. The speed limit has changed throughout the Parish. But when walking along the Inner Road to St Clements Football Pitch the speed of some far exceeds the 40 miles per hour. As I have seen children in Le Marais, on the roads walking or cycling they have no idea of the highway code or the dangers on roads. But surely the parents and Education should make sure they know the highway code. Such as The Cycling Proficiency Test before taking your bike on the road to school, but perhaps this has been dropped due to the cost? If children aren't taught how to use the public highway then they won't know any better as an adult! I did a school run some years ago to Grainville School, and the worst drivers I have ever seen are Parents, they drive anywhere and park anywhere regardless of if their actions are safe or not. Perhaps the Parish Police could place themselves on roads around the schools and witness the poor road behaviour of School Children and Parents.</p>
<b>135</b>	<p>It would be interesting to know what happened to the responses which were made for the last "email shot" on this subject.</p>
<b>136</b>	<p>Do you consider that barely 24hrs sufficient is sufficient notice of you drop-in Session for a project which will change the lives of residents of this area. During the weekend I have made contact with residents of Rue de la Croix, Rue de Samares, Rue de Maupertuis, and Rue de Pontlietaut and it would appear that St. Clement's Parish Magazine is not as well read as perhaps you and the editorial team would wish. I wish to state that I am not against the proposed safety measures per se but I am against what is being perceived as an attempt to slip these proposed changes in "under the radar". I have watched the ITV news coverage and find it unsurprisingly very biased towards your proposal. I therefore request that rather than a one to one presentation, you voluntarily hold another open presentation, similar to the one held for the Parish Hall cycle track. I suggest the Parish Hall at a more suitable time of day and at a date properly publicised giving residents and Parishioners in general the opportunity to attend and express their views on a project which will have a massive affect on the area in which we live. In the recent past a speed meter was fitted outside my house in Rue de la Croix can you please tell me who has the data obtained.</p>
<b>137</b>	<p>I am writing to object to the consultation process on the proposed safer routes to St Clement Schools. I live at Le Bocage, Rue de Samares, which is on the southerly junction of Rue de Samares and Rue de la Croix. Myself and my family will be directly affected by the proposed changes and have the following objections to the process so far: Parishioners were informed via a parish newsletter only one week before the consultation meeting took place. I was away last week (although back in time for the meeting) and did not receive a newsletter. As my property directly adjoins the area for proposed change (namely 4 speed bumps right outside my house!) really I should have been informed by letter addressed to me. The consultation meeting was held at Le Rocquier School and was therefore aimed to attract parents of children at that school. Residents without children at that school wishing to meet would therefore be in the minority and, for some of the more elderly residents, it would have been an intimidating prospect . The meeting was on a weekday between 3-5.30pm. Again, this was aimed to attract parents collecting from Le Rocquier school at that time. No working parent would have been able to attend nor would any other working resident. It feels like it was designed to be an under the radar meeting. The consultation process is only for 6 days. This is not long enough for a proper consultative process. I walk the roads around here with my dog every day and have not seen any notices about this consultation process. As we were not, as key residents, able to attend the poorly advertised consultation meeting, it may be that some of the issues raised below have been considered. In the absence of such information, we have the following points in relation to the proposal:</p> <ol style="list-style-type: none"> <li>1. Pedestrianisation of Rue de Maupertuis</li> </ol>



This is a blunt instrument to effect change which is only required (if at all) for one hour in the morning and one hour in the afternoon, term time only. Rue de Maupertuis is an important route for us to access town and the west of the Island. I do not use Rue de Samares as it is a single track road with a dangerous, horrid junction with La Grande Route de la Cote. It has a mirror which is difficult to use and the coast road is typically very busy in the morning and evenings. In order to let vehicles pass each other on Rue de Samares, one typically needs to mount the narrow pavement. More traffic will use this route if Rue de Maupertuis is closed to traffic and it will be much more dangerous for the many school children, residents and dog walkers using this road. The Inner road from Rue de Samares going north is also a four way junction with cars and dog walkers coming from La Blinerie (a Green Lane) as well as many school children, school buses plus traffic from both directions. Traffic and pollution on La Blinerie, a green lane, is going to increase with people cutting through to Longueville to avoid the already dreadful queues at the tennis courts at St Clement.

The only other option is to travel up Rue de la Croix, which has many houses and elderly residents, and cars frequently parked on both sides and then to turn left onto Rue de Pontlietaut and then again onto St Clements Inner Road. This is even more dangerous as at peak times, school children and cyclists are weaving in and out of the cars, usually walking 3 or 4 abreast with headphones and with very little regard for traffic. Closing Rue de Maupertuis is going to dramatically increase the traffic on Rue de la Croix. It is an accident waiting to happen. Due to the two blind corners on Rue de Maupertuis, cars are typically very cautious and do not drive at speed. To my knowledge, there have not been any injuries caused to school children who again, are usually walking in groups or some cut across the fields. What is the status of the application to build a cycle track on Rue de Maupertuis. I cannot now find any information on this online and yet I do remember a draft consent/consultation in relation to this extension of the Eastern Cycle corridor. Surely any cycle track could be shared use with pedestrians? Is this infrastructure change a way of improving the chances for the Samares Nurseries development by Andium Homes? All of the traffic problems listed above are only going to be exacerbated by the arrival of 200 new families at the Samares Nurseries development.

## 2. Proposed raised table at the Rue de Maupertuis junction

We moved from London three years ago and were very relieved to leave the speed bumps and raised tables behind. There is no evidence that speed bumps help to reduce speed. In fact, typically it encourages drivers to speed, particularly with a raised table there is space to accelerate before taking off again! This will be particularly marked if there is no vehicular access to Rue de Maupertuis. Rue de Samares will become a fast rat run between the inner and coast roads at St Clement. Speed bumps increase the pollution in the area, with vehicles having to slow down and speed up again, and it is very noisy. Our garden makes the corner between these two roads and this proposal will seriously affect our use and enjoyment of our garden. It will also adversely affect the value of our property and the additional vibrations are likely to compromise the very old retaining granite wall around the garden. Has any thought been given to putting a zebra crossing along the junctions on Rue de Samares instead? Or a Lollipop lady at peak times?

## 3. Rue de Pontlietaut Raised table

As stated above, there is no evidence that a raised table reduces speed. It increases environmental pollution in an area with lots of schools. Again, why can't you put a zebra crossing here? This will alert drivers to the likelihood of pedestrians crossing. The visual splay at this junction is already very good indeed. Also, you need to put double yellow lines as we get parents parking on the northern sector of Rue de la Croix which means if you are trying to turn right into Rue de la Croix from Rue de Pontlietaut you have to swing very wide to access the lane. What evidence is there of

	<p>threat to the children at this junction. Has anyone actually been injured? In general, while I understand that there needs to be a safe walking route to school, I have not seen any evidence of the requirement for these dramatic and expensive 'precautions;. Most children at St Christophers are driven to school by parents or on the minibuses and do not walk. Most children at St Clements School are accompanied by their parents. The Le Rocquier children would be better served by educating them about walking in single file and not listening to music while crossing roads or walking 4 abreast.</p> <p>I look forward to receiving details of a more meaningful consultation and evidence for these expensive and, in my view, heavy handed proposed consultations.</p>
138	<p>I live in the Hollies, Rue de la Croix. This is the last house and abuts the proposed development. We are three apartments with off road parking. Entrance and egress from the car port is often hampered by poor parking opposite, on the north side of the road, 15m from the junction. Can this area be protected by a yellow line please. Also, vehicles park on the right side of the road, rue le Pontletaut, north of the junction, causing southbound traffic to travel on the wrong side of the road when approaching the junction. This is a hazard for both pedestrians and vehicles exiting Rue de la Croix.</p>
139	<p>The sooner the better these proposed changes are carried out. In the interim maybe make Rue De Maupertuis a 15mph and police it like you do Le Blinerie. I've been using this route to Le Rocquier at 8am and 3pm only going, not returning as it is so jam packed with kids that it's unpassable, for the last 12 years. I had one unfortunate accident when I had stopped to squeeze past a car when a pedal cyclist went through the back windscreen of my ford galaxy. It was only the fact that he was wearing a helmet that that saved his life as it was his head that took the impact, along with his nose and top lip. I have had a few near misses in the lane especially with mopeds speeding from the opposite direction, and sometimes cars. Put a spanner in the works when a large removal van, an oil tanker or a flat bed lorry comes zooming through this lane at 30mph as that is the speed limit, which is far too fast. It's not only school Kids, there are dog walkers , general walkers and I even came across a man walking a Shetland pony down there one day. Years ago I used to cut through Le Squez until they closed the road but that was a far safer option than Rue De Maupertuis. When making this lane no entry to cars maybe some kind of other barrier rather than planters as I bet the motorcycles and mopeds will still go down there as a short cut regardless of the no entry signs. The sooner this lane is sorted the better. Kids walk 4 or 5 abreast with earphones in totally oblivious to cars behind them trying to get through. I've had children mess around and push their friend literally into the path of my car. It's a miracle I've only had one accident and go no more than 20mph down there, any faster and it's too dangerous. Another thing to think of is every route to Le Rocquier is via a lane from Le Squez/ Le Marais. Samares Lane, Ponterson Lane and le Hocq Lane. So there is no main road into school. Another huge issue is at 3pm both schools coming out at the same time is madness. In my opinion when Le Rocquier used to come out at 3.10pm at least St Clement School was clear. It's chaos , I go down Rue De la Chapelle at 3.05pm daily and with all the cars parked outside St Christopher's , with parents picking up from St Clements it's a disaster. There should be barriers continued along there to prevent on road parking. There are cars squeezing past the parked cars and others having to mount the cobbled pavement on the left. There are mounds of primary schools kids and you have to really concentrate on the left no to knock a pupils arm Or their bag. That road is not wide enough for 2 cars. I then go down Ponterson lane but again this is a disaster with le Rocquier kids walking in the road and exiting the field on their bikes, doing wheelies up the road riding 4 a breast sometimes and looking behind them totally oblivious to oncoming cars!! Even then this lane is too narrow at most points for 2 cars. I actually do a sigh of relief when I can turn right at the bottom to go onto the coast road. I never see school</p>

	teachers or honorary police policing the situation. It's dyer and I really don't know how there hasn't been more accidents. Nearly every day we witness so many close calls. Let's get this sorted and keep our parish school kids safe.
<b>140</b>	I applaud the Parish in their attempt to reduce fast moving traffic on these routes. I live on Clos de la Mar, and have first-hand experience on a daily basis as to how much this road is used as a fast cut-through by various drivers, at various times of the day, seven days a week. It not only puts school children at risk, but out of school hours it puts normal pedestrians at risk as they enjoy the countryside walks. One suggestion I would have is on the plan item "1" (Rue du Maupertuis bends) it shows 1 x planter in place to prevent through traffic. I would politely suggest that 3 x planters be used, placed in a tight "chicane" format, as to place one would still allow fast motorcycles to have access at speed. (the main culprits and danger threat as I would see it currently.) This tight "chicane" format would still allow walkers and cyclists ease of access but would prevent the motorcyclists from doing so at speed. This could be placed at the south of the opposite field entrances to allow the farmer access to the fields. (the same position as when they were placed when the road was closed during repair work to the sewage water pipes a few years back.)
<b>141</b>	We have lived on Rue de Samares for 29 years and my son went to both St Clement and Le Rocquier School. We campaigned for years for a lower traffic speed on this road although of course now it is at least subject to a max of 30mph. However, these proposals do nothing to teach children to exercise caution in crossing at these junctions. In addition, raised ramps is not the answer - particularly on Rue de la Croix. where ramps will only be used as fun-ramps by young cyclists which will launch them into Samares Lane at greater speed. I am also particularly opposed to the proliferation of signage in the parish. There is a sign on a lamp-post at every turn, more signs do not mean better safety in fact I believe that motorists become blind to them. I also do not agree to any signage on the road at the Rue de Samares junction showing school children given that it is at least a quarter of a mile to the nearest school. Bearing in mind that the schools are only open during term time and school children are only using these crossings twice a day; these proposals are wholly inappropriate. if children crossing at these junctions at certain times of days during term-time are to have right of way then a system commensurate with that challenge should be considered but these proposals are nothing more than an expensive attempt to signal traffic calming. I shall continue to resist the continued proliferation of signage and urbanisation of the parish. It will not make these junctions safer for children
<b>142</b>	I am so relieved to see that something is going to change regarding the very dangerous roads to and from St Clements schools.. It has been an accident waiting to happen. I agree with your changes but also feel Rue des Samares should be looked at also. I have lived in Samares Lane for 30 years and the through traffic has increased excessively. Motor bikes speed down the lane, lorries taking short cuts... it's endless. Children walk to school this way as well and I am surprised is road has not been taken into consideration and made traffic to premises only. The lane seems to be used mostly as a through road to the inner road which is not necessary. My daughter was nearly run into the wall at the bend nearer the top of the lane near Rue de Maupertuis by a speeding car. I also feel that pupils who cycle should be made more aware that it is necessary to stop at the yellow lines. Since taking my granddaughter to Samares School since last September it's been just pure luck I have not seen a pupil run down. It is time that St Clement had some proper cycle lanes as have most other Parishes and I am in agreement with any reasonable idea that will make these roads and lanes safer for all.
<b>143</b>	I live on Rue du Pontlietaut and it is a very dangerous road at certain times of the day. I often see mothers struggling with prams/ push chairs and young children on the narrow pavement and this forces them into the road which is not ideal. This also applies to school children walking to

	<p>school with their friends. They often walk up from the coast road after getting off the bus and again they are forced to walk in the road. I would like some of the following points considered -1. Widen the pavement for the whole of Rue du Pontlietaut making it safer for everyone. 2. As the road is fairly straight cars do travel at speed. Maybe the speed limit should be lowered for the whole of Rue du Pontlietaut at the start and finish of the school day or lowered to 20 miles per hour permanently. At the moment there is only a speed restriction of 20 in force near St Clement primary school. 3. Mark the road surface on Rue du Pontlietaut with the speed limit. 4. Stop all parking around the junctions of Rue de la Croix and Rue du Pontlietaut. I must add that making this area safer is long overdue and any improvements are most welcome</p>
<b>144</b>	<p>Unfortunately I am unable to attend the consultation at the good companions club tomorrow night however I would like to comment on the proposal to the change of road. I live in Clos De La Mare so it affects me, I think the change is a good idea as it is dangerous for children walking down Rue de Maupertuis. However I think you should also extend the yellow line to cover the second entrance of Clos De La Mare as having cars parked under the light has caused problems for years and by extending the yellow line this will help with making the lane safer for everyone</p>
<b>145</b>	<p>Since the closure of the road through Le Squez, there are only 2 exits. La mare Slipway or Rue de Maupertuis. If Rue de Maupertuis to La Grande Route de St Clement was closed to motor traffic all residents of Le Squez, Le Marais and le Benefice would have to go out via the coast road. At present it is difficult enough to get to the coast road and when Le Squez is finished it will be worse. Pupils only walk mornings and afternoons in term time. Some flashing lights, as are in use in other schools might suffice. Pupils should learn to walk into oncoming traffic and keep to the correct side of the road. In that way Rue de Maupertuis could remain open to traffic all through the year.</p>
<b>146</b>	<p>The Children need to be educated to stop at the yellow line. Someone needs to attend the area at 3pm when they come out of school at junction of Rue de la Croix into Rue de Maupertuis. Only a waste of money again to put down some silly stuff on road. My mum-in-law lives in Rue de Maupertuis and we live in Rue de Samares. What a long way round to visit each other should it be No Through Road. However big tractors allowed for fields.</p>
<b>147</b>	<p>A complete closure of Rue de Maupertuis to traffic is not necessary, and would be a nuisance to those needing to get in that direction from Le Squez (not only during school term time, but at other times too). I presume the only other alternative would be to go via Green Island, only to end up a matter of yards from where you began? An allocated pedestrian 'path' along that road would be a much more logical solution, if common sense were to prevail - like the one in place on Rue de Jambart in St Clement. It would provide students with a safer route, and may in fact stop them from walking three or four abreast in the middle of the road – seemingly oblivious to the traffic coming from behind (a regular occurrence each morning). I appreciate that children's safety is the top priority, and that Rue de Maupertuis was closed for a long period not too long ago, but to close it voluntarily for the sake of 60 minutes each day, during term time only, seems a little drastic.</p>
<b>148</b>	<p>If Maupertuis Lane is closed permanently as is proposed, can attention be paid to the only Coast Road access junctions, at School Road and, particularly, the main one, exiting Maupertuis Lane at La Mare Slip? This latter junction now has to cope with far more traffic than was once the case, because of the extensive building which has taken place over the years with apparently little thought given to traffic flow. At peak times it's difficult and potentially dangerous to get on to the Coast Road. It's true that comparatively few people choose to use Maupertuis Lane "northwards", but it does provide an alternative route, otherwise the Coast Road will be the only means of getting to and from town, Gorey, Georgetown or the Inner Road and all areas beyond. Of course the children need to be kept safe and encouraged to continue to walk and cycle</p>

(please don't suggest bussing them home); but would there be any way of providing paths, leaving the already narrow lane for slow motor traffic?  
I'm sorry that I have no practical solutions to this problem which has been allowed to worsen over the past fifty years. I'm just suggesting that forcing traffic into ever-increasing circles to get from A to B is not necessarily the best way

**3.15 THE CONNÉTABLE OF ST. HELIER OF THE MINISTER FOR THE ENVIRONMENT REGARDING TREE PRESERVATION ORDERS: (WQ.194/2019)**

**Question**

How many Tree Preservation Orders have been made in the last ten years and in respect of trees in which locations?

**Answer**

The ability to protect trees by order was repealed in 2002 with the introduction of the Planning and Building (Jersey) Law which enabled important amenity trees to be added to the List of Protected Trees.

There are currently 64 separate entries on the List of Protected Trees, 41 of which have been made in the last ten years. The number of entries does not, however, reflect the number of trees that are protected as an individual entry may embrace one or more trees. Details of the trees and their locations that currently feature on the List of Protected Trees are set out on the Government of Jersey website (see: <https://www.gov.je/citizen/Planning/Pages/ProtectedTrees.aspx>).

It is important to note that trees may also be protected by the use of planning conditions attached to the award of planning permission.

The Minister for the Environment considers the extent to which important amenity trees are protected to be inadequate, particularly in the Island's urban environment where their relative scarcity makes it more important to ensure their protection, and has initiated a review of the use of existing legal provisions.

**3.16 DEPUTY M.R. HIGGINS OF ST. HELIER OF H.M. ATTORNEY GENERAL REGARDING OFFENCES COMMITTED AGAINST CHILDREN: (WQ.195/2019)**

**Question**

With regard to offences committed against children between 1986 and the present date will H.M. Attorney General produce a table, showing for each year –

- (a) the number of prosecutions for each type of offence (e.g. rape, indecent assault, physical abuse, neglect, indecent photographs, psychological abuse etc.);
- (b) the number of acquittals and convictions for each of the offences detailed in (a); and
- (c) where there were convictions, the sentences awarded by the courts in each case?

**Answer**

The question asks for data for the last 33 years. Data prior to 2014 is not readily available. To produce the information requested for each year stretching back to 1986 would be a costly and time consuming process that could not be completed in the time frame in which the answer is required.

The following tables therefore provide the information between 2014 and the present date.<sup>5</sup>

## OFFENCES AGAINST CHILDREN - 2014-2019 (Magistrates Court – Blue / Royal Court - Red)

### 2014

OFFENCE	NO.	ACQUITTED / NO EVIDENCE OFFERED (NEO)	CONVICTIONS	SENTENCE
Child Neglect (Magistrates Court)	6	2 (NEO)	4	<ul style="list-style-type: none"> <li>• 9 Months' Probation</li> <li>• 2 Months' Imprisonment (suspended for 12 months)</li> <li>• 9 Month Bind Over Order</li> <li>• 9 Months' Imprisonment (suspended for 2 years)</li> </ul>
Gross Indecency (Royal Court)	1	1 (Withdrawn)	0	n/a
Indecent Assault (1 Magistrates Court) (2 Royal Court)	3	0	3	<ul style="list-style-type: none"> <li>• 3 Years' Probation + 180 Hour Community Service Order + 5 Year Notification Order</li> <li>• 3 Years Imprisonment + 5 Year Notification Order</li> <li>• 18 Months' Probation + 180 Hour Community Service Order</li> </ul>
Indecent Exposure (Magistrates Court)	1	0	1	<ul style="list-style-type: none"> <li>• 4 Months' Imprisonment + 10 Year Notification Order</li> </ul>
Possession of Indecent Images of Children (Royal Court)	5	0	5	<ul style="list-style-type: none"> <li>• 5 Years' Imprisonment + 5 Year Notification Order</li> <li>• 2 Years' Imprisonment + 5 Year Notification Order</li> <li>• 2 Years' Imprisonment + 10 Year Notification Order + 10 Year Restraining Order</li> <li>• 18 Months' Probation + 5 Year Notification Order + 5 Year Restraining Order</li> </ul>

<sup>5</sup> Not all offences charged by Centenier will necessarily be referred to the Law Officers' Department. The Law Officers' Department only holds information on the cases which it has prosecuted which will include all serious cases.

				<ul style="list-style-type: none"> <li>• 12 Months' Imprisonment + 5 Year Notification Order + 5 Year Restraining Order</li> </ul>
Unlawful Sexual Intercourse (1 Magistrates Court) (2 Royal Court)	3	1 (NEO)	2	<ul style="list-style-type: none"> <li>• 2 Years' Probation + 120 Hour Community Service Order + 5 Year Notification Order + 5 Year Restraining Order</li> <li>• 12 Months' Imprisonment + 5 Year Notification Order + 5 Year Restraining Order</li> </ul>
TOTALS	19	4	15	

## 2015

OFFENCE	NO.	ACQUITTED / NO EVIDENCE OFFERED (NEO)	CONVICTIONS	SENTENCE
Child Neglect (Magistrates Court)	5	0	5	<ul style="list-style-type: none"> <li>• 12 Months' Probation</li> <li>• 12 Months' Probation + 50 Hour Community Service Order</li> <li>• 180 Hour Community Service Order</li> <li>• 12 Month Bind Over Order</li> <li>• 12 Months' Probation + 90 Hour Community Service Order</li> </ul>
Indecent Assault (Royal Court)	7	1 (Acquitted)	6	<ul style="list-style-type: none"> <li>• 54 Months' Imprisonment + 5 Year Notification Order + 5 Year Restraining Order</li> <li>• 6 Years' Imprisonment + 10 Year Notification Order + 6 Year Restraining Order</li> <li>• 3 Years' Imprisonment + 10 Year Notification Order + 9 Year Restraining Order</li> <li>• 18 Months' Probation + 300 Hour Community Service Order + 5 Year Notification + 5 Year Restraining Order</li> <li>• 2 Years' Imprisonment + 5 Year Notification Order + 5 Year Restraining Order</li> <li>• 4 Years' Imprisonment + 5 Year Notification Order + 10 Year Restraining Order</li> </ul>
Indecent Exposure (Royal Court)	1	0	1	<ul style="list-style-type: none"> <li>• 18 Months' Imprisonment + 5 Year Notification Order + 5 Year Restraining Order</li> </ul>



Possession of Indecent Images of Children (Royal Court)	6	0	6	<ul style="list-style-type: none"> <li>• 12 Months' Imprisonment + 5 Year Notification Order</li> <li>• 2 Years' Imprisonment + 5 Year Notification Order + 5 Year Restraining Order</li> <li>• 3 Years' Imprisonment + 5 Year Notification Order + 5 Year Restraining Order</li> <li>• 18 Months' Imprisonment + 5 Year Notification Order</li> <li>• 12 Months' Imprisonment + 5 Year Notification Order + 5 Year Restraining Order</li> <li>• 15 Months' Imprisonment + 3 Year Notification Order + 3 Year Restraining Order</li> </ul>
Sexual Grooming (Magistrates Court)	1	0	1	<ul style="list-style-type: none"> <li>• 18 Months' Probation + 240 Hour Community Service Order</li> </ul>
TOTALS	20	1	19	

## 2016

OFFENCE	NO.	ACQUITTED / NO EVIDENCE OFFERED (NEO)	CONVICTIONS	SENTENCE
Child Abuse (Magistrates Court)	1	0	1	<ul style="list-style-type: none"> <li>• 6 Month Bind Over Order</li> </ul>
Child Neglect (Magistrates Court)	5	2 (NEO)	3	<ul style="list-style-type: none"> <li>• 9 Months' Probation</li> <li>• 120 Hour Community Service Order</li> <li>• 150 Hour Community Service Order</li> </ul>
Gross Indecency (Royal Court)	2	1 (Acquitted)	1	<ul style="list-style-type: none"> <li>• 11 Years' Imprisonment + 10 Year Notification Order</li> </ul>
Indecent Assault (Royal Court)	5	1 (Acquitted) 2 (Withdrawn)	2	<ul style="list-style-type: none"> <li>• 4 Years' Imprisonment + 5 Year Notification Order + 10 Year Restraining Order</li> <li>• 4 Years' Imprisonment + 5 Year Notification Order + 5 Year Restraining Order</li> </ul>
Possession of Indecent Images of Children	5	0	5	<ul style="list-style-type: none"> <li>• 12 Months' Probation + 120 Hour Community Service Order</li> <li>• 18 Months' Probation + 150 Hour Community Service Order + 5 Year Notification + 5 Year Restraining Order</li> </ul>

(2 – Magistrates Court) (3 – Royal Court)				<ul style="list-style-type: none"> <li>• 3 Years' Imprisonment</li> <li>• 18 Months' Imprisonment + 5 Year Notification Order + 5 Year Restraining Order</li> <li>• 15 Months' Imprisonment + 5 Year Notification Order + 5 Year Restraining Order</li> </ul>
Rape (Royal Court)	1	1 (Acquitted)	0	<ul style="list-style-type: none"> <li>• Convicted of Unlawful Sexual Intercourse in the alternative</li> </ul>
Sexual Grooming (Royal Court)	1	0	1	<ul style="list-style-type: none"> <li>• 9 Months' Imprisonment + 2 Year Notification Order</li> </ul>
Unlawful Sexual Intercourse (Magistrates Court)	2	0	2	<ul style="list-style-type: none"> <li>• 12 Months' Probation + 90 Hour Community Service Order</li> <li>• 18 Months' Probation + 5 Year Notification Order + 5 Year Restraining Order</li> </ul>
TOTALS	22	7	15	

## 2017

OFFENCE	NO.	ACQUITTED / NO EVIDENCE OFFERED (NEO)	CONVICTIONS	SENTENCE
Child Abuse (Magistrates Court)	1	0	1	<ul style="list-style-type: none"> <li>• 12 Months' Probation + 90 Hour Community Service Order</li> </ul>
Child Neglect (Magistrates Court)	1	0	1	<ul style="list-style-type: none"> <li>• 9 Months' Probation + Alcohol &amp; Drug Treatment Order</li> </ul>
Incest (Royal Court)	1	0	1	<ul style="list-style-type: none"> <li>• 4.5 Years' Imprisonment</li> </ul>
Indecent Assault (Royal Court)	1	0	1	<ul style="list-style-type: none"> <li>• 13 Years' Imprisonment + 15 Year Notification Order</li> </ul>
Possession of Indecent Images of Children (1 - Magistrates Court) (1 – Royal Court)	3	1 (NEO)	2	<ul style="list-style-type: none"> <li>• 18 Months' Probation + 120 Hour Community Service Order + 5 Year Notification Order + 5 Year Restraining Order</li> <li>• 18 Months' Probation + 150 Hour Community Service Order + 5 Year Notification Order + 5 Year Restraining Order</li> </ul>

Sexual Grooming (Magistrates Court)	3	0	3	<ul style="list-style-type: none"> <li>• 180 Hour Community Service Order + 3 Year Notification Order + 3 Year Restraining Order</li> <li>• 6 Months' Imprisonment + 5 Year Notification Order</li> <li>• 10 Months' Imprisonment + 5 Year Notification Order</li> </ul>
TOTALS	10	1	9	

## 2018

OFFENCE	NO.	ACQUITTED / NO EVIDENCE OFFERED (NEO)	CONVICTIONS	SENTENCE
Child Neglect (Magistrates Court)	2	0	2	<ul style="list-style-type: none"> <li>• 6 Month Bind Over Order</li> <li>• 12 Month Bind Over Order</li> </ul>
Grave & Criminal Assault (Magistrates Court)	1	0	1	<ul style="list-style-type: none"> <li>• 1 awaiting sentence</li> </ul>
Indecent Exposure (Child witness) (Magistrates Court)	1	0	1	<ul style="list-style-type: none"> <li>• 6 Weeks' Imprisonment</li> </ul>
Attempt to Groom (Magistrates Court)	1	0	1	<ul style="list-style-type: none"> <li>• 10 Months' Imprisonment + 5 Year Notification Order + 5 Year Restraining Order</li> </ul>
Sexual Grooming (Magistrates Court)	5	0	5	<ul style="list-style-type: none"> <li>• 9 Months' Imprisonment + 5 Year Notification Order + 5 Year Restraining Order + Recommended for Deportation</li> <li>• 11 Months' Imprisonment + 5 Year Notification Order + 5 Year Restraining Order</li> <li>• 7 Months' Imprisonment + 5 Year Notification Order + 5 Year Restraining Order</li> <li>• 9 Months' Imprisonment + 5 Year Notification Order + 5 Year Restraining Order</li> <li>• 7 Months' Imprisonment + 5 Year Notification Order + 5 Year Restraining Order</li> </ul>

Attempt to Meet a Child Following Sexual Grooming (2 - Magistrates Court) (2 – Royal Court)	4	0	4	<ul style="list-style-type: none"> <li>• 9 Months' Imprisonment + 5 Year Notification Order + 5 Year Restraining Order</li> <li>• 10 Months' Imprisonment + 5 Year Notification Order + 5 Year Restraining Order</li> <li>• 18 Months' Imprisonment + 5 Year Notification Order + 10 Year Restraining Order</li> <li>• 1 awaiting sentence following Trial re Making Indecent Images of Children</li> </ul>
Indecent Assault (Royal Court)	6	1 (NEO)	1	<ul style="list-style-type: none"> <li>• 8 Years' Imprisonment + 15 Year Notification Order + 15 Year Restraining Order<sup>6</sup></li> <li>• 3 ongoing</li> <li>• 1 awaiting Trial</li> </ul>
Rape (Royal Court)	2	0	1	<ul style="list-style-type: none"> <li>• 8 Years' Imprisonment + 15 Year Notification Order + 15 Year Restraining Order<sup>1</sup></li> <li>• 1 awaiting Trial</li> </ul>
Possession of Indecent Images of Children (Royal Court)	1	0	1	<ul style="list-style-type: none"> <li>• 20 Months' Imprisonment + 5 Year Notification Order + 5 Year Restraining Order</li> </ul>
Making Indecent Images of Children (Royal Court)	7	0	5	<ul style="list-style-type: none"> <li>• 2 Years' Imprisonment + 5 Year Notification Order + 5 Year Restraining Order</li> <li>• 6 1/2 Years' Imprisonment + 10 Year Notification Order + 10 Year Restraining Order<sup>7</sup></li> <li>• 18 Months' Imprisonment + 10 Year Notification Order + 10 Year Restraining Order</li> <li>• 4 Years' Imprisonment + 5 Year Notification Order + 8 Year Restraining Order</li> <li>• 7 Years' Imprisonment + 15 Year Notification Order + 15 Year Restraining Order<sup>8</sup></li> <li>• 2 ongoing</li> </ul>

<sup>6</sup> Indecent Assault + Rape sentenced together

<sup>7</sup> Making Indecent Images of Children (x4) + Breach of Restraining Order (x4) sentenced together

<sup>8</sup> Making Indecent Images of Children (x4) + Breach of Restraining Order (x2) sentenced together

Breach of Restraining Order (Royal Court)	3	0	3	<ul style="list-style-type: none"> <li>• 18 Months' Imprisonment + 5 Year Notification Order + 5 Year Restraining Order<sup>9</sup></li> <li>• 6 1/2 Years' Imprisonment + 10 Year Notification Order + 10 Year Restraining Order<sup>2</sup></li> <li>• 7 Years' Imprisonment + 15 Year Notification Order + 15 Year Restraining Order<sup>3</sup></li> </ul>
Purchasing Alcohol for a Child (Royal Court)	1	0	1	<ul style="list-style-type: none"> <li>• 18 Months' Imprisonment + 5 Year Notification Order + 5 Year Restraining Order<sup>4</sup></li> </ul>
Harbouring a Child in Care (Magistrates Court)	1	0	0	<ul style="list-style-type: none"> <li>• Arrest Order in place – Defendant failed to appear in Court</li> </ul>
Telecommunications (Indecent Messages) (1 - Magistrates Court) (1 – Royal Court)	2	1 (Acquitted)	1	<ul style="list-style-type: none"> <li>• 1 awaiting sentence</li> </ul>
Dangerous Dog (Bit a child) (Magistrates Court)	1	0	1	<ul style="list-style-type: none"> <li>• Control Order</li> </ul>
Drunk In Charge of a Vehicle (child in car) (Magistrates Court)	1	0	1	<ul style="list-style-type: none"> <li>• £2,000 Fine + 15 Month Disqualification + Re-take test</li> </ul>
TOTALS	39	2	29	

<sup>9</sup> Breach of Restraining Order + Purchasing Alcohol for a Child sentenced together

**3.17 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR HOME AFFAIRS REGARDING PRISONERS CONVICTED OF SEXUAL OFFENCES: (WQ.196/2019)**

**Question**

Will the Minister state –

- (a) the number of prisoners currently in La Moye Prison who have been convicted of sexual offences, the nature of the offences committed, the sentence each received from the courts, and the time remaining in their sentences;
- (b) the nature of the resources available for the rehabilitation and treatment of these offenders; and
- (c) the recidivism rate for offenders convicted of such criminal offences?

**Answer**

a) The number of prisoners currently in La Moye Prison who have been convicted of sexual offences, the nature of the offences committed, the sentence each received from the courts, and the time remaining in their sentences is set out in the table below.

<b>Offence Committed</b>	<b>Sentence Received</b>	<b>Time Remaining on Sentence</b>
Contrary to Common Law Rape - Contrary to Common Law Rape	15 Years	9 Years 7 Months
Protection of Children (Jersey) Law 1994 Article 2 - Protection of Children (Jersey) Law 1994 Article 2 (1) (a) Making indecent images and or moving images of children under the age of 16	4 Years	1 Year 9 Months
Protection of Children (Jersey) Law 1994 Article 2 - Protection of Children (Jersey) Law 1994 Article 2 (1) (a) Making indecent images and or moving images of children under the age of 16	1 Year, 8 Months	10 Months
Protection of Children (Jersey) Law 1994 Article 2(1) - Distributing indecent photographs of Children	8 Years, 6 Months	2 Years 5 Months
Contrary to Common Law Attempted Rape - Contrary to Common Law Attempted Rape	7 Years	3 Months
Contrary to Common Law Indecent Assault - Contrary to Common Law Indecent Assault	5 Years, 4 Months	7 Months
Sex Offenders (Jersey) law 2010 Article 10 (13) (a - Sex Offenders (Jersey) law 10 Article 10 (13) (a) breach of Restraining Order	24 Months Youth Detention	4 Months
Contrary to Common Law Indecent Assault - Contrary to Common Law Indecent Assault	13 Years	7 Years 8 Months

Contrary to Common Law Committing an act of Gross - Contrary to Common Law Committing an act of Gross Indecency	11 Years	5 Years 8 Months
Contrary to Common Law Indecent Assault - Contrary to Common Law Indecent Assault	8 Years	3 Years 7 Months
Contrary to Common Law Rape - Contrary to Common Law Rape	12 Years	6 Years 10 Months
Contrary to Common Law Indecent Assault - Contrary to Common Law Indecent Assault	4 Years	2 Months
Contrary to Common Law Indecent Assault - Contrary to Common Law Indecent Assault	5 Years	3 Years 1 Month
Protection of Children (Jersey) Law 1994 Article 2 - Protection of Children (Jersey) Law 1994 Article 2 (1) (a) Making indecent images and or moving images of children under the age of 16	6 Years, 6 Months	3 Years 9 Months
Contrary to Common Law Rape - Contrary to Common Law Rape	15 Years	Discharged within 1 Month
Sexual Offences (Jersey) Law 2007 Article 2 (1) (a - Sexual Offences (Jersey) Law 2007 Article 2 (1) (a) (ii) travels with the intention of meeting a child after sexual grooming in any part of the world	18 Months	2 Months
Contrary to Common Law Indecent Assault - Contrary to Common Law Indecent Assault	10 Years	3 Years 9 Months
Contrary to Common Law Indecent Assault - Contrary to Common Law Indecent Assault	5 years, 6 Months	1 Year 3 months
Protection of Children (Jersey) Law 1994 Article 2 - Protection of Children (Jersey) Law 1994 Article 2 (1) (b) Possession of indecent images and or moving images of children under the age of 16	20 Months	11 Months
Contrary to Common Law Rape - Contrary to Common Law Rape	8 Years	4 Years 7 Months
Sex Offenders (Jersey) law 2010 Article 10 (13) (a - Sex Offenders (Jersey) law 2010 Article 10 (13) (a) breach of Restraining Order	4 Years, 6 Months	1 Year 11 Months
Contrary to Common Law Incest - Contrary to Common Law Incest	4 Years, 9 Months	11 Months
Protection of Children (Jersey) Law 1994 Article 2 - Protection of Children (Jersey) Law 1994 Article 2 (1) (a) Making indecent images and or moving images of children under the age of 16	7 Years	3 Years 5 Months

Sex offenders (Jersey) law 2010 Article 10 (4) Making of Restraining order - Sex offenders (Jersey) law 2010 Article 10 (4) Making of Restraining order	2 years	3 Months
Contrary to Common Law Rape - Contrary to Common Law Rape	13 Years	6 Years 11 Months
Sex Offenders (Jersey) law 2018 Article 15 (1) (a) - Sex Offenders (Jersey) law 2018 Article 15 (1) (a) (ii) meeting or arranging to meet a child	10 Months	3 Months
Contrary to Common Law Indecent Assault - Contrary to Common Law Indecent Assault	7 Years	3 Years 6 Months
Contrary to Common Law Indecent Assault - Contrary to Common Law Indecent Assault	6 Years, 6 Months	Discharged within 1 Month

b) Sex Offenders are provided with a combination of accredited and non-accredited interventions delivered as part of a group or on a one to one basis.

Specific sex offender work is provided on a one to one basis by Forensic Psychologists. Interventions are delivered by two full time Forensic Psychologists in training, who are supervised by a Chartered Forensic Psychologist on a part time contract and two Sentence Planning Officers (these staff support all offenders not just sex offenders). Various other staff, some from other agencies, at different times, also feed into the rehabilitation work as the prisoner travels along his or her custody journey.

Based on best practice, each individual prisoner is assessed using the RM2000 and the SA07 (Risk and needs assessment process). Individual assessments are also conducted to establish motivation and specific criminogenic need.

Interventions are undertaken working therapeutically on life history, offending history, detailed offence analysis, victim empathy, relapse prevention and coping strategies. This is based on current research and understanding of sex offender treatment. For others, where necessary, material is adapted in line with the prisoner's learning style, level of intellectual functioning and areas of risk and criminogenic need.

All sexual offenders are offered the opportunity to address their sexual offending behaviour, provided they have the capacity to engage and are motivated so to do. Those who are 'not yet ready' are encouraged to undertake motivational work with a psychologist as a precursor to undertaking sex offender treatment. We deliver these interventions on a one to one basis.

c) This data has not been collected by the Prison, the Probation and After-Care Service or the Courts. Policy officials are looking at how such data could be collated in the future.

### **3.18 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR HOME AFFAIRS REGARDING INVESTIGATIONS INTO INDIVIDUALS ACCUSED OF ABUSE BY WITNESSES DURING THE INDEPENDENT JERSEY CARE INQUIRY: (WQ.197/2019)**

#### **Question**



Will the Minister advise members how many investigations have been carried out into individuals accused by witnesses in the Independent Jersey Child Care Inquiry of physical or sexual abuse; and how many of the people subject to such investigations have been prosecuted and (if prosecuted) subsequently acquitted or convicted?

**Answer**

As part of the independent establishment of the Independent Jersey Care Inquiry (IJCI), witness testimony and allegations were not shared with statutory agencies – many of the witnesses gave evidence anonymously. The Inquiry did support and signpost victims with reporting allegations where possible. However, following publication of the IJCI report in July 2017, 2 investigations were conducted. Neither investigation culminated in criminal charges nor prosecution as these cases did not reached the criminal evidential threshold test.

In addition, in June 2015, following an increase in reports of non-recent abuse, the States of Jersey Police (SoJP) established a dedicated investigative team (Operation Whistle) from within existing resources, to investigate these often complex and serious sexual and physical abuse allegations – many dating back decades. A total of 60 investigations have been undertaken by this team during the last 4 years, which did culminate in prosecutions. A team of 4 officers remain committed and dedicated to this work, currently working on 15 non-recent cases.

**3.19 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING TAX REVENUE FROM THE RENTAL ACTIVITY OF CORPORATE LANDLORDS: (WQ.198/2019)**

**Question**

Further to Written Question 173/2019, will the Minister advise members of the amount of tax raised each year from 1998 to 2018 from the rental activity of corporate landlords, breaking the figures down further into the tax raised from –

- (a) resident and non-resident companies; and
- (b) commercial and residential properties?

**Answer**

The amount of tax assessed on corporate taxpayers in respect of the letting of Jersey property (all forms) for the years of assessment 2009 to 2017 (inclusive) is set out in the table below.

Some of the tax assessed may be the subject of appeals and accordingly the final tax assessed may alter as the appeals are ultimately settled.

Data for the year of assessment 2018 is not available and will not be available until 2020.

Furthermore it is not possible to provide data on the amount of tax assessed on corporate landlords in respect of the letting of Jersey property for the years of assessment 1998 to 2008 (inclusive). This is due to the fact that the information for the year of assessment 2008 (and earlier years of assessment) is not stored in the computer system of Revenue Jersey in a manner which will allow this particular income streams (e.g. rental income) to be identified separately.

Year of assessment	Amount of tax assessed on corporate taxpayers in respect of the letting of Jersey property (all forms)
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2009	£16,613,153
2010	£17,934,999
2011	£17,778,573
2012	£17,418,251
2013	£17,451,784
2014	£18,076,190
2015	£19,749,540
2016	£20,375,895
2017	£22,877,756

- (a) As outlined in the answer to WQ 173/2019 for the purposes of assessing the income from the letting of Jersey property the tax residence position of the corporate is irrelevant. Correspondingly Revenue Jersey's computer system does not record whether the company is resident or non-resident. Accordingly it is not possible to provide the breakdown requested in (a).
- (b) Revenue Jersey's computer system does not record whether the Jersey property which is being let is commercial, residential or a combination of both commercial and residential as this information is irrelevant for the purposes of assessing the rental income. Accordingly it is not possible to provide the breakdown requested in (b).

**3.20 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR EDUCATION REGARDING THE AMOUNT OF PRINTING AND PHOTOCOPYING UNDERTAKEN IN THE ISLAND'S SCHOOLS: (WQ.199/2019)**

**Question**

Will the Minister advise Members –

- (a) how many sheets of printing / photocopying were produced by each school in the Island in each year from 2011 to 2019;
- (b) the print cost per sheet of A4 and A3 (in black and white and colour) during each of those years;
- (c) the total cost of such printing / photocopying to each school in each of these years; and
- (d) whether each school remained within its budget allocation for printing / photocopying in each of these years?

**Answer**

- (a) how many sheets of printing / photocopying were produced by each school in the Island in each year from 2011 to 2019;

See table of information and note that these figures are for volumes of printing / photocopying using the Managed Print Service (MPS) devices which were rolled out across schools starting in 2012.

- (b) the print cost per sheet of A4 and A3 (in black and white and colour) during each of those years;

The print cost per sheet is commercially confidential.

- (c) the total cost of such printing / photocopying to each school in each of these years; and

See table of information and note that these figures are for costs of printing / photocopying using the Managed Print Service (MPS) devices which were rolled out across schools starting in 2012.

- (d) whether each school remained within its budget allocation for printing / photocopying in each of these years?

See table of information and note that the budget position is at year end (except 2019) and is for the object code “photocopying”. As budgets set for photocopying can include other administration costs or be included in other budget lines such as “teaching materials” it is difficult to establish from historical data the specific reasons for any variances.

Additional information:

Before the introduction of the MPS at these schools there were 754 devices. As of March 2019 there are only 379 devices, a reduction of 375 devices.

School	2012			2013			2014			2015			2016			2017			2018			2019 up to 25/04/19		
	Total Sheets	Total Cost	Within Budget	Total Sheets	Total Cost	Within Budget	Total Sheets	Total Cost	Within Budget	Total Sheets	Total Cost	Within Budget	Total Sheets	Total Cost	Within Budget	Total Sheets	Total Cost	Within Budget	Total Sheets	Total Cost	Within Budget	Total Sheets	Total Cost	Within Budget
Bel Royal	112,117	£3,960	No	199,842	£6,044	Yes	205,886	£6,526	No	246,715	£7,827	No	238,265	£8,752	No	247,860	£9,135	No	228,509	£8,717	No	74,956	£2,744	No
La Sente D'Hautree House				44036	£1,702	No	45,738	£2,412	No	50,351	£1,779	Yes	42,076	£1,837	Yes	53,851	£2,326	No	41,590	£1,779	Yes	14,537	£647	Yes
d'Auvergne	123,296	£4,500	No	330,383	£8,960	Yes	339,343	£8,954	No	336,633	£10,221	No	356,776	£11,954	No	407,391	£15,036	No	395,068	£15,867	No	130,408	£5,121	No
First Tower	256,085	£7,878	No	369,560	£10,389	No	379,949	£4,544	Yes	175,467	£5,187	No	94,406	£3,588	Yes	157,020	£5,353	No	229,146	£8,514	No	52,885	£2,110	No
Grainville										1,213,784	£21,073	No	1,166,104	£23,658	No	1,268,909	£26,632	No	1,349,281	£27,989	No	398,237	£7,849	No
Grands Vaux				207936	£4,967	No	212,903	£4,608	No	233,381	£5,715	No	223,982	£5,968	No	245,082	£7,120	No	234,406	£7,378	No	68,797	£2,289	No
La Sente Oakfield										36,224	£1,070	Yes	48,253	£1,635	No	50,343	£1,888	No	37,652	£1,183	Yes	4,537	£171	Yes
Grouville				251816	£8,136	No	446,883	£13,951	No	372,508	£11,697	No	280,059	£7,852	Yes	309,288	£8,871	No	328,350	£9,427	No	82,521	£2,585	No
Haute Vallee	94,101	£2,992	No	374,351	£8,645	No	809,443	£17,122	No	726,115	£17,446	No	784,369	£19,573	No	845,261	£21,466	No	972,463	£24,346	No	364,039	£9,587	No
Hautlieu	86,300	£3,056	No	653,409	£14,209	No	1,726,024	£28,841	No	1,689,492	£33,200	No	1,685,214	£35,040	No	1,623,022	£32,721	No	1,602,293	£32,807	No	376,259	£8,049	No
Janvrin	112,876	£3,736	No	343,449	£8,525	No	336,371	£8,265	No	288,617	£8,027	No	295,227	£8,794	No	331,087	£10,152	No	337,074	£11,189	No	70,596	£2,731	No
Jersey College for Girls				779696	£14,534	No	1,818,465	£28,292	No	1,949,023	£40,150	No	1,811,605	£42,336	No	1,789,938	£39,749	No	1,698,717	£38,233	Yes	414,204	£8,588	No
Jersey College Preparatory				235416	£8,369	No	407,789	£11,795	No	376,828	£11,756	No	424,290	£16,421	No	338,732	£13,414	Yes	319,573	£13,681	No	88,761	£3,868	Yes
La Moye				63621	£1,928	Yes	291,673	£7,378	Yes	212,368	£5,710	Yes	239,287	£7,078	Yes	361,260	£11,043	No	333,196	£10,597	No	108,313	£3,717	No
Le Rocquier	777,486	£16,235	No	1,577,019	£28,558	Yes	1,858,298	£31,746	No	1,809,026	£32,532	No	1,519,390	£27,052	No	1,580,406	£27,569	No	1,672,345	£27,314	No	625,407	£9,239	No
Les Landes	36,215	£1,169	No	163,060	£4,907	No	220,217	£5,796	No	175,361	£5,194	Yes	162,065	£5,157	Yes	184,126	£6,162	No	159,551	£4,835	Yes	46,382	£1,543	Yes
Les Quennevais	46,818	£1,635	No	358,267	£4,757	No	1,216,141	£14,717	No	1,153,650	£15,512	No	1,405,557	£20,259	No	1,649,138	£22,674	No	1,632,559	£22,188	No	241,123	£3,581	No
Mont A L'Abbe	12,977	£446	No	199,011	£6,475	No	196,313	£5,734	No	152,404	£4,854	No	164,479	£6,117	No	175,428	£6,688	No	168,502	£6,531	No	51,067	£1,941	No
Mont Nicolle	65,392	£2,310	No	230,015	£6,643	No	279,119	£6,951	No	259,484	£7,295	No	284,211	£10,138	No	283,620	£10,450	No	279,606	£9,189	No	78,013	£2,409	No
Plat Douet	169,892	£4,560	No	419,669	£9,819	No	450,948	£9,382	No	343,659	£7,482	Yes	364,644	£9,010	No	421,925	£11,065	No	408,244	£10,905	No	91,298	£2,244	No
Rouge Bouillon	157,930	£4,825	No	428,175	£11,315	No	460,642	£11,124	No	474,823	£11,826	No	422,362	£11,403	No	397,061	£11,290	Yes	397,579	£12,078	Yes	104,246	£3,431	Yes
Samares				123568	£4,126	No	325,013	£8,919	No	196,719	£6,388	Yes	319,654	£13,240	No	348,082	£14,462	No	303,545	£13,224	No	86,549	£3,948	No
Springfield				122762	£2,947	Yes	260,083	£5,826	No	231,060	£5,653	No	242,117	£6,752	No	234,861	£6,951	No	244,196	£7,647	No	62,341	£1,902	No
St Clement	49,500	£1,417	No	239,982	£6,520	No	277,559	£6,502	No	266,649	£7,394	No	232,478	£7,234	No	224,212	£7,163	No	214,641	£7,226	No	51,958	£1,764	No
St John				45331	£1,201	Yes	126,992	£2,986	Yes	185,153	£5,075	No	163,699	£5,166	No	177,188	£5,725	No	152,232	£4,801	No	40,908	£1,318	No
St Lawrence				55747	£1,362	No	137,938	£3,340	Yes	220,016	£5,147	No	169,390	£4,374	No	189,029	£5,326	No	213,374	£6,240	No	59,696	£1,860	No
St Luke	90,587	£2,526	Yes	186,253	£4,489	Yes	186,586	£3,559	No	201,235	£4,677	No	184,498	£5,211	No	142,780	£3,785	No	148,388	£3,787	No	45,035	£1,092	No
St Martin	102,973	£3,344	No	192,092	£5,713	No	217,831	£6,101	No	173,654	£4,810	No	235,647	£7,837	No	180,970	£5,781	Yes	204,993	£7,304	No	41,964	£1,357	No
St Mary				63510	£1,931	No	188,903	£4,914	No	228,928	£7,225	No	201,094	£6,267	No	231,760	£7,647	No	203,922	£6,510	No	60,625	£1,934	No
St Peter				95244	£2,770	No	174,621	£5,193	No	213,479	£6,664	No	197,274	£7,071	No	199,709	£7,135	No	183,644	£7,541	No	54,258	£2,145	No
St Saviour	73,219	£1,854	No	215,993	£5,642	No	282,060	£6,810	No	214,118	£5,994	Yes	222,993	£7,072	No	197,222	£6,450	No	199,671	£7,284	No	56,498	£2,108	No
Trinity				87642	£2,049	No	177,301	£3,790	No	155,914	£3,787	Yes	189,456	£4,904	No	184,310	£5,029	No	159,954	£4,474	No	35,916	£919	No
Victoria College							1,439,269	£18,638	No	347,030	£8,860	No	1,515,640	£28,002	No	1,517,792	£30,034	No	1,559,039	£30,880	No	436,505	£9,274	No
Victoria College Preparatory				261318	£6,716	No	354,925	£8,244	No	1,602,557	£25,230	Yes	329,887	£9,846	Yes	342,869	£10,947	No	309,081	£9,826	No	76,780	£2,542	No

### 3.21 SENATOR K.L. MOORE OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE TRANSFER OF DEPARTMENTAL UNDERSPENDS TO CONTINGENCY FUNDING: (WQ.200/2019)

#### Question

With regard to the transfer of £16,141,750 to contingency arising from departmental underspends in 2018, as set out in R.44/2019, will the Minister –

- provide a full breakdown, by departmental head of expenditure, of the amount to be transferred;
- in each case, provide the rationale for the underspend in the respective department;
- confirm the total Contingency balance for 2019, inclusive of the transfer of the departmental underspends, and provide a breakdown of the total balance in line with the approved allocations set out in Summary Table C of the MTFP 2016-19; and
- confirm the current balance on the Consolidated Fund?

#### Answer

- The full breakdown, by department head of expenditure, of the amount to be transferred can be found in the written report to the Ministerial Decision MD-TR-2019-0031, as follows.

Entity	Actual (£)	Budget (£)	Budget Variance (Adv)/Fav
Chief Minister's Department	60,688,332	60,854,161	165,829
- Overseas Aid	10,373,067	10,380,472	7,405
External Relations	3,192,212	3,252,573	60,361
Community and Constitutional Affairs	45,556,269	46,328,499	772,230
Economic Development, Tourism, Sport and Culture	18,806,314	19,060,736	254,422
Education	112,573,955	113,202,965	629,010
Department of the Environment	5,682,925	5,860,480	177,555
Health and Social Services	208,915,205	208,933,064	17,859
Department for Infrastructure	62,982,510	64,708,033	1,725,523
Social Security	177,155,297	188,100,022	10,944,725
Treasury and Resources	25,671,421	25,676,550	5,129
Non Ministerial States Funded	22,405,936	23,750,046	1,344,110
States Assembly	5,301,564	5,339,156	37,592
	<b>759,305,007</b>	<b>775,446,757</b>	<b>16,141,750</b>

- Reasons for underspends are included in the following table:

Chief Minister's Department	The under-spend was mainly due to a small number of vacancies within Children's Services of £164,000.
External Relations	This resulted from minor reductions in grants paid to overseas offices (Jersey London Office, Association Bureau des Iles Anglais and Channel Islands Brussels Office).
Community and Constitutional Affairs	The net underspend is as a result of an over achievement of income compared to the budgeted amount (£539,000) and a small underspend of less than 0.5% on expenditure (£233,000).
Economic Development, Tourism, Sport and Culture	Uncertainty over forecast income delayed expenditure towards the end of the year in order to ensure the department did not overspend. At the end of the year income was £115,000 less than budgeted, offset by underspends due to vacancies and delayed premises and maintenance expenditure, resulting in a net £254,422 underspend.

Education	The £629,000 underspend arose because of an underspend of £493,000 on social benefit payments for higher education funding as the scheme only operated for one term in 2018 and receipt of £170,000 of sponsorship monies for vocational and digital course offset by £34,000 of other miscellaneous overspends.
Department of the Environment	The underspend was mainly in relation to additional income recognised in respect of major planning applications, less the cost of considering those applications, including appeal and public inquiry costs
Health and Social Services	The overall variance comprises several individual elements. The major ones are summarised below: Hospital Services overspent by £2.312 million. This figure includes an underachievement against the Safely Removing Costs target for the Directorate of £2.192 million, Medical staffing expenditure was overspent by £888,000, UK Treatments overspent by £735,000, with other miscellaneous overspends of £237,000. These were offset by additional income of £963,000 and other staffing underspends of £777,000. Community and Social Services overspent by £1.686 million, key overspends being on domiciliary placements of £868,000, and mental health placements in the UK of £1.008 million. Medical staffing was overspent by £581,000. This was offset by underspends on other staffing of £1.881 million. The position includes an underachievement against the Safely Removing Costs target of £854,000 and other overspend of £256,000. Corporate areas overspent by £1.097 million in 2018, mainly due to costs around senior management of the organisation. The operational overspends were offset by a non-operational underspend of £5.114 million, which is made up of unallocated growth monies.
Department for Infrastructure	The variance is in relation to recognition of income in relation to the Future Hospital project and is a one-off. Other than this, the department had an underspend of less than £8,000.
Social Security	The Social Security Department underspent by £10.9 million in 2018. This arose from £7.3 million related to benefit expenditure (of which £5.8 million was as a result of weekly benefit claim numbers being lower than budgeted), £1.1 million from unused benefit contingency and £2.5 million on the running costs of the Department (being £1.2 million vacant posts, £0.6 million because of lower unemployment levels, £0.4 million additional income and £0.3 million reduced demand for skills and training).
Treasury and Resources	No material variances.
Non-Ministerial Departments	The Non Ministerial Departments had an underspend of £1.3 million in 2018, mainly due to an overachievement of income from the Law Officer's Department, Viscount's Department and Judicial Greffe, in respect of Enforcement income, Desastre Fee income and staff recharges.
States Assembly	No material variances.

- (c) The contingency balance allocated for 2019 was illustrated in Summary Table C of the MTFP Addition 2017-2019. The total allocation was £28.2 million across a number of types of contingency. Once the departmental underspend balance is added to this allocation there will be £44.3 million, however as explained in the report associated with the underspend transfer all of the £16.1 million is required to meet budget shortfalls such as the non-delivery of waste charges and the cost of the current pay offer.

Because contingency is treated as a revenue budget under the current Public Finances Law, we have also had to carry forward the balance not utilised in 2018 into 2019. This balance is needed largely to meet previous decision made where allocations were spread across this

MTFP, such as providing funding for the recommendations of the Independent Jersey Care Inquiry, until such time as permanent budgets can be put in place as part of the Government Plan.

(d) At the end of 2018 the Consolidated Fund balance was £143 million.

**3.22 DEPUTY K.G. PAMPLIN OF ST. SAVIOUR OF THE CHIEF MINISTER REGARDING THE CURRENT STATUS OF THE FUTURE HOSPITAL PROJECT: (WQ.201/2019)**

**Question**

Will the Chief Minister inform members of the current status of the Future Hospital project and provide an update on the costs incurred on the project to date?

**Answer**

As promised, following the meetings with Members and my email of the 10<sup>th</sup> April (copied below for reference), a report will be published by the end of this week's States sitting on the new hospital project. This will set out in detail the current and future status of the project. The report will also include an update of the costs.

Email from the Chief Minister to all Members, 10<sup>th</sup> April 2019

*Dear Colleagues*

*I wanted to send you a short note thanking you for participating in the recent discussion sessions about how we move forward to deliver a new hospital.*

*You raised a number of issues, and it is clear to me that there is a strong appetite to consider (before choosing the location of the site) the specifications of our hospital, and how it fits into the wider delivery of health care in our Island.*

*It was also clear to me that we need to make changes in how we approach the development of our new hospital – delivering a project that is more health-led, with improved governance, increased engagement, and greater transparency.*

*A more detailed note of our sessions will be circulated just after Easter and early next month I will publish a report on our progress and proposed new approach. This will be a staged approach, returning to you at critical points for comment and oversight, enabling us to move forward and finally deliver progress on this vital project.*

*I hope this keeps you informed, and I will be in touch again shortly*

*Kind Regards,*

*John*

**3.23 DEPUTY K.G. PAMPLIN OF ST. SAVIOUR OF THE MINISTER FOR EXTERNAL RELATIONS REGARDING ARTICLE 20 OF THE DORMANT BANK ACCOUNTS (JERSEY) LAW 2017: (WQ.202/2019)**

**Question**

Further to the response to Written Question 88/2019, will the Minister explain why an Appointed Day Act for Article 20 of the Dormant Bank Accounts (Jersey) Law 2017 has not yet been brought forward and will he state when this will happen?

**Answer**

Article 20 requires policies and procedures to be set out in an Order to determine distributions from the Jersey Reclaim Fund. Once these are in place, an Appointed Day Act will be brought forward.

Any policy on distribution requires an assessment to be made so far as is possible of the likely level of reclaims arising as a result of account holders returning to the banks to reclaim their moneys. This assessment requires a history of reclaims to be established which by its very nature takes a certain period of time.

Officers are finalising their work in this regard, which has taken longer than hoped due to the level of investigation required to ensure the proper treatment of the Fund both in accounting terms and in alignment with financial direction requirements, given the potential for reclaims, the current limited reclaim history, and the requirement on the Minister to manage the Fund prudently. The distribution policy also informs the decisions relating to the appointment of an independent organisation to distribute funds.

It is expected that this work will now be completed in May with a scrutiny briefing to follow.

### **3.24 DEPUTY K.G. PAMPLIN OF ST. SAVIOUR OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING JERSEY TALKING THERAPIES: (WQ.203/2019)**

#### **Question**

Will the Minister provide an update on the work underway to improve Jersey Talking Therapies, particularly in relation to the waiting times for its services and to a change of premises so that those services can be accessed more easily?

#### **Answer**

Jersey Talking Therapies (JTT) was launched in October 2014 to provide adults aged 18 and over experiencing psychological difficulties – mainly mild to moderate anxiety and depression – with easy access to a range of talking therapies. We share the anxiety about waiting times and recognise how important it is to be offered timely support. We realise that waiting for support can be difficult for people.

#### **Large number of referrals**

During 2018, JTT received 1,700 referrals. The large number of referrals represents an encouraging sign about the success of JTT. The number indicates that members of the public are finding the service accessible and are feeling able to step forward to commence therapy. If the number was low, we would see this as a sign that the service was not seen as accessible by potential users and that there was a lack of progress in breaking down the historic stigma surrounding the mental health challenges faced by a significant proportion of the population. User feedback, as part of a JTT review last year, informed us that, on average, those accessing JTT experienced a positive change in their presenting difficulties. The clinical effectiveness of treatment offered to those accessing JTT is evaluated as being better when compared, on average, to Improving Access to Psychological Therapies (IAPT) services in the UK.

#### **Recruitment and retention**

JTT has a workforce of four psychological well-being practitioners, nine psychological therapists and an administrator. Over the last 3 to 6 months there have been four vacant posts in JTT. One vacant post has been filled by a psychological well-being practitioner. The recruitment process for the three vacant posts is underway and interviews are scheduled for May 2019. Investment is being made in existing JTT staff to encourage their professional development and work towards a professional qualification. One of the three vacant posts in JTT will be used as a trainee post.

#### **Digital Technology**



JTT currently recommends an online therapy product developed in Australia (Moodgym). However, take up of this offer is limited. We have met with the licence holders of Silvercloud Health in Jersey (LINC). Silvercloud Health is an online therapy product for mild presentations of anxiety and low mood that is being used across some IAPT services in the UK. We will be piloting the Silvercloud Health digital product and reviewing its effectiveness against other products in offering more timely psychological support for some people who are referred to the service.

### **Complex Trauma Network**

Recommendation 8.4 of The Independent Jersey Care Inquiry (IJCI) report identifies the need to “further develop accessible services (for adults) that meet the different recovery needs of survivors”. A programme of work is underway to co-produce a trauma-informed community and a complex trauma network. An investment of additional resource is required to support this development. Delivering this proposal would improve the capacity available in JTT to respond to trauma referrals.

### **JTT accommodation**

JTT delivers its services from a range of locations to increase the accessibility for those referred. The current locations include Regus House, GP surgeries, Psychology department (Overdale) and The Bridge. We are exploring options for JTT and Psychology to be co-located together. We are aware that maximising accessibility to services requires them to be centrally located and close to public transport as well as the facility being conducive to offering a confidential, therapeutic space.

## **3.25 DEPUTY K.G. PAMPLIN OF ST. SAVIOUR OF THE MINISTER FOR SOCIAL SECURITY REGARDING THE CONSULTATION UNDERTAKEN IN RESPECT OF THE DRAFT EMPLOYMENT (AMENDMENT NO. 11) (JERSEY) LAW 201-(P.17/2019): (WQ.204/2019)**

### **Question**

Will the Minister provide a detailed summary of all the consultation undertaken over the past two years, both with the public and with businesses, in relation to the family friendly legislation which the Assembly is due to debate in the Draft Employment (Amendment No. 11) (Jersey) Law 201-(P17/2019)?

### **Answer**

The Employment Forum undertook a review of family friendly employment rights in 2017 and presented its recommendation to the Social Security Minister in December 2017. That recommendation provides a detailed summary of the consultation that led to the development of this legislation.

The Employment Forum’s recommendation can be found at the following link:

<https://www.gov.je/SiteCollectionDocuments/Benefits%20and%20financial%20support/R%20Review%20of%20Family%20Friendly%20Employment%20Rights%2020171218%20AC.pdf>

Section 2 of the recommendation sets out the consultation methods and outcomes.

The Employment Forum is an independent body that was established under the Employment (Jersey) Law 2003 for the purpose of consulting on issues relating to that Law at the direction of the Social Security Minister. The Employment Forum has been consulting and making recommendations on employment legislation for 20 years. In all of its recommendations, the Employment Forum engages with representatives of employers and of employees, and provides an objective and balanced view of the evidence provided by stakeholders.

In its recent review of P.17/2019, the Economic and International Affairs Scrutiny Panel has held a number of public hearings and has received written submissions, in particular from businesses and their representatives, details of which can be found on the website:

<https://statesassembly.gov.je/scrutiny/Pages/Review.aspx?reviewid=319>

**3.26 DEPUTY K.G. PAMPLIN OF ST. SAVIOUR OF THE MINISTER FOR CHILDREN AND HOUSING REGARDING CHILDREN CURRENTLY IN THE CARE OR PROTECTION OF THE STATES OF JERSEY: (WQ.205/2019)**

**Question**

Will the Minister advise how many children are currently in care or protection in States of Jersey-provided care homes and facilities; and will he provide a breakdown of this figure by –

- (a) age;
- (b) length of time in care;
- (c) how many are at risk;
- (d) how many have had access to mental health support; and
- (e) how many have had multiple social workers?

**Answer**

There are 37 Looked After Children either placed in residential homes in Jersey, with local foster carers (not including family and friends connected persons) or accessing short breaks or periods in hospital.

- a) As the numbers are small we are unable to give a breakdown of ages or age groups as this would risk disclosing identifiable information
- c) The initial risks (abuse/neglect) around this cohort were mitigated when they were accommodated. However, it is well documented that looked after children are at risk of poorer outcomes.
- d) We are unable to break this down by placement type due to small numbers. 38.9% of the 37 children described in the data below have accessed mental health support. NB Some children with Complex Needs may access support from CAMHS for issues around medication only. Other may have accessed universal support from school counsellors, ELSAs (school Emotional Literacy Support Assistants), mental health primary care workers or support from third sector organisations such as Letting the Future In.
- e) The majority of children have had more than one social worker assigned to their case. Some children may have been open to Children’s Services for lengthy periods, even when they may have been looked after for a much shorter duration.

There have been issues around the recruitment and retention of social workers in Jersey and elsewhere for some time. Part of the current improvement plan seeks to address these issues and as such we are attending a number of social worker recruitment fairs in 2019.

Placement type	Short Breaks/Hospital	Residential Homes/Secure Unit/Other residential accommodation	Foster carer
Number of looked after children	6	11	20
Age range	0 - 15	12 - 17	0 - 16

Average duration of LAC episode (days)	173	776	1150
% who have had multiple social workers	100%	100%	75%

**3.27 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE MINISTER FOR THE ENVIRONMENT REGARDING THE INSTANCES OF POLLUTANTS IN JERSEY'S RESERVOIRS AND WATERCOURSES: (WQ.175/2019)<sup>10</sup>**

**Question**

Will the Minister set out for members all instances where pollutants (e.g. weed-killer, insecticides etc.) have been found in Jersey's reservoirs and watercourses over the last ten years, identifying –

- (a) the specific areas of the Island where they were found;
- (b) the type of pollutant and its strength in each instance;
- (c) the level of pollutant in each instance in relation to international standards, and
- (d) what action, if any, the department took in each instance?

**Answer – Updated for the meeting on 30th April 2019**

**Answers to parts (a), (b) and (c) of the question are included in the attached table:**

[https://statesassembly.gov.je/assemblyquestions/2019/\(175\)%20approved%20and%20answered%20dep%20higgins%20to%20env%20re%20pollutants%20in%20jersey's%20reservoirs.pdf](https://statesassembly.gov.je/assemblyquestions/2019/(175)%20approved%20and%20answered%20dep%20higgins%20to%20env%20re%20pollutants%20in%20jersey's%20reservoirs.pdf)

To note:

1. The data includes Jersey Water and Environmental Protection (Growth, Housing and Environment) data for all active ingredients (or analytical determinates)<sup>11</sup> in pesticides (including insecticides, herbicides and fungicides) that have been detected in island streams and reservoirs over the past ten years.
2. The data includes recorded values greater than a laboratory 'limit of detection' of 0.1 ug/l (parts per billion). The data should therefore be referred to as 'detections' and not 'breaches' or 'exceedances'.
3. Detections are for pesticides used by all groups, such as farmers, landscape gardeners and domestic users.
4. The number of detections between years should not be compared, as the number of analytical determinations sampled each year has increased (see Table 1 below).

<sup>10</sup> This question was originally asked on 26th March 2019, at which point the Minister responded: 'Answering this question and presenting the information as requested by the Deputy requires many hours of officer time. An answer to this question is being progressed and I will provide the answer to Members as soon as possible, before the next States sitting on the 30<sup>th</sup> April 2019.' The Minister has since provided the detailed response below.

<sup>11</sup> Including breakdown products of active ingredients

5. Laboratories undertake analysis in ‘suites’ of analytical determinations and the total number of tests in table 1 contains analytical determinations which would not necessarily be expected to be found in island waters.
6. The Jersey Water list contains re-tests arising from a previous detection.
7. A single detection might be replicated further up/down-stream or within the reservoir.
8. To avoid confusion, historic pollutants such as oxadixyl have been tabulated separately.

Detection levels in relation to international standards:

- The Water Framework Directive 2000/60/EC sets environmental quality standards (EQS) for certain Priority Substances and Priority Hazardous Substances.
- The UKTAG<sup>12</sup> also lists EQS standards for certain substances being discharged into the water environment in the UK. Where available, these have been included in part (c).
- The majority of the substances that are detected will not have an EQS as they are not included on any of the above lists.

**Answer to part (d) of the question:**

Where appropriate, the summary of investigatory actions for each recorded detection is included in the attached table.

From 2017, detections have followed the following investigatory procedure;

- Jersey Water forward all detections to Environmental Protection (Growth, Housing and Environment) who then prepare or update an existing detection statement for each of the listed detections.  
This allows officers to look at trends and to recommend further action needed (monitoring, investigation or regulatory activity).
- The list of detections is forwarded to all users of that particular pesticide, who, in turn, might supply information or change practices or behaviours.
- Instances where a high number of detections are recorded are discussed at the joint Action for Cleaner Water Group. This can result in banning products or conditioning their use on-island.
- Officers seek to fully investigate any detection that is likely to result in the identification of bad practise and this can lead to advice, changes in approach and/or enforcement action.
- Investigation can include re-testing of the water body, examination of who purchased the product, spray records and sprayer certificates, records of calibration of spraying equipment and examination of sprayer fill points. Officers also undertake stream walking to identify any areas where pesticides have been used.

Table 1

Total number of separate analytical determinations undertaken by Jersey Water and Environmental Protection (2009-2018)

<b>Year</b>	<b>Jersey Water</b>	<b>Environmental Protection</b>
2018	46,158	6,320
2017	47,444	6,400

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<sup>12</sup> UKTAG is a partnership of the UK environment and conservation agencies set up to provide coordinated advice on the science and technical aspects of the European Union's Water Framework Directive (2000/60/EC).

2016	38,121	6,400
2015	3,190	4,800
2014	2,850	
2013	5,239	
2012	4,658	
2011	3,302	
2010	4,551	
2009	4,534	

#### **4. Oral Questions**

##### **4.1 Deputy G.J. Truscott of St. Brelade of the Minister for Infrastructure regarding the construction of the new Les Quennevais School: (OQ.110/2019)**

It is good to start off the new season. Will the Minister advise whether the construction of the new Les Quennevais School is on schedule for handover in September 2020 and whether the overall expenditure remains within budget?

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

The new school construction at Les Quennevais is on track to complete on 31st July 2020. This will include the internal fitout and commissioning. The education function will migrate to the new building, ready for the autumn term, in September 2020. The project expenditure is currently as planned and there is no risk that the official budget will be exceeded.

##### **4.1.1 Deputy G.J. Truscott:**

I want to thank the Minister for his answer. I am pleased that things are on schedule. It seems that we are, at last, as an Island, managing to get our act together with regard to building projects because in the past often things overran and budgets were exceeded. It is quite a job that they are doing there. We have had inflation. We have had building indices going through the roof, so I believe there must have been a fair few contingencies in the budget. Can the Minister just finally confirm whether all the land purchase problems that we had with regard to Les Quennevais School have now been amicably resolved and put to bed?

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

Yes, all the land purchases have been resolved to all parties' satisfaction.

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

We would normally come to question 2. I wonder if Members would agree, we have had a message from Deputy Tadier to say that he has had some motoring problems, which is why he has not been here for the start of the Assembly and he is on his way. He has asked that question 2 be put down the list to the end of Oral Questions. We may, or may not, get to it, so that is what I propose to do to that.

##### **4.2 Deputy J.M. Maçon of St. Saviour of the Chairman of the Comité des Connétables regarding the identification of potential development sites in each Parish: (OQ.95/2019)**

Will the Chairman advise whether, as part of the Island Plan Review, the Connétables and their parishioners will be identifying potential development sites, in order to meet the Island's future housing needs; if so, when will they do so and, if not, why not?

##### **Connétable D.W. Mezbourian of St. Lawrence (Chairman, Comité des Connétables):**

I thank the Deputy for his question. The Connétables recognise that the Island Plan is one of the most important documents in shaping the future of our Island and, as such, we are pleased that the Minister for the Environment has already been in contact with us regarding the forthcoming review of the Island Plan. Consequently, meetings have been arranged with all Connétables on an individual basis to brief them on the programme ahead and to have initial discussions about what the Island Plan might be able to achieve for their Parish. Village plans will certainly feature in those discussions, as we try to identify potential development sites within our Parish that may meet the future housing needs of the Island. Notwithstanding the approach from the Minister, a number of Parishes are already actively looking for a site, or sites, to provide affordable housing and committees have already been established in some Parishes with parishioners. The Deputy will, of course, be aware that if all goes to schedule, building for first-time buyer homes in St. Martin will begin shortly. That is a fine example of a Parish-led scheme. Finally, we are pleased to note that the Connétable of St. Mary will sit on the Housing Policy Development Board, thereby ensuring a direct link with the Connétables and the Parishes.

#### **4.2.1 Deputy J.M. Maçon:**

I thank the Chairman for her reply. Can I just ask whether the committee, as a whole, has produced some guidelines, or criteria, that all the Constables are working to when identifying potential sites for ongoing development? For example, is it brownfield, is it not agricultural commercially available sites, then greenfields? Is there some sort of guidance for the Parishes?

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

I can confirm that the committee has not begun that work yet. Rather, it is important that we wait to find out whether there will be any changes to the criteria in the Island Plan, which will affect where housing developments may be built. Of course, the Deputy has just mentioned brownfield sites and green-zoned sites. At the moment, as I mentioned, some Parishes are looking to identify sites that comply with the current policies. However, when we meet with the Minister and / or his representatives we will know more about what they are intending to bring forward as part of the review.

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

Does the Ville du Manoir debacle provide lessons in Constables going rogue and identifying sites going forward?

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

I am not sure that I agree with the Deputy's choice of words such as a 'debacle'. The Assembly will decide on that matter later in this sitting. However, it is, of course, incumbent upon us all as elected Members to identify sites that may be suitable for providing the housing that is so desperately needed within the Island. As the head of the Civil Parish, I believe it is the responsibility of the Connétable to be working with parishioners towards that end.

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

Would the Chairman agree that the Parish plan and consultation process as carried out in St. Peter and also in St. Martin provide excellent examples for the rest of the Comité to follow?

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

Yes, I was re-reading the proposition last night of the Senator, to remind myself of what has happened to date. It certainly seemed to me to be a good example of the Constable working with parishioners and elected officials of the Parish to identify housing within the Parish. The fact, however, that it is without of the current Island Plan policies and was, therefore, rejected leads me to consider that the working relationship between the Planning Department and all Parishes, as we undertake these reviews, has to be very close to achieve the aims of the Island.

**The Bailiff:**

Given the number of questions, I am not going to allow extensive questioning on this question. I shall take questions from the Deputy of St. Martin, Deputy of Grouville and then a final supplementary.

**4.2.4 Deputy S.G. Luce of St. Martin:**

Does the Constable feel that in a future planning system Constables and Parishes may have more say in the applications in their own Parishes?

**The Connétable of St. Lawrence:**

I think that would be a prime example of the validity of Parishes within the Island system and certainly I would hope that the review of this Island Plan works more closely with the Connétables than I would say the previous review did. I was the Constable during the review leading up to the 2011 Island Plan and I really do not recall a great deal of consultation with me and the Parish leading to the production of that plan. So, I would certainly hope so. I think they have new Constables now in role and, as far as I am aware, we are all looking forward to working with the department on the forthcoming review.

**4.2.5 Deputy C.F. Labey of Grouville:**

Does the Constable have any criteria for people coming forward with sites as to what they are looking for, the former sites? Also, is there any criteria from the Comité des Connétables, or each individual Constable, to suggest what criteria is needed for people to go on the first-time buyer lists and sheltered housing? Are there any checks to make sure those people are not duplicated on various Parish lists and on the Gateway scheme?

**The Connétable of St. Lawrence:**

I am not aware that there are any criteria. However, that will certainly form part of the discussions that Constables have with the Planning Department and also with their parishioners when they engage with them. Again, I refer back to the proposition of Senator Moore, regarding the Ville du Manoir proposal in St. Peter. It was clearly set out there how the decision had been made as to whether, or not, somebody was entitled to be on their waiting list. It seems to me that that was quite an informative list of criteria, links with the Parish, *et cetera* and I am sure that all Connétables will take that into account during this consultation period.

**4.2.6 Deputy J.M. Maçon:**

Yes, I just wonder, again casting our minds back to the last Island Plan debate, for those of us that lived through that 2-week period. I wonder whether the Chairman will agree with me that sites that got adopted into the Island Plan for development often had the backing of their Parish through a Parish Assembly when it came to rezoning?

[10:00]

Does the Chairman think that going forward that should be something that all the Constables should be looking to do?

**The Connétable of St. Lawrence:**

It is certainly what happened in St. Peter. I am sure we will be coming to discuss that later on during this sitting. Of course, it is the decision of each individual Connétable as to how they engage with their parishioners and how they progress this. Having said that, I would certainly feel - knowing the Connétables as I do - that holding Parish Assemblies would be what they would intend to undertake.

### **4.3 Senator K.L. Moore of the Minister for the Environment regarding his response to the need for housing identified in the report, ‘Jersey’s Future Housing Needs’: (OQ.94/2019)**

What action, if any, will the Minister take to respond to the urgent need for housing that has been identified in the report, *Jersey’s Future Housing Needs*, which was published on 28th March 2019?

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

I thank the Senator for the question following on from the previous one. *Jersey’s Future Housing Needs 2019-2021*, a report produced by our Statistics Unit, sets out the Island’s potential housing requirements for this year and the next 2 years. But this is confined to within the existing dwelling stock. It does not take account of new dwellings that will be approved, or completed, during that time. So, to address the question: to help meet the needs identified in this particular report, I will continue to work to ensure that the planning system continues to enable the delivery of new homes in accordance with the current Island Plan policies; work with colleagues in the Housing Policy Development Board to identify, develop and implement new policies, which help us make more efficient use of the Island’s housing stock and make housing more accessible and affordable. To make those things happen, I have initiated work on the new Island Plan, details of which it is proposed will be published, then a presentation to States Members in the week commencing 13th May. That is subject to a prior discussion with the Council of Ministers. Of course, that is the mechanism for which new policies can be considered by the Assembly.

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

I had imagined that the Minister would make greater play of the new Policy Development Board to look at housing. It appears that the Minister is making a suggestion of a lot of information gathering, as the Policy Development Board does, and very little action. What action and timeline will the Minister be imposing on this process?

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

I understand the difference. Obviously, in planning horizons, one has to differentiate what can be done under current policies and what is in the pipeline and what changes in the future. With the current Island Plan, it is projected that 1,350 homes will be delivered. That is under the existing plan; 750 affordable homes and 600 open market homes. The delivery of those homes will help meet the need in the report that the Senator referred to. In particular, the following sites have planning permission and are under construction. I have to say I am sorry, I do not yet know the target dates, but I will list the sites that I have been given information on. They are La Collette low rise; Ann Court; Troy Court; Scope Furnishing; Boiler House. Also, the rezoned sites: Samarès Nursery, St. Clement; Field 402 St. Martin has already been mentioned in the previous question; and, of course, the States’ site at Summerland. We know that Andium have, in fact, acquired the former Jersey Gas site, Ann Street Boiler House site, Ann Street Brewery site and they propose to deliver 1,000 first-time buyers and 1,000 rental units by 2025. Of course, those are, if you like, States-related activities. They do not take account of open market homes. There are a number of sites in the private sector that have planning permission and are under construction for open market homes: Horizon, the St. Helier Waterfront, 280 flats; Metropole, 179 flats; and the BOA Warehouse, 169 dwelling units. So, I think there is plenty of work in progress. I apologise that I do not have the exact delivery dates of that. Once upon a time, the Minister for Housing used to bring supply reports and I think that is necessary. That is, in other words, where we match the Island Plan policies and the numbers against the sites and we provide that detail. I think that is something I would like to see us restore. It has kind of lapsed in the last few years and I have asked for that to be put right. But, of course, we are aiming at a moving target. There is no question that the Island Plan review will enable the States Members to address new policies to help us make up that gap in the future and do better.

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



In the addressing of housing needs, will there be a creation of a register of unoccupied homes and empty homes, so that they can be brought back into the fold, before we increase the need to build on quite precious land of the Island?

**Deputy J.H. Young:**

I am pleased to have been appointed by the Chief Minister to a member of the Housing Policy Development Board and I was very encouraged by its first meeting. There is no question that included on the list are about 8 different bullet points of policy ideas, which will come into the processes I have described, including reducing the number of existent vacant homes to bring them back into use. I think the numbers I have been given are 3,000 vacant homes identified in 2011. I think what tools we have got to do that, the planning system has got some power, but I think the States would need to look at fiscal measures and other measures and I am hopeful that our new joined-up Government can link up the Island Plan policies with policies to provide some levers to deal with some of these issues. There are plenty of others, of policy ideas, for example, enabling downsizing to free up under-occupied family homes where, at the moment, people are financially disadvantaged. Not only is there no incentive, but there are disincentives, which are the things we have got to deal with.

**4.3.3 Senator K.L. Moore:**

I am grateful to the Minister for his answers and particularly interested to follow up on his suggestion that dealing with and meeting housing need in the Island is somewhat keeping up with a moving target. It is good to hear that the Minister has called for the residential land availability report, which used to be an annual document, to be reinstated. That has not been published since 2013. In light of that and in light of the fact that the Island Plan is a 10-year document, does the Minister agree that it is necessary to maintain a closer monitoring of the performance of the Island Plan as time progresses during that 10-year period?

**Deputy J.H. Young:**

Absolutely. I think the Senator is spot on. There is no question, I think. I do not know why it has been allowed to lapse, but in past years it was always a crucial document that States Members wanted to see - how we are doing, what progress - so that if there were needs for adjustments and interim reviews they could be done. But, anyway, I give a commitment that as far as I am concerned that principle will be followed.

**4.4 Deputy G.P. Southern of St. Helier of the Minister for Economic Development, Tourism, Sport and Culture regarding how the productivity plan would assist low-paid sectors of the economy to deal with increases in the minimum wage: (OQ.105/2019)**

Further to the Chief Minister's response to Oral Question 72/2019, will the Minister inform Members what measures, if any, are being considered for inclusion in the productivity plan that would assist low-paid sectors of the economy in dealing with increases in the minimum wage?

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

It is me, Sir.

**The Bailiff:**

Yes, I know it is you, I just could not see you. You used to be sitting in the one in front of the others, I was looking at the empty chair.

**Senator L.J. Farnham:**

That is the Chief Minister's seat.

**The Bailiff:**

Yes, indeed it is.

**Senator L.J. Farnham:**

Next time, maybe, Sir. As I stated in the answer to the Deputy's Written Question 190/2019 tabled today, Jersey is limited in the extent to which it can control inflation. This is, in large part, influenced by the number of external factors, not least the exchange rate and the global price of commodities, including oil. The main lever by which to control inflation is through monetary policy which, in the case of Jersey, sits with the Bank of England. However, I have set up a ministerial group to consider ways in which Government can seek to support low and stable inflation. This group is considering all of the levers available to Government to do so.

**Deputy G.P. Southern:**

If I may, the Minister appears to be answering a different question from the one I asked. I asked about productivity in this one, not about inflation. Inflation is next.

**The Bailiff:**

It is not an unfair point, Minister.

**Senator L.J. Farnham:**

Coming on to the productivity, specifically to the productivity plan, which is currently being finalised. Without wishing to pre-empt how we may wish to take the productivity plan forward, some of the overarching measures that might be used to support productivity: improvements across the sector, especially agriculture, hospitality and the retail sectors include providing additional business support, building and expanding on the good work already being developed by organisations such as Jersey Business and promoting peer to peer networks. Exploring, through partnership functions, opportunities for synergies between the sectors and to review the functions, roles and levels of funding of the various government-funded bodies. Continuing to develop and fund skills programmes for in-work training and upskilling and building on existing programmes already carried out by the Population Office, ensuring they target specific needs of these sectors and expand on the previous further and higher education offer to the Island, including potential new higher education centre of excellence. Providing additional funding for specific business-led productivity initiatives, including developing funding programmes, specifically aimed at productivity improvements in the 3 sectors. The 5 key drivers of productivity, which do have an impact on inflation, the first one being competition; the others are growth, investment, infrastructure, innovation, enterprise and skills, all of which are key priorities of the Government Plan and will be at the centre of the new economic framework.

**4.4.1 Deputy G.P. Southern:**

Would the Minister relate to Members how he sees improving competition in these sectors, improving matters for their economic performance?

**Senator L.J. Farnham:**

Competition is important, especially in our economy, where over 70 per cent of businesses are classed as small businesses, or small to medium-sized enterprises. We must encourage those to flourish. Competition is particularly important, because in our market, where inflation has been high, strong competition will help to drive down prices and competition is working well in some areas and it is not working well in other areas. The simple answer to the Deputy's question is to encourage new business, more business and to work more closely with our partners and arm's length organisations, such as Jersey Business, who are doing just that.

**4.4.2 Senator K.L. Moore:**

There was no mention of technology in the Minister's first answer, which was a gaping hole in his response, in my view. Will the Minister confirm that he will include work with Digital Jersey in order to drive forward his productivity plan?

**Senator L.J. Farnham:**

The digital sector and technology is at the heart of everything we do. Excuse me if I forgot to mention it. I do not take it for granted, but just about every business relies on digital and technology. I am pleased to announce the Chief Minister has just signed off the formation of the new technology advisory panel, which, working with Digital Jersey and the private sector and other States Members, will be examining ways which we can not only enhance, but actively promote and expedite, the use of technology in the economy.

**4.4.3 Deputy M.R. Higgins of St. Helier:**

Does the Minister for Economic Development, Tourism, Sport and Culture recognise, following on from technology, that technology could have a major impact on employment in the Island? Yes, it will improve productivity, but it could also be at the detriment of jobs and if people do not have jobs the Government finances and so is he going to look at all those aspects of technology beyond just mere productivity?

**Senator L.J. Farnham:**

That is an issue we have been looking at with subjects such as artificial intelligence and how that will be coming into play, especially in the financial services sector. Indications, though, do suggest that while it will improve productivity, it will create new jobs and new skilled jobs. It will require upskilling. So, where we are replacing more or, shall we say, less productive jobs, and I hate to use that term because I think all jobs in the economy are important and are productive.

[10:15]

I think it will replace jobs, but create other higher-value jobs that will require a higher level of skills, which is why it is so important that schools and education is right at the heart of the economic framework.

**4.4.4 Deputy K.F. Morel:**

In his answer, both to the oral question just now and also the Written Question 189/2019, that was given to Deputy Southern, the Minister mentions that he is going to focus on agriculture as part of his productivity drive. I just wondered if he is aware that agriculture is by far and away the best performing of all sectors as far as productivity is concerned over the past few years and financial services, by comparison, fails miserably in terms of increase in productivity over the past few years. So, is he not, therefore, just picking the low hanging fruit? He is suggesting that he targets the most increasingly productive sector of all sectors.

**Senator L.J. Farnham:**

To be absolutely clear, improving productivity is paramount in all sectors of the economy. It is important to improve it in financial services; it is as important to improve it there as it is in the agriculture and the tourism and the retail sectors. Agriculture is particularly interesting at the moment, because of the advancements of the use of technology in those fields, if you will excuse the pun. We are not just focusing on agriculture and tourism; we are focusing on all of the economy, to improve productivity. But I will add to that: when it comes to looking at our population policy, agriculture and tourism are constantly mentioned as being lower productivity areas of the economy, because of the value and the contribution they make to G.V.A. (Gross Value Added). While, relatively speaking, one might say that the £50 million or £60 million that agriculture contributes to our G.V.A. is relatively low, compared to finance, the huge extra benefits that that industry brings to the Island are probably incalculable.

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

The Minister also mentioned the 2 magic 'I' words: investment and innovation. Given the debacle that happened within the last 2 years over innovation, perhaps the Minister would like to explain what sums he has for investment in these areas to improve productivity.

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

When I mentioned the word 'innovation', I also used, in the same breath, 'enterprise and skills'. That is why we are working very closely with Education and Skills Jersey, because that is the sort of innovation we want to develop. We want to encourage enterprise within our young people. We want to make sure they have choice and access to the right sort of skills. In reference to investment, we do, in my opinion and must create new investment opportunities for the States, for the taxpayer to invest in the economy by providing funding for certain commercial and economic activities. Those are matters that Members will have a chance to discuss and debate with the Government Plan and the economic framework.

#### **Deputy J.A. Martin of St. Helier:**

Sorry, Sir, did I miss ... I know you moved question 2 down the list, did you move it to the end of the list?

#### **The Bailiff:**

I moved it to the end of the list.

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

Okay, thank you, I can nip out then.

#### **4.5 Deputy K.G. Pamplin of St. Saviour of the Minister for Health and Social Services regarding the measures being taken to ensure sufficient recruitment to his Department: (OQ.112/2019)**

In light of the issues which can affect recruitment, such as the cost of rental accommodation and Brexit, is it the Minister's assessment that measures currently being taken to ensure sufficient recruitment to his department are succeeding; and what further measures, if any, are under consideration?

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

Mindful of time constraints, I will answer on the basis that the Deputy is seeking information about recruiting from outside of the Island, although, of course, we also do recruit from within. Recruiting outside the Island remains challenging, but there have been recent advances. We are now able to advertise our vacancies on the N.H.S. (National Health Service) jobs website, which was not the case previously. We also worked with a recruitment company, which has arranged that when people are searching on the internet they will see Jersey opportunities very quickly, featuring in the top 10 of sites. How we manage candidates has also changed. We try and adopt a timely and personalised approach. Once they submit their C.V. (*curriculum vitae*) we try and make personal contact, have a conversation with them very quickly, putting them in touch with the professional lead. Welcome Jersey has meant that all prospective candidates are now provided information about the Island and decisions they may need to make for themselves and their family about relocation and we will expand that further to include a bespoke relocation service, supporting applicants to source schooling, housing and healthcare. There have been changes around key worker accommodation and further accommodation is coming on board. Quality accommodation available. We have made a recent change to the Control of Housing and Work Order, which will allow children and partners of those

employed in a registrable health occupation to be able to access all categories of employment in Jersey in the future.

**4.5.1 Deputy K.G. Pamplin:**

I thank the Minister for his answer. I just want to refer to the aspect of my question about the cost of rental accommodation. Given what the Minister has just said, his input would probably be very beneficial to the Housing Policy Development Board, especially the impact that the cost of renting accommodation could have in the world of Health and Social Services. Would the Minister, in reflection of this, think on about this and seek to himself, or one of his 3 Assistant Ministers, be part of this very important Housing Policy Development Board?

**The Deputy of St. Ouen:**

I fully accept the importance of the Board and look forward to its work as it moves forward. I will input in whatever way the Board may feel appropriate.

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

Does the Minister believe that if we can give tax breaks to so-called high net-worth individuals - a term that I do not particularly like to use myself, but that is the chosen nomenclature of Government - to move to Jersey as incentives, can we do the same to much needed healthcare workers, to help recruit them to the Island?

**The Deputy of St. Ouen:**

It is difficult for me to expound on tax policy, but I can say that we give relocation grants and assist healthcare workers in similar ways around getting to the Island and paying for certain travel costs and moving their possessions here.

**4.5.3 Deputy G.J. Truscott:**

I can appreciate the Minister's dilemma: you are trying to recruit in a very tight market. The N.H.S. in the U.K. (United Kingdom), I believe, have vacancies for nurses in the region of 40,000, so we are having to compete and attract people in very difficult conditions. Is the Minister convinced that we are doing enough to grow homegrown nurses and social workers and so on, or does he feel that we could pour more resources into that area?

**The Deputy of St. Ouen:**

It is a constant attempt to try and maximise our efforts. In respect of growing our own, there is a total of 24 trainee nurses currently on the programme. There is a limit to how many trainee nurses we can train in the Island, because there are professional limits on how many trainees can work with fully trained staff. If we had a much bigger hospital, then we could have more trainees in it. I think we are nearing the maximum at the moment. There is funding now to enable trainees to train as mental health nurses, without that impacting on their own pockets and there is the ... the Deputy asked about social care, there is a social worker training programme commencing this September, I believe.

**4.5.4 Deputy R.J. Ward:**

Could I ask the Minister to give a context to the issue he is facing here with recruitment? Can the Minister give a number to the number of vacancies that are currently available in the Health Department?

**The Deputy of St. Ouen:**

I do not immediately have a number across the whole department, but I am aware that, within our mental health nursing, we have 31 vacancies for nurses and healthcare assistants in our mental health sector. As a sign of the advances in recruitment, I understand officers have interviewed 26 persons

for those roles recently. So, if all those 26 were found acceptable and accepted their offers, that would clearly fill a great gap in our provision.

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

Given the high costs of living in Jersey and moving to Jersey, does the Minister believe it is time to reinstate some form of Jersey premium on salaries being paid for these vital jobs?

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

The question of key workers and incentivising all key workers needed in the Island remains a matter that the Council of Ministers want to address. I note there is a question about it later on in the list. It is something to be considered, though I would not want to consider it for the health service in isolation; it should be considered in the context of education also, perhaps, and all of our key workers. So, a wider question for consideration.

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

I thank my colleagues for joining in what, I think, is a very important issue. I want to refer to the other part of my original question: Brexit. This question really came from my recent experience spending time at the hospital and speaking to specialist consultants that there could be an opportunity missed in terms of the uncertainty in the United Kingdom with Brexit, where Jersey is in a much safer, stronger place, because the impact is not the same, clearly. We are in a very strong position and the work undertaken by Senator Gorst and his department is that more could be done to say the uncertainty in the mainland is not going to be here and there could be an opportunity. I would ask the Minister if he agrees with that.

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

I did ask about this question, because, from time to time, people ask me whether we have considered recruitment in the Philippines. It is the case that many nurses in the N.H.S., I understand, do come from the Philippines. However, it is likely that they would first register with the N.H.S. - that is the usual route for us attracting medical staff from places further afield than the E.U. (European Union) - because, in the case of nurses, they do need to be registered with the Royal College to work here. They are likely first to go into the N.H.S. and then from there look at the possibilities of moving to Jersey.

#### **4.6 Connétable A.S. Crowcroft of St. Helier of the Minister for the Environment regarding the recent felling of a tree in Pomona Road, St. Helier: (OQ.115/2019)**

Will the Minister explain whether a mature *Aesculus x carnea*, or red horse chestnut tree, which was recently felled in Pomona Road, St. Helier, was protected by a Tree Preservation Order; and if not, will he explain why it was not so protected?

#### **Deputy J.H. Young (The Minister for the Environment):**

Like the Constable, I was very disappointed to learn of the felling of this mature tree, which, I am told, happened on 10th April. From the photographs I have been provided, it appears to be an attempt to facilitate parking in the front garden of houses in multiple occupation at 9 and 11 Pomona Road. Now, the removal of a tree does not require any form of planning permission, unless it is protected by being included on the list of protected trees, which the Constable has referred to. At the moment, we have 64 on that list, 41 have been added in the last 10 years. There is also an opportunity to include restrictive planning conditions when permission is given for development of a site, but, unfortunately, in the case of this tree, this particular tree, like most others in St. Helier and throughout the Island, did not benefit from any formal protection and, therefore, could be lawfully removed

without the need for any consent. I want to put on record that both I and my Assistant Minister, Deputy Guida, do not consider this situation to be acceptable.

[10:30]

Trees are vitally important for a variety of reasons. Their amenity value, their biodiversity value and the contribution that they make to people's health and well-being, especially those trees that are in the Island's urban environments, because they add significantly to the quality of urban living. So, we do have legal powers and clearly we have not used them enough. I have requested the officers, and Deputy Guida, who is leading on this, that we make more use of those powers.

**The Bailiff:**

Ninety second rule, Minister.

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

I think I am right in saying that the department carried out a survey of trees in the urban area recently - I think as recently as last year - and I am at a loss to understand how that survey was not accompanied by a flagging up of really important trees, like this one, that could have been protected after that survey. Was it just a survey to gather information, which will be put on a shelf somewhere? Will the Minister agree to go back to that survey and to get his officers on the case, so that we do not lose any more of these mature trees in town?

**Deputy J.H. Young:**

I think the Constable has the advantage on me. I do not know about this survey and I will undertake to find out about it. I hope that it was not done since I was elected. I suspect it was done before that time and I will make sure we act on it, because I am not in favour of reports sitting on shelves going nowhere. We have been resource-constrained; the previous Planning Department did not have the resources to do this job properly, but the good news is it is an advantage of the new G.H.E. (Growth, Housing and Environment) structure, Members will be delighted to know, we now have an arboreal horticulturalist and I am very keen to ensure that that person, which is now in our strength, picks up this work. I am afraid I can only offer apologies, because we absolutely need to do more in this area and I will bring back a report.

**4.6.2 The Connétable of St. Lawrence:**

The Minister referenced conditions that may be put on trees as part of planning conditions and I am aware from speaking to his Assistant Minister recently, that a tree with just such a condition on it in, I believe, St. Ouen was, in fact, felled. I would like to know from the Minister what action he intends to take regarding the breaching of that planning condition. I am sure if he does not have the information now, he can refer to his Assistant Minister for it.

**Deputy J.H. Young:**

I can talk generally about the use of conditions. Again, not good news. Deputy Guida and myself have looked at several cases where this has happened. I do not know about the St. Ouen's one, but there is no question that the enforcement of planning conditions has not been an area of success in the planning work in the past. Again, this is difficult, because there are a lot of legal complexities and I think the best way to do it is to, where there are important trees, put them on a protected list and do the job properly. That way they cannot be felled under the law. Again, I think the Connétable makes a fair point. But, again, I am afraid this is going to be part of the work we are going to be progressing in the coming period in office.

**4.6.3 The Connétable of St. Lawrence:**

Supplementary? I wonder whether the Minister will give an undertaking to investigate the incident of which I am speaking, please?

**Deputy J.H. Young:**

Yes, if the Connétable will let us have details after the Assembly, we will check it out, but I think one thing that will need to be recognised, we have had cases where a condition was put on a tree and then, subsequently, a person applied to the Planning Department to have it removed and we lost the tree. I was not aware of that. I think all these are areas where, frankly, we have not given enough importance to trees.

**4.6.4 Deputy M. Tadier:**

I just wanted to ask the Minister if he thinks it is appropriate to stand up here and say that he is disappointed that a tree has been felled, when there is no protection for that tree and when an individual, presumably, is just exercising their personal freedom in a lawful manner to remove a tree, possibly on their own property. Would it not be more appropriate for the Minister to take action to make sure that this type of tree in future is protected, rather than pontificating about what his opinion is outside the law?

**Deputy J.H. Young:**

I think it must be legitimate for me, as a Minister, to express an opinion on a matter. I have made it quite clear that the actions were legal; I just said I did not like it and if it was me I would not agree with it.

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

I am grateful for the Minister's assurances that more will be done to protect Town trees. Does he not agree with me that we must also do more to provide for new trees in all developments, especially where they can be planted in ground and then, if money is needed to move services, we can still find that money in order that we can plant proper trees in the future?

**Deputy J.H. Young:**

Absolutely, this is where I think this links up very much to the Council of Minister's agenda in improving the built environment. It is going to need money, funding and efforts, open spaces, new tree planting and so on. At the moment, I do not see that we have the mechanics in place to deliver that and I think it must be part of any future St. Helier plan.

**4.7 Deputy M.R. Higgins of H.M. Attorney General regarding the proposed protocol relating to the provision of information to the Children's Commissioner which was subject to legal professional privilege: (OQ.117/2019)**

Will Her Majesty's Attorney General explain to Members the legal standing of the proposed protocol between the Chief Minister, the Minister for Children and Housing, Her Majesty's Attorney General and the Children's Commissioner with regard to information subject to legal professional privilege; and, in particular, whether it will include Her Majesty's Solicitor General and will be binding on all future persons holding these offices and positions?

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

The protocol is a protocol to Article 8 of the Commissioner for Children and Young Persons Law and will be operational if the law is adopted and Article 8 is amended, as proposed by Scrutiny, and that amendment, that is amended by a proposal put forward by the Minister for Children and Housing. The protocol itself, as it says, is intended to set out the agreed circumstances, conditions and procedure for disclosure to the Commissioner for Children of advice given by the Attorney General, or Solicitor General, to the Government of Jersey and its departments. It provides an expert avenue for the Commissioner to receive determinations of the public interest, relevant to disclosure of privileged legal advice. The protocol signifies the commitment of all signatories to work together in



the interests of children and young people and will enhance the Commissioner's access to legal advice in appropriate cases. Article 8 applies to advice given by the Attorney, or the Solicitor, General. If, for whatever reason, the Attorney is unavailable to attend to matters required for his attention under Article 8, the Solicitor General will do so in his stead, as acting Attorney General. The Solicitor General is bound by the terms of the protocol in the same way as the Attorney. In relation to the last question the Deputy asked, the protocol has been signed by the Attorney in his official capacity, not personal capacity and, accordingly, it is binding on all future Attorneys General.

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

Supplementary? I thank the Attorney General for his answer and that the Attorney General in perpetuity will be bound by it, but does it also apply to the various Ministers who take up the position? We have a Minister for Children and Housing and we have a Chief Minister, they will change over time. Is it also binding on those positions?

#### **The Attorney General:**

Certainly it is intended to be, yes.

#### **4.8 Connétable K. Shenton-Stone of St. Martin of the Minister for Treasury and Resources regarding appointments to States-owned, or majority-owned, boards: (OQ.119/2019)**

Further to the 2018 Annual Report of the Jersey Appointments Commission, which reported that concerns about the number of board appointments that a single individual holds at one time (particularly in relation to board chair roles) have been raised with the shareholder executive, what action is the Minister, as shareholder representative, taking to address these concerns?

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

It is important to note that the role of the Minister as shareholder representative and, therefore, mine as her delegate, relates only to the States-owned entities and not grant-funded bodies. The position with those States-owned entities is that approval to any appointments of non-executive directors is ultimately given by myself, either through the annual general meeting process, or prior to the initial appointment being made, if it falls outside the A.G.M. (annual general meeting) cycle. The position that we have discussed with boards is that we would not expect to see an individual sit on more than 2 States-owned entity boards at the same time. A review of the governance of the States-owned entities is currently underway; it commences with J.T. (Jersey Telecom) and Jersey Post and should be completed in the next few months. It will then extend to the other States-owned entities in the second half of the year, with expected implementation by the year end. This is reviewing the corporate governance arrangements with each company and the memorandum of understanding that is in place between the company and the Minister. The review will incorporate this issue of board membership, to ensure a consistent and appropriate approach is in place with the governance arrangements.

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

I am grateful to the Assistant Minister for his answers. I believe, or know for a fact, that at least one person is chair of 2 boards and for a myriad of reasons this seems to be far from ideal. I would ask that this matter - as you say is in hand - be addressed as a matter of urgency and moving forward the position of chair of a board be limited to one chair per person.

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

The person concerned is chair of 2 boards, but one is not a States-owned concern, as such. It is not, as I said, under the remit of the entities. I think you are referring to Jersey Digital. When that

particular person was appointed, he was going to be on 3 boards, but we asked that he removed himself from one, to keep within our remit, even though, as I say, one of those companies was outwith that remit and he removed himself from the Ports of Jersey, thus keeping himself to 2.

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

Will the revised M.O.U.s (Memoranda of Understanding) make it clear to the wholly-owned States subsidiaries that they are, in fact, wholly-owned subsidiaries of a group holding company, or the equivalent thereof and, therefore, the prerogative for appointing the board should be clawed back and supervised very much more carefully by the Treasury?

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

Firstly, of course, they are not all wholly-owned subsidiaries, some are only partly-owned. Secondly, at the moment, I am reviewing the M.O.U.s, I do not quite know what they will state. We will wish, though, to give the boards an independent hand, while still monitoring what they do.

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

Supplementary? These boards consider themselves independent but, in fact, they are very much in a position where the risks - I am talking about the wholly-owned subsidiaries here - attached to these companies are in fact taxpayer risks and these companies seem to have forgotten that. With respect, I would ask that the Treasury take a more active part in acting as the group holding company and taking a very much more directive approach to appointment of directors and so forth. Will the Minister, or the Assistant Minister, confirm that he will be looking at this?

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

We constantly monitor these companies, of course. But, when one refers to the boards of these ... yesterday I met with the board of Jersey Telecom, the Chairman of which was previously the C.E.O. (Chief Executive Officer) of Cable and Wireless. We are talking about top quality people. We have a lady on that board that used to work with Bill Gates. These are not just people we just employ because we think they are going to be great people to go and have a drink with; they are top quality people. That is what they are there for.

#### **4.8.4 Deputy D. Johnson of St. Mary:**

The Assistant Minister for Treasury and Resources referred to the review of M.O.U.s, this was something which was raised in a previous Assembly when the then Minister for Treasury and Resources said that was under review. My recollection is that additional funding was provided for that purpose. Could he, therefore, please be more specific as to the state of play, where we are with that review?

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

Certainly. As I said, they are under review, they take some time. We also have board effectiveness programmes going on. Following the C. and A.G. (Comptroller and Auditor General) report, we are doing a thorough 360 review of all these companies and, as I said, we hope that that will be completed by the end of this year.

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

I agree that Jersey has a number of top-quality people, but many who are not being used, as the same people seem to be being used time and time again. I would ask that we spread our net more widely.

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

I do not believe it is fair to say we keep using the same people. We have considerable diversity on these boards. It should also be pointed out that the boards will seek to ensure they have a range of appropriate skills and experience on the board to diversify as far as possible.

[10:45]

In advertising the board roles, there will often be a clear profile of skills and experiences that is needed, in order to undertake the role effectively. Any successful candidate must meet that criteria.

**4.9 Deputy R.J. Ward of the Chairman of the States Employment Board regarding the Board's assessment of the present circumstances in respect of recruitment and retention: (OQ.108/2019)**

A very simple question. Is it the States Employment Board's assessment that there is a recruitment and retention crisis in the States at present?

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

No.

**4.9.1 Deputy R.J. Ward:**

May I ask how you have made that assessment and how you assess recruitment, how many vacancies there are, *et cetera*?

**The Bailiff:**

Through the Chair.

**Senator J.A.N. Le Fondré:**

As I said, it is not the States Employment Board's assessment that there is a recruitment and retention crisis, to use the words of the Deputy. In essence, if we use particularly the example of teachers - which I am sure the Deputy will be very interested in - currently, in terms of vacancies we have 14.6 F.T.E.s (full-time equivalents), which is around 2 per cent, which indicates that, at the moment, the system is working. Also, in the nursing side of things, as I believe the Minister for Health and Social Services has already alluded to, we have vacancies of about 26 per cent, I believe, which is around 4 per cent. In terms of turnover rates, I am just looking, broadly speaking if I use the medical side, the nurses and midwives, it is around 11.8 per cent and by comparison N.H.S. U.K. has an annualised turnover rate of 22 per cent.

**4.9.2 Deputy G.P. Southern:**

Those figures, that sprang into the Minister's mind, seem to me rather to suggest that the answer is yes, rather than no. The Chief Minister's logic that vacancy rates at 11 per cent are okay, compared to 22 per cent in the N.H.S. in the U.K. is breaking down. We only have half their problem. That seems to be yes, rather than no. Does the Chief Minister not agree?

**Senator J.A.N. Le Fondré:**

Just to clarify, the vacancy rate for the local side of things on nurses and midwives was 4 per cent, not 11 per cent. That was the turnover rate. The vacancy rate is 4 per cent.

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

Given the turnover rates that the Chairman has just mentioned, does the Chairman think it is acceptable that no information regarding interviews across the public sector are kept centrally, as stated in written question 243 of 2018?

**Senator J.A.N. Le Fondré:**

In terms of matters such as exit interviews, we do know that we are not doing well enough and S.E.B. (States Employment Board) have asked officers to look into this to address it and try and improve matters. We accept there is room for improvement in that area.

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

I would like to ask the Chair of the S.E.B. to keep better records for the future. For example, in teaching - the resignation date for the May term is not there yet, -14 vacancies I would consider as significant across our education system, as there may be many more at the end of May. Could I also ask that these records are kept in terms of retention over the next coming years, given the upheaval in the States and its implementation of target operating models? I do not think the data is there to say whether there is, or there is not, a recruitment crisis in the way that you are saying.

#### **Senator J.A.N. Le Fondré:**

All I can say is on the data I have been provided with, if we are using the teaching side as an example, it is 14.6 F.T.E.s as a level of vacancy against a workforce of around 750 in the teaching side, that cannot be considered a crisis, in any shape or form. We do know, looking ahead, that we do have challenges around the ageing demographic and that over the next 5 to 7 years there is a slight bulge coming through at the end of that workforce, in terms of age profiling and that is something that was already alluded to by the Minister for Health and Social Services. There are measures in play and being built on to try and address some of those issues.

#### **4.10 Deputy R.E. Huelin of St. Peter of the Minister for Infrastructure regarding the reported referral to the States of Jersey Police of comments made in relation to the hospital catering project at St. Peter's Technical Park: (OQ.98/2019)**

Further to his response to Written Question 154/2019, in respect of the hospital catering project at St. Peter's Technical Park, that 'threatening comments from certain neighbours to the contractor have been referred to the police', will the Minister advise when, and how, he was informed of the referral and will he state who made the referral and on what date it was formally made to the police?

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

A few weeks ago, ministerial colleagues, the Chief Minister, the Deputy of St. Peter and officers had a very productive meeting with the residents adjacent to St. Peter's Technical Park. The meeting lasted just under 2 hours; it was very positive and we are moving forward with that now. Unfortunately, the Deputy of St. Peter had previously submitted a written question, to which I was obliged to reveal there had been an altercation to which somebody called the police. But, I provided the Deputy of St. Peter with - obviously for data protection reasons, a redacted - email to that effect. I believe the incident happened in late January, the email is dated 30th January.

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

I thank the Minister for his answer. Yes, there was a productive meeting going forwards; however, that does not preclude the fact that a statement was made through the written question that the police were notified. Before signing off Written Question 40/2019, did the Minister do any research into the corresponding behaviour of the contractors, to see if any alleged hostilities were provoked?

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

No, I was just notified that a complaint had been made to the police and, as I say, I am obliged to have the reply redacted, removing names, *et cetera*, of all parties.

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

So, you are saying that the *J.E.P. (Jersey Evening Post)* published a defamation of character of these residents, but the residents are not allowed to know who are the complainants?

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

I was not aware that any resident's name was mentioned, or contractor's.

**The Deputy of St. Peter:**

One more supplementary?

**The Bailiff:**

You cannot have continuous supplementaries, but one more question if you wish.

**4.11 Deputy K.F. Morel of the Minister for Education regarding the measures taken to address lost school days due to industrial action: (OQ.102/2019)**

Given that the Island's schoolchildren have already lost 2 days of school due to strikes and that they may, reportedly, lose another 8 days in the coming weeks, will the Minister describe how schools will make up the lost days of education, particularly in light of the advice regularly provided to parents that even a single day out of school can potentially damage a child's education?

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

Replacing the time lost from the industrial action is extremely difficult and highlights the value of each day of education provided. I know that schools are doing everything they can to prepare young people, about to take exams, by ensuring all content for these courses are taught before students go on study leave. Should days continue to be lost, schools will need to factor in what learning pupils of all ages will need, to ensure all elements of the curriculum will be delivered.

**4.11.1 Deputy K.F. Morel:**

In terms of making amends and compensating for the damage caused by the strikes, will the Government provide alternative facilities for children during strike days, or will parents be compensated for lost earnings due to taking time off for childcare, or for the cost of engaging childcare services? Will parents of children at fee-paying States schools be reimbursed for those days of education lost to the strikes?

**Senator T.A. Vallois:**

I will take the last question first, with regards to the fee-paying schools. As the Deputy will, no doubt, understand, I have had numerous emails, so have the fee-paying schools had numerous emails. I am advised that the Government of Jersey is unable to compensate parents and carers for the impact of the strike by teachers, whether this is for additional childcare costs, loss of earnings, or holiday, or to issuing rebates in respect of school fees at fee-paying schools. Closures, as a consequence of industrial action, are treated no differently to closures for adverse weather conditions. This approach is consistent with applicable legislation, including part 4 of the Supply of Goods and Services (Jersey) Law 2009. Fees for school are calculated and due on a termly basis, not a daily rate; therefore, you are requested to pay the balance of fees that are due at the schools at the earliest convenience. With regards to providing childcare facilities, my budget will not allow me to stretch to providing additional resources. Also, I would have to find a number of people, particularly with regards to safeguarding and the health and safety aspect, hence the reason why some schools may need to close, because we do not have the sufficient numbers of people to ensure the health and safety of our children in those schools at the time of industrial action. In terms of the childcare facilities, or the monitoring side of things, I am unable to give that commitment, because I just cannot do so.

**4.11.2 Deputy M. Tadier:**

Apart from the great education that our teachers provide, these kinds of questions show how much we rely on the teaching profession and on schools and their staff in general. If and when the strikes do occur in the next days and weeks, will the Minister encourage the students to use this as an opportunity to attend any rally supporting teachers and workers, so that they can experience first-hand, in a practical sense, about the power of trade unionism in Jersey and beyond?

**Senator T.A. Vallois:**

I absolutely recognise the sentiments in terms of the importance of our teachers and there is a reason why I wanted to become the Minister for Education, because it is about our future and it is about our future generations and it is about our economy, ultimately, in the next 20 years. However, I am not going to take a particular side, or push somebody to go and do something. I am sure they will recognise, themselves, the good work that the teachers do. I hear it regularly from children. I have my own children at school and it is affecting our family, as well, in terms of the industrial action. They see it on a day-to-day basis, they recognise the value of the teachers and also I believe that S.E.B. are doing everything that they possibly can. There was a full day on Friday, in terms of discussions, S.E.B. met yesterday and then there is all day today in terms of discussing a possible solution, before industrial action takes place.

**4.11.3 Deputy M. Tadier:**

Would the Minister confirm that - as a Minister for Education, rather than necessarily just as a Government Minister - she values the work that teachers put in and that if we want quality public services in Jersey, not just in the teaching profession, but, of course, now in the teaching profession, that we need to give excellent terms and conditions, if we are not to take these professionals for granted?

**Senator T.A. Vallois:**

I am not sure where I have ever said that I do not agree with those particular sentiments. I supported the last proposition, with regards to Deputy Southern's request for further monies and I made it explicitly clear my value that I place on our teaching profession. They are coming under more and more strain in terms of expectations for standards and achievements, more strain in terms of safeguarding requirements and the need to achieve, particularly in a more academic sense of the word. I would hope that whatever I have stated ... I fully support the teachers and I want to try and work with them. We work with them on the Education Consultative Council with regards to workload and there are discussions ongoing with my own officers around the terms and conditions. There are continued discussions about how we can support teachers and, therefore, support our children, in terms of educating our future.

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

I should preface my question with a declaration that I am a teacher myself, as is my wife. Can I ask the Minister whether she believes that we are in a state of crisis in our schools when it is announced that our schools will only be sitting for 7 days in the month of May? Does the Minister agree that there is not enough money to pay the teachers more and does she have confidence in the S.E.B.'s ability to tackle this crisis?

**Senator T.A. Vallois:**

Three questions in one. Okay, is there a crisis? It feels like one and that is my own honesty that I am putting across. From an education point of view, I have a duty to ensure that our children in this Island are educated, as do the parents. We have a partnership role in this, to ensure our children are properly educated and having 7 days ... it is difficult to say that we are verging on that crisis issue because, of course, our children will not get, at the optimal level of education that they need to have. That is not right from my point of view.

[11:00]

In terms of the confidence, I think S.E.B have ramped up the discussion. They were in all day on Friday negotiating, they met yesterday and then today there is a full negotiation going on. It is unfortunate that it is last minute. It is unfortunate that we are in this final position. I cannot recall,

in the last 10 years of being a States Member, seeing this type of strike action in any area, but education I have not seen it before. I cannot remember the last part of the question.

**The Connétable of St. Helier:**

If I could just remind the Minister: is there more money to pay the teachers? I do not think she has quite got there yet, but does she have confidence in the S.E.B.'s ability to tackle the crisis?

**Senator T.A. Vallois:**

In terms of is there enough money, I am advised that there is not sufficient for this year. In terms of my confidence, I would like to say I have 100 per cent confidence, but being there myself, it is not an easy job to do, it is not an easy role to accomplish. I would like that S.E.B. recognise how important the role of the teacher is, not just because of our children and their education; but our future economy, which is something that is regularly referred to, in terms of the importance of our Island and how we move forward and in terms of our revenues, in order to pay for our very public services that we, I believe, love and cherish.

**4.11.5 Deputy R.J. Ward:**

I should state that, as everyone knows, I was a teacher. My wife is currently a lecturer and my children were educated on this Island and benefited from the incredible dedication of their teachers. Can I ask the Minister to publicly recognise that the decision taken by teachers to take this action was an incredibly difficult decision for them to take and that they were driven to this course of action by the inadequacy of the outcomes of the negotiations and, therefore, to demonise teachers in any way for taking this action misses the point and is wrong?

**Senator T.A. Vallois:**

I am not trying to demonise them at all. Hence the reason why I have stated I have not seen this in the whole time I have been a States Member. There is clearly something not right here. There is an issue. I am not involved directly in the negotiations. I am not aware of the exact requests that are being made, but I do recognise, even though it is my responsibility to ensure the education of all our children, I also recognise the rights of the trade unions to take strike action. It is within the law, they are legally required to do so and it is an unfortunate balancing act that I am in the middle of.

**4.11.6 Deputy K.F. Morel:**

Does the Minister recognise that it has left the parents and businesses to mop up after the inexcusable failure of the States Employment Board to sufficiently resolve this pay dispute? While she does not have sufficient resources to compensate those parents and businesses, who are mopping up after this debacle, will she commit to using her own resources to apply pressure to the States Employment Board in order to encourage it to resolve the teachers' pay dispute before the end of May, so parents and students need face no more disruption caused by this strike.

**Senator T.A. Vallois:**

I recognise the impact that this has both on parents and businesses. I am a parent myself and I have children at school, it is affecting myself as well. In terms of S.E.B. resolving this, in terms of what I have been doing, I have been forwarding all the concerns that have been ... I have had numerous emails over the last few weeks, I have been trying to send on all those emails, so the full S.E.B. are aware of the concerns and issues raised by parents, teachers, businesses and I have been trying to understand ... unfortunately they are in a negotiating position. I recognise there are issues that we could deal with in terms of the education side of things, in terms of workloads and all those types of things, which is something that has been ongoing for a while now. But, I will continue to emphasise and put pressure on the S.E.B. like I have been doing to try to encourage a resolution to the dispute.

#### **4.12 Connétable J.E. Le Maistre of Grouville of the Chief Minister regarding the number of permissions for residency granted each year to High Value Residents: (OQ.97/2019)**

Has any consideration been given to introducing a limit on the number of permissions for residency in the Island granted to high-value residents in any given year?

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

The short answer is yes. I am told that it was in the early 1970s, 1971, that the need for high net-worth individuals was recognised and a suggested figure of around 15 a year was felt to be right. This has been regularly reviewed and it is constantly being monitored.

#### **4.12.1 The Connétable of Grouville:**

The figures: I looked at from January up until the end of November last year, 25 high net-worth residents were allowed in. Using the figures from January 2014 to the end of November 2018, 97 high net-worth individuals were allowed into the Island. That is pretty much 20 a year. Does the Minister not think that letting so many multi-millionaires into the Island is bound to be pushing up the retail price index, the price of houses and price of housing?

#### **The Connétable of St. John:**

When you look at a short period of time, figures can be skewed. If you look over the 10 years, for the last 10 years, the figure is 15 a year that have come in. Do I believe that 3 per cent of the people coming into the Island are going to push up the retail price index? I think the answer is no, because such a small per cent, just 3 per cent, of immigrants, less than 3 per cent, have come into the Island during the last 10 years. The third question that he asked was pushing up the price of housing. The ownership of housing is restricted. A high net-worth can only own one property. There is a slight loophole in that they can own share transfer properties, because that is not deemed as home ownership, for some reason. There are no figures to support this theory at all.

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

When was the last time this purported need for high-value residents was assessed? When will it next be assessed?

#### **The Connétable of St. John:**

It was assessed in 2010, that was when the last formal assessment was made. It has been regularly kept an eye on and it is currently under assessment with the new Migration Board.

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

I may remember incorrectly and the Assistant Minister will tell me if I am wrong, but I seem to recall, before he was an Assistant Minister, the Constable making statements in this Assembly that he did not think that what is now called the 2(1)(e) system was fair at all and it was prejudicial, certainly to Jersey-born wealthy people, who do not get the same tax breaks that 2(1)(e)s do. Does he still stand by those comments, or has he had a change of heart? What is his personal opinion on the regime?

#### **The Connétable of St. John:**

I would agree with the Deputy, in that his memory is not quite correct. I have made comments that there are certain local individuals, who have substantial incomes, who pay more than £145,000 a year in tax; however, there are other ways in which tax mitigation can be made by various people of that type of income. The high net-worth people are a valuable part of our Island economy. They create business, they create jobs and they create investment.

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

May I have a supplementary? Does the Assistant Minister believe that the way 2(1)(e)s are able to jump the housing queue is inherently equitable?



**The Connétable of St. John:**

I do not fully understand the question as to how they jump the housing queue. They are granted residential status, because the benefits they will bring the community are substantially greater than the effect of taking one unit of housing out of the sector. The houses they tend to buy are restricted in price and they are not affordable, in many cases, to local individuals.

**4.12.5 The Connétable of St. Lawrence:**

Will the Assistant Minister remind the Assembly of who it is who makes the decision on whether, or not, someone is entitled to move to the Island as a high-value resident? Also, the assessment criteria for the making of that decision.

**The Connétable of St. John:**

Thank you, Connétable. The assessment is brought forward to myself, as the Assistant Chief Minister and the decision ultimately is mine. However, the assessments are brought forward by officers, who carry out a significant amount of work and one of the issues I did when I took office was to open it to the full H.A.W.A.G. (Housing and Work Advisory Group) Committee. The reason for this was that I could have a broader spectrum of decision-making and, largely, I am very pleased to say that the decisions by H.A.W.A.G. have supported my own feelings.

**4.12.6 The Connétable of Grouville:**

It is clear that, because we attracted 25 such residents last year, the Island is attractive to these individuals. Would it not be better to raise the threshold of their tax, thus attracting fewer entrants, but generating the same amount of money?

**The Connétable of St. John:**

I will just correct the figure: last year was 18 and the idea of fewer but higher ... this is a competitive area, in that there are many jurisdictions trying to attract the benefits of high net-worth individuals. So, we need to be competitive with other jurisdictions and I believe it is at the moment just about right.

**The Bailiff:**

We come to question 14, which Senator Ferguson will ask of the Minister for Infrastructure and can I say that this question and also question 16 and 18 I will allow a relatively small amount of time to, because the Minister is up for questions without notice.

**4.13 Senator S.C. Ferguson of the Minister for Infrastructure regarding the provision of a safe location where damaged electric vehicles could be stored temporarily: (OQ.103/2019)**

Will the Minister advise whether Driver and Vehicle Standards have collaborated with the Fire and Rescue Service to provide a safe location where damaged electric vehicles can be stored temporarily (with access to a firefighting system), in order to mitigate the risks of damage arising from any recurrence of battery pack ignitions?

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

Vehicles presented to Driver and Vehicle Standards for any post collision investigations are stored in the D.V.S. (Driver and Vehicle Standards) secure compound until such time as they are due to be inspected. At which time they are moved to the test station for inspection. Once the inspection is complete, the vehicles are removed from the test station and returned to the compound. D.V.S. disconnects and isolates the battery, if this has not already been done prior to arrival. Officers inspect to establish that there is no cable damage and that the battery compartment is still intact. There is no

formal arrangement with the Fire and Rescue Service; however, all D.V.S. traffic officers are trained in the handling and inspection of such vehicles and equipment.

**4.13.1 Senator S.C. Ferguson:**

We are talking about a battery fire and reignition. Most electric vehicles appear, if they have a battery fire, to have reignition and the authorities in various countries have found that the only cure is to dump the car into an oversized skip full of water. Has the D.V.S. taken this into account?

**Deputy K.C. Lewis:**

Yes, D.V.S. are fully aware of all the new battery compounds, lithium batteries, *et cetera*, not just car batteries, even mobile phone batteries are handled with extreme care. D.V.S. will continue to review the process as more electrical vehicles come online, but they are fully up to date with all the specifications.

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

Is the Minister aware of any electric vehicles that have caught fire in the last 10 years?

**Deputy K.C. Lewis:**

I believe there was something with an electric bike battery, a faulty battery, recently, possibly in Grouville.

**4.13.3 Senator S.C. Ferguson:**

Have the Fire Service been consulted about the location of the charging points in Sand Street car park, which could block entry and exits if there was a battery fire, in fact?

**Deputy K.C. Lewis:**

I am not too sure about that, but, obviously, they are all installed by the Jersey Electric Company, who are fully conversant with all the latest technology. I am not sure if that was part of the planning process, or any of the agreements, but more than happy to check up on that.

**4.14 Deputy T. Pointon of St. John of the Minister for Health and Social Services regarding respite care for children with severe special needs: (OQ.99/2019)**

Further to his response to Oral Question 79/2019 and given the link between traffic emissions and respiratory illnesses, will the Minister advise what steps, if any, are being taken to remove polluting traffic ...

**The Bailiff:**

Deputy, you have hopped on one, question 15 you are asking of the Minister for Health and Social Services.

**The Deputy of St. John:**

Sir, I was under the impression that we have been restricted, I do apologise. I will ask the Minister ...

**The Bailiff:**

You might be restricted.

**The Deputy of St. John:**

Will the Minister advise whether the department is planning for respite care for children with severe special needs to be delivered directly by his department, rather than through third-party providers and, if so, whether that is due to difficulties in staff recruitment within the private and charitable

sectors? Will he assure the Assembly that the provision of such care will become more regularly available as a matter of policy?

**The Deputy of St. Ouen:**

Sir, I will ask my Assistant Minister, Senator Mézec, to answer this question.

**Senator S.Y. Mézec (Assistant Minister for Health and Social Services - rapporteur):**

It is already the case that respite is and will continue to be delivered by both the department and other parties. There has been a reduction in capacity available from private sector and community and voluntary sector providers, due to 2 providers withdrawing from the children's short-breaks market and recent procurement has not been successful in securing the volume of support required. Children's Services is, therefore, developing its provision to be able to flexibly meet the needs of the children with the most complex needs, to supplement the current limited capacity of the approved providers and ensure there is enough capacity to meet the assessed needs of families. The challenge of staff recruitment for providers in the private and voluntary sector is, without a doubt, one of the key factors, which is limiting the capacity they can offer. It is an ongoing issue and is multifactorial, influenced by the current high employment rates in the Island and the relatively low salary levels for this sector, in comparison to other sectors, and availability of training to ensure that staff meet the requirements for regulation of care that are being introduced. I can say that Ministers and officers are shortly meeting with key community partners, to identify the challenges and consider how we address these. The department understands the importance of short breaks and respite for children with complex needs and their families. It is an area of priority and is part of the work the department is undertaking to develop early help services and support.

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

Given the length of time that this difficulty has been apparent, why have not discussions with the private and third-sector providers commenced before now and what will be the objectives of those discussions when they do take place?

**Senator S.Y. Mézec:**

It is the case that at the end of last year there was a consultation with service users and those who work in the service to look at what could be done to redesign the service. This was introduced in 2014 and the number of children that benefit from it has substantially increased since then. It is right that we look at whether the service is adequately meeting those needs and work out if anything needs to be redesigned, so that those needs can be targeted better. We have been in the early stages of seeking out providers under this new system and we are encountering problems, as has, I think, been well reported. We will be meeting on 14th May with people who are concerned about this, to look at what we can do to improve this. But, I accept that it will be very difficult, because problems of recruitment are difficult, I think, in many areas.

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

Would the Minister agree that there would be a positive influence on recruitments within the private and third sector if employers were required to offer a living wage to their staff?

**Senator S.Y. Mézec:**

That is absolute music to my ears; I absolutely agree with that. I think that, as a Government, we absolutely should be promoting the best working terms and conditions and pay for employees who do, what I would consider and, I think most would consider, to be a very challenging job. I think those people ought to be shown respect and supported in those jobs, to make it an attractive place to work in and, certainly, I would want that to be part of any discussion involving these sorts of careers.

#### **4.15 The Deputy of St. John of the Minister for Infrastructure regarding the steps taken to remove polluting traffic from the Island's roads: (OQ.100/2019)**

Further to his response to Oral Question 79/2019 and given the link between traffic emissions and respiratory illness, will the Minister advise what steps, if any, are being taken to remove polluting traffic from the Island's roads and to reduce emissions? Will he confirm whether any such steps include investigating the creation of an Island-wide park-and-ride bus service?

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

We currently have 3 steps for removing polluting vehicles from Jersey roads. We disincentivise them from coming to Jersey in the first place, by levying higher rates of vehicle emission duty. Secondly, we encourage Islanders to purchase low-emission vehicles, through the eco-permit system. Thirdly, commercial vehicle operator licensing is designed to ensure any non-road-worthy vehicles are removed from circulation. The Island Plan has policies for approving park and ride sites within the built-up area; however, there are currently no new sites large enough, or close enough to the primary route network, which are available.

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

The Minister, I am sure, is aware that most cities in the United Kingdom have introduced park and ride bus services. Will the Minister undertake research, to establish how successful these projects are and how such a project in Jersey will affect congestion, reduce pollution and improve the respiratory health of the population?

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

Work is ongoing in that respect, as I say, but no new sites have been identified. There are several informal sites that have been used; there is one in St. John, Long Beach in Grouville, where people park and get the bus into town. But, to facilitate such a parking area, one would need to buy a greenfield somewhere and asphalt it over, which will be politically unacceptable. But, we are improving the bus system wherever we can and, indeed, we are electrifying the States' fleets in the not too distant future. With the information I have just given regarding heavy goods vehicles, we hopefully keep pollution down as far as possible.

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

I can testify to the great success of park and ride. This morning I parked my car - it was not a car, it was a moped - which had run out of petrol and I did park it and I parked it in my drive and then I got the bus in and that is a good example of park and ride. I am quite lucky that I have got a bus just outside my house. But, does the Minister agree that one of the options in a very small island is to have more bus stops, a more accessible bus service, but also to look at parking options in Town, which might encourage people to park on the outskirts and then walk in and to do that via a dynamic pay-card system, where parking charges are different, depending on where you park, relative to the Town centre?

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

Yes, I would agree with the Deputy and congratulate him for catching the bus today. We are trying to expand the bus fleets, wherever possible. We have regular talks with LibertyBus; they are a very proactive organisation. Many systems have been tried, we have tried the Parish relay system, where a minibus comes out from the Parish Hall, which is normally run by volunteers, picks people up, brings them back to the regular bus stop, because a lot of people live in some very rural areas. Sadly, there was not a huge take-up on that and that had to be abandoned. But, we are trying various things with our colleagues at LibertyBus to improve the system. On the southern routes it is not even necessary now to have a bus timetable; there is a bus every 10 minutes, or so, or at least 15 minutes.

Also, we have the bus-tracker apps on smartphones, which people are using every day. We are trying to improve the system wherever possible.

**4.15.3 Deputy R.J. Ward:**

Will the Minister initiate the measurement and continued monitoring of atmospheric pollution levels in the vicinity of the Island's schools at specific high-density traffic times?

**Deputy K.C. Lewis:**

Yes, indeed, I am well aware of pollution and, as I mentioned briefly, part of the States' fleet will be electrified in the not too distant future. We have 604 vehicles in the States' fleet, so by progressing all of those vehicles to electric will make a huge saving. I have outlined what we are doing with the heavy goods vehicles; they are all tested to a very good standard now ...

**Deputy R.J. Ward:**

With respect, I am sorry, the question was about monitoring pollution levels around schools.

**Deputy K.C. Lewis:**

I am just getting around to that. The actual pollution monitoring, most of that is done by our colleagues at Environment, but we are well aware of atmospheric pollution and the more electrification we can get, the more the pollution will come down.

**4.15.4 Deputy I. Gardiner of St. Helier:**

In a recent press interview, the Minister dismissed an idea of congestion charge, or similar, for St. Helier, but instead said he favoured electric buses. Could the Minister indicate if there are any plans for this change in transport infrastructure and, if yes, where the investment will come from?

**Deputy K.C. Lewis:**

Yes, we have had talks with our colleague at LibertyBus, with regard to electrifying the fleet and the replies we have are very encouraging. We are talking to several manufacturers around the world; we have a problem inasmuch as we use smaller buses than the rest of the world, but that is not insurmountable. It is my desire that, within my tenure at Infrastructure, the bus fleets will be electrified; that is a tough call, but that is my wish. The buses that we have at the moment are enviro 6 standard, euro standard 6, which is very good, very low polluting, but zero pollution is even better. As I say, LibertyBus are on board with us in this and as soon as we can we will electrify the fleet. We are also spending more and more money on building bus shelters, as many bus shelters as we can. Nobody wants to wait in the rain, to make the whole bus ridership more pleasurable for the people of Jersey.

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

If we are serious about taking traffic off the roads, especially during high-density periods, should we be creating disincentives to employers who provide private parking and, potentially, increase the use of public transport and possibly increase the need for a park and ride service?

**Deputy K.C. Lewis:**

I am all for getting more cars off the roads. Disincentivising people from providing free parking is one thing; I would rather employers, as part of a possible pay rise, would give their employees bus passes to use the bus fleets on the AvanchiCards and similar. I think that would be a great incentive to get people on the buses.

**4.16 Deputy M.R. Higgins of the Chairman of the States Employment Board regarding the policy underpinning the payments made under compromise agreements: (OQ.118/2019)**

Will the Chairman bring forward changes to the policies underpinning the payment of compromise agreements, in order to prescribe that no payments are made under such agreements in instances where an employee has been assessed as failing in their duties, but is being removed from their position and, if not, what is the Chairman's justification for the continued use of the current policy in this area?

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

I am satisfied that the revised policies procedures, recently introduced to manage performance and poor performance, will reduce the use of compromise agreements. This year, the States Employment Board is overseeing the implementation of an organisational-wide employee performance review process called My Conversation, My Goals. This approach to performance appraisal requires managers to set goals with individuals and to review their performance against their agreed goals. This approach provides a formal process to manage employees, who are not meeting the required standards. For employees who continually do not meet the required performance standards, this is then managed through the Government of Jersey's capability policy.

[11:30]

The organisation expects its performance appraisal approach to largely mitigate the need for the use of compromise agreements. However, we will always reserve the right, in particular situations, to terminate an employee where it makes commercial sense to do so.

**4.16.1 Deputy M.R. Higgins:**

I find the answer remarkable, the fact that we are prepared to pay out large sums of money to people who have failed this Island and I think the public are fed up with that. Can I just ask the Assistant Minister: how many of those who have been employed recently, let us say in the last 2 years in Jersey, have provisions in their contracts that will enable them, if they do go, to go with a large sum of money?

**The Connétable of St. Ouen:**

I thank the Deputy for his question. The answer is rather more complex than that, because the use of compromise agreements is, really, a last resort where we have failed to reach an agreement with the employee over their performance. Currently, employment law makes that extremely difficult, it is a very lengthy process and requires a number of stages to be gone through and, in the past, the groundwork of that has not been done. All employees, who are employed by the States of Jersey, could be subject to a compromise agreement where we are unable to reach an agreement, but the introduction of a proper performance management ability within the States will reduce that considerably.

**4.16.2 Deputy M. Tadier:**

There was a suggestion in the media, in response to these so-called golden handshakes, that they were put in place so that the employees would leave quietly and not make criticisms of Government. Can the Minister confirm whether there was any gagging clause in these 3 high-profile cases and whether there is also a system of exit interviews, so that Government can learn from any mistakes from individuals when they leave the system?

**The Connétable of St. Ouen:**

Yes, I thank the Deputy for his question. There is a system of exit interviews, so that we can learn from what we have got wrong in the past. I cannot really comment on the individual clauses for the people that were highlighted in the *J.E.P.* But, what I would say is the payments for standard redundancy payments are in line with Jersey law and they may, or may not, contain confidentiality

clauses. I will undertake to review those contracts and while I cannot comment individually, I will get back to the Deputy with a note of whether there were any gagging clauses in those contracts.

**4.16.3 Deputy M. Tadier:**

Were there exit interviews for these 3 individuals? If there were not, why not and if there were, how is it compatible with gagging clauses and can we see the findings of those exit interviews if they did occur?

**The Connétable of St. Ouen:**

I cannot confirm individually whether there were exit interviews, but I will check on that. As far as the gagging clauses is concerned, sorry, could you just repeat the question again? I have lost the thread of what you were saying.

**Deputy M. Tadier:**

The point is, it seems desirable that we should have exit interviews, so we can learn from what employees have to say, but if one of the reasons for them going was that they did not speak out, then is there not a tension between an exit interview and paying somebody off to go quietly?

**The Connétable of St. Ouen:**

I think, as far as the gagging clause is concerned, they would have stated their reasons for leaving in the exit interviews. Some of that can be revealed and some of it cannot be revealed and I cannot tell you until I have looked at the interviews themselves. Does that cover the question?

**4.16.4 Deputy M.R. Higgins:**

Can the Assistant Minister give an assurance that, from now on, there will be no further gagging clauses? We need to understand what is going on. We just paid out £500,000 to 3 people who have gone and the public are fed up with these payments. We need to stop the compromise agreements and we also need to make sure that if there are failings in the system and these people feel they have been badly done by, or to protect their reputations, the public deserve to know. Will the Minister give an undertaking he will stop gagging clauses being put into these agreements?

**The Connétable of St. Ouen:**

I think, firstly, I can say, in terms of the amounts paid out to these people, they were very senior employees and they were statutory amounts under the law that we were required to pay them as redundancy payments, so we did not have an option there. It is not a variable payment, it is fixed by law and the calculation is fixed by law. I think all I can say is I will look at the gagging clause question and I will get back to the Deputy with an answer to his specific point. But, in some instances, the gagging clauses are in the interests of us, as an employer.

**Deputy M.R. Higgins:**

But not necessarily in the public ...

**The Connétable of St. Ouen:**

As I said, I will get back to you with an answer on that point. Without looking at the individual clauses for each of those agreements, I cannot confirm or deny, firstly, whether there were gagging clauses and, secondly, what those gagging clauses covered, but I will get back to you with a response.

**4.17 Deputy K.G. Pamplin of the Minister for Infrastructure regarding the measures taken to protect people from attempting to their own life in possible danger spots: (OQ.113/2019)**

Will the Minister advise what measures, if any, are taken within his portfolio to protect vulnerable people from attempting to take their own life in possible danger spots, such as multi-storey car parks and, in particular, whether any specific policies, or procedures, have been put in place on this matter?

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

I was most sorry to hear of the recent casualty. Fencing was installed in the multi-storey car parks a number of years ago and this has resulted in a significant reduction in the number of suicides and attempted suicides from these. There have been a small number of incidents since this was installed, possibly 2 or 3 and, on each occasion, advice received from the States of Jersey Police was acted upon. Following the most recent incident, a further review of all the multi-storey car parks is being undertaken, to determine if any further improvements to this fencing is required. We have also been approached regarding signage from Samaritans, which is being discussed.

**4.17.1 Deputy K.G. Pamplin:**

I thank the Minister for his answer. The figures that he alludes to there I have also seen and, speaking to mental health staff and others, there are growing concerns. Given what he has just taken here, will he agree to publishing what measures are being put in place and then agreeing to meet with the people concerned, talking about these concerns, myself included, at the various locations to see the changes in place?

**Deputy K.C. Lewis:**

The Deputy will recall we paid a visit to Orchard House recently and had long talks with members of staff there. The work is ongoing and the Deputy is welcome to walk around the multi-storey car parks with me and see exactly what is being done. As I say, we did have signage there some time ago, I am quite happy to say that will be replaced with the telephone number of Samaritans, which, I am sure the Deputy will agree, do an absolutely first-class job. Unfortunately, there is little we can do, from a departmental point of view, if people wish to end their lives by using the natural environment, shall we say. But, we do work closely with colleagues; in the multi-storey car parks we do have closed circuit television, which is monitored throughout all the working hours. Staff have notified the police in the past and people attempting to do something have, in fact, been talked down by a police expert. As I say, we are taking advice from the police, in which case we will act upon that and improve signage.

**4.17.2 Deputy K.G. Pamplin:**

I just note, the visit to Orchard House the Minister referred to was one of my requests and I was very grateful that he, the Minister for Health and Social Services and the Chief Minister came to that. But not just me, because it was not about me, it was about the failing standards of a building that is not fit for purpose in 2019. You have heard from the staff, you saw for yourself. The fact is, we are talking about a very delicate situation here, of course; you mentioned casualties, you mentioned people attempting in a natural environment. I am thinking of the human aspects of what happened only 2 weeks ago and the impact it has on not just the individual, the Islanders who witnessed it, the staff, the hospital people that I spent time with and one person is one person too many. I agree with you that change had been made, but people are looking for more than that, they are looking for reassurances and I thank the Minister for his comments.

**The Bailiff:**

I do not think that is a question.

**4.18 Deputy G.P. Southern of the Minister for Economic Development, Tourism, Sport and Culture regarding the actions taken to control and reduce inflation in the Island: (OQ.106/2019)**



Will the Minister inform Members what actions he is taking, or is considering, as part of his strategy to control and reduce inflation in the Island?

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

As I briefly explained in the previous question, inflation is influenced to a large part in Jersey by external factors; the price of oil and more recently following Brexit, the fall in the value of sterling, which have increased significantly the price of imports. I have set up a ministerial group with the Minister for Education, the Chief Minister, the Minister for Treasury and Resources, supported by the chief economic adviser, to create an anti-inflation strategy and work is progressing on that. I will just very briefly give a short timeline of that work; the full data analysis is being conducted at the moment and will be completed and presented by the end of May and the draft strategy will be presented to the panel by the end of June. I am hoping that final strategy can be approved and put into place no later than the end of the summer recess. Members will be kept informed and involved, as necessary. But, there are also a number of other ways in which a Government policy can indirectly influence inflation, including encouraging competition in the private sector and setting the right environment for firms and businesses to improve their productivity, which we also dealt with earlier. It is also important that the Government seeks to run counter-cyclical fiscal policy, so that Government spending is appropriate and does not increase domestic demand further when the economy is operating at, or above, capacity, therefore increasing inflationary pressures throughout the economy.

**4.18.1 Deputy G.P. Southern:**

In his written answer today, question 12, he focuses on one particular aspect of R.P.I. (Retail Price Index), which is the fact that rents in the public sector are attached to rents in the private sector by a 90 per cent rule. Without control of rents in the private sector, there is no control; recently, private sector rents went up by 9 per cent. What measures, specifically for rents, does the Minister have in mind, in order to control this particular aspect of inflation?

**Senator L.J. Farnham:**

The Deputy is right, housing remains a main contributor to the recent high inflation, rising 6.7 per cent in the year, due to higher rental costs and mortgage costs in the private sector. For me, the answer lies in the supply and accessibility to affordable housing. We spoke earlier, in the previous questions, about the creation of the new housing panel. We need to move faster in making sure that, as well as providing new supply of housing, we are helping Islanders bridge that gap into their housing with loan schemes and deposit schemes and so forth. This does not necessarily fit into my economic portfolio, but for me, personally, the Deputy asked, those are areas where we are falling short at the moment. We are not. As well as not building enough houses, we are not providing enough support to get Islanders into their own homes.

**4.18.2 Deputy K.F. Morel:**

As well as the direct cost of housing, household services are the second greatest driver of inflation in the Island at the moment, according to the last few R.P.I. reports. Household services include things like the construction sector and, given the drive to build and create greater supply in housing, in order to bring those costs down, how does the Minister expect that will affect the construction sector and its prices, because they are already stretched and, obviously, demand is far outreaching supply there?

**Senator L.J. Farnham:**

Coincidentally, I had the pleasure of addressing the Jersey Construction Council this morning, before the States sitting, as they launch, again, their annual awards. We spoke about the challenges that they were having in getting the right skills and, of course, that is creating an over-demand for their services, which, again, is pushing up costs. This is not unusual; we have seen this all over the U.K.

[11:45]

I was in the U.K., I was in the north-east of England over the weekend and I took the opportunity to speak to some people from that sector and they are finding the very same challenges and, of course, we are down to looking at how we provide workers for that sector. I will just refer to my previous answer, when we spoke about the Government running counter-cyclical fiscal policy, we need to be examining very closely what we are spending on public sector projects when the economy is running at, or above, capacity and balance that to when it is running below policy. That may mean we have to look at some public sector projects and give new housing projects priority over that.

**4.18.3 Deputy G.P. Southern:**

Is it not the case, will the Minister agree, whatever his calculations reveal in the coming months, something like 80 per cent to 90 per cent of our inflation is imported inflation and we can do very little to control inflation at the moment?

**Senator L.J. Farnham:**

I would not say we can do very little, but we are limited in what we can do. We can control the costs of goods and services provided by States-owned businesses. We can look at our impôt duties and charges and I know that that is work that the Treasury and Deputy Ash are working on at the moment. We are not totally prohibited, but you are right, a lot of inflation is caused by the value of sterling, the cost of importation and commodities, the global prices of commodities have increased significantly, not least the price of oil.

**The Bailiff:**

Thank you. We have 2 minutes now to deal with question 20.

**4.19 Deputy R.J. Ward of the Chief Minister regarding the partnership agreement signed with the National Association of Schoolmasters Union of Women Teachers (N.A.S.U.W.T.): (OQ.109/2019)**

Is the education partnership agreement signed with N.A.S.U.W.T. (National Association of Schoolmasters Union of Women Teachers) still in operation and, if so, who are the current signatories to the agreement?

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

Yes, the education partnership was established between the Government of Jersey and the teaching union, N.A.S.U.W.T., on 26th September 2014. It has got 4 signatories, which is the then Chief Minister, Senator Gorst, the then Director of Education, that is on behalf of the Government of Jersey and, obviously, the Chief Minister was also the Chairman of the S.E.B. at the time, the general secretary and the then national president for the N.A.S.U.W.T.

**4.19.1 Deputy R.J. Ward:**

Given that it is an agreement with only one of the 3 unions and a declaration of commitment at the end states: "The workforce partners will commit to avoiding industrial action and the employer commits to a genuine engagement", can the agreement be said to have been a complete failure?

**Senator J.A.N. Le Fondré:**

The agreement has covered and formed 4 years of regular meetings and covered a whole range of things. I will just take the opportunity, if I have got 30 seconds, just to remind Members that teachers, as a whole, of our workforce of 750 teachers, one in 5 is earning over £60,000 a year, two-thirds are earning over £50,000 and all of those, who are not at the top of the grade, have had an incremental increase each and every year, that is subject to performance appraisal, but generally it goes through,

of at least £1,000 each time and, on average, is about £1,500 and that is all pensionable. The point is, where we have as a dispute, a disagreement, we believe, as the S.E.B., will operate a fair package. We are having discussions on Friday and today around what can be done around the other areas, because we do accept that teachers have a whole range of pressures and that is what we are trying to address. To turn around and say the agreement is ending up to be a failure, I think, is stretching the truth somewhat.

**The Bailiff:**

That brings the time for those questions to an end and we now come to questions to Ministers without notice.

**Deputy M. Tadier:**

Sir, could I just ask that any answers be circulated to the questions that have not been answered, due to lack of time?

**The Bailiff:**

I believe that Senator Moore, who is not here, has given notice that she wishes to withdraw question 24, so that will be excluded.

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

**The Bailiff:**

We now come to the first question period, the questions to Ministers without notice, the Minister for Infrastructure.

### **5.1 Deputy G.J. Truscott:**

This has worked out quite well, because I can get my question in anyway [**Laughter**]. Given the present site of Les Quennevais School is due to become available for redevelopment in 2020, when does the Minister intend to start consulting the Parish of St. Brelade and its political representatives, in order to discuss possible future uses for the vacated site?

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

The new Les Quennevais School is on track to be completed in July 2020. The existing functions will migrate from the current site in August 2020 and it is expected that the current site will be available from the end of September 2020. The construction and configuration of the current site means that it is unlikely to be commercially viable to repurpose, or refurbish, for the new use and it is expected that demolition will be required, in order to redevelop. The question of subsequent use will, undoubtedly, generate a number of competing proposals; however, that discussion should be recognised with our strategy priorities, both locally and Island-wide. The next iteration of the Island Plan is in development at the moment and the new States strategy will be available, in draft form, in July. It will be expected that while neither document will be finished, there will be sufficient reference to allow options to be available for consultation in the autumn of 2019 and, of course, we like to work with Parish representation wherever possible.

#### **5.1.1 Deputy G.J. Truscott:**

I thank the Minister for his reply. I have got to say I have had conversations with the Constable and my fellow Deputy of District No. 2 and we are chomping at the bit to, excuse the expression, have some input on that site. It does represent a particularly good opportunity to provide much needed housing in the Parish. In particular, like all Parishes, there are a number of people now over the age of 55 looking to downsize, which will provide much needed 3 to 4-bedroom homes in the Parish. On

that basis, I look forward to discussions and you say in the autumn. Does the Minister agree that there is an opportunity to be held here?

**Deputy K.C. Lewis:**

Yes, indeed and, of course, we take the Deputy's suggestions on board. We think it should be for a community use. If it was an over-55s residential area, then that sounds like an excellent idea, but, obviously, that is all down to planning and other bodies. But I will take the Deputy's suggestions on board.

**The Bailiff:**

There are another 7 Members wishing to ask questions. There will no further supplementaries, except right at the end, perhaps.

### **5.2 The Connétable of Grouville:**

Could the Minister explain why the new traffic lights on the new pedestrian crossings at Longueville change directly from red to green, without the flashing yellow phase that allows traffic to proceed when pedestrians have crossed safely?

**Deputy K.C. Lewis:**

Yes, that is presumably a pedestrian crossing the Constable is referring to.

**The Connétable of Grouville:**

Yes, there are 3 new ones.

**Deputy K.C. Lewis:**

I was unaware of that. I will draw that to the attention of the department. Obviously, we do not use the amber with traffic lights, but they are used with pelican crossings. I will bring that to the department's attention.

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

The Minister has made great play over electric vehicles this morning; would he act immediately, by granting 20 free parking spaces to electric vehicles on the ground floor of Pier Road Car Park?

**Deputy K.C. Lewis:**

I will put that to the department. We have done this in the past. Obviously, there is a certain specification for the hybrid vehicles and the zero-polluting vehicles, but I will put that to the department and get back to the Deputy.

**The Deputy of St. Martin:**

Supplementary, Sir? The Minister has the ability to make ...

**The Bailiff:**

I just said we will come to you, if we have time.

### **5.4 The Connétable of St. Ouen:**

I realise that the Minister will not have this information to hand, but could he possibly advise how much glass is going into the general waste, going into the Energy from Waste plant and which Parishes are the worst offenders for this? I am not expecting him to have an answer to this question and also I would admit that St. Ouen is pretty bad, but with the help from his department and the help that he has provided us, we are doing our best to resolve the problem.

**Deputy K.C. Lewis:**

I thank the Constable for his encouraging remarks and more than happy to take the Constable down to the tipping bay at the Energy from Waste plant. As the various Parishes tip the waste in, you can hear lots of thuds as the plastic bags drop in full of rubbish and now and again, depending on the Parish, you will hear some loud clink, clink, clink as the glass goes in, which is obviously something we are actively discouraging. There are a few Parishes that do glass collections and we are very grateful for that. We would like all Parishes on board, to do glass collections and indeed plastics collections as soon as possible. We have our recycling manager, who is actively talking to all parishes to that end.

**The Bailiff:**

I think you were being asked whether you agreed to name and shame, Minister.

**Deputy K.C. Lewis:**

We have 6 Parishes that collect glass and plastics and I believe 6 that do not. They know who they are.

**The Bailiff:**

That is not quite the same thing; that is not quite the same thing at all.

**5.5 Deputy K.F. Morel:**

Could the Minister confirm whether his department is set to fail to reach its target of 5,579 ultra-low emission vehicles by 2020 on Jersey's roads? Given that his department is specifically tasked in the Pathway 2050 report, the *Energy Plan for Jersey*, to identify barriers and incentives to accelerate take up of ultra-low emission vehicles, could he explain why they have failed, or are set to fail and what he is going to do to change that?

**Deputy K.C. Lewis:**

Failed and set to fail, that is some positivity. The Deputy would have heard my speech earlier when I mentioned that it is my intention to electrify the States' fleet. Jersey fleet management is part of my portfolio and that is over 600 vehicles which, in the not too distant future, will be electrified. That does not include my desire to electrify the entire bus fleet, whenever possible. As soon as we can identify the correct technology and suitable funding is put in place, we are all ... I would dearly love 5,000 electric vehicles on the Island. We are increasing year on year; whether we hit 5,000 I do not know. I doubt it, but we are pushing as hard as we can. I would rather push for electric vehicles than for a congestion charge, which I believe will do a lot of damage to businesses in town. I believe this is the way to go. It is perfect for Jersey, electric vehicles. I have had a lot of correspondence from the Flat Earth Society, which claim that electric vehicles are very polluting. But, nevertheless, we will carry on, with the technologies changing daily and we are pushing ahead with electrification.

**5.6 Deputy S.M. Ahier of St. Helier:**

On a similar topic, in reference to Written Question 14, there were 298 electric vehicles registered in 2018; this seems to be still quite low. Has the Minister considered taking on the French approach whereby, if somebody scraps a diesel, or petrol, car, they can receive a €4,000 subsidy when purchasing an electric car?

**Deputy K.C. Lewis:**

That would be an interesting point. I am more than happy to take that up with the Chief Minister and the Minister for Treasury and Resources. Such incentives are very expensive, but we try to encourage people, wherever possible, to use electric vehicles. In fact, many major companies, the German companies BMW and Mercedes are going electric. A friend of mine wrote to me the other day to tell me he has got a brand new BMW fully electric car, which sounds quite interesting; even Jaguar and

Land Rover are going electric within the next few years. Electrification is coming, the speed that it comes is not totally within my domain, but I am pushing for it as hard as I can.

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

The Minister will be aware that the railings on the sea wall at St. Ouen's Bay, particularly adjacent to La Caumine à Marie Best, are in a parlous state.

[12:00]

Would he confirm that it is the department's policy to retain a rusty appearance that we have at the moment, or is he planning to replace those railings, in the near future, with something less corrosive in the hostile atmosphere which prevails there?

**Deputy K.C. Lewis:**

Hostile atmosphere is something I know a lot about. It has been pointed out to the Infrastructure team and they are being investigated and I believe new railings will be priced up in the not too distant future. As the Constable mentions, it is probably the most corrosive atmosphere in Jersey. It takes the full brunt of wind and waves coming from the west and it does take an awful lot of punishment. But, obviously, public safety is paramount and I would like them replaced as soon as possible.

**5.8 Deputy M. Tadier:**

The Minister should have received a book by an environmentalist called Mike Berners-Lee and other Members may want to check their pigeonholes, because a generous member of the public gave some out. It says in that book - on the question of whether one should buy an electric car - to ask, first of all, whether you need a car at all and if you do not, do not buy one until you need one. Because, a third of the carbon footprint from fossil fuel cars comes from the actual manufacturer of the cars. The best advice is to keep your car as long as possible on the road, unless it is very inefficient and then only then to replace it by an electric vehicle. Can the Minister confirm that the advice that he is giving out that people should switch to electric cars is the one that is backed up by the latest cutting-edge science?

**Deputy K.C. Lewis:**

I believe I just mentioned, with all the major motor manufacturers, which has been agreed with the European Union - which at the moment the U.K. is still a part of - of which we are affiliated to, electrification is coming, whether we like it or not. We also have quite a high degree of hybrid vehicles in Jersey and I would like to put up signage in pollution areas, for instance, on the outskirts of Town, possibly on a lamppost, just an E, which, if you have a hybrid car and you are coming into a highly populated area, please make sure you are on electric, not on fuel, especially in areas where there are schools, *et cetera*. But, it is something that we are very well aware of and, as I say, electrification is coming sooner or later.

**5.9 Connétable J. Le Bailly of St. Mary:**

Has the question of drainage, or lack of it, in the outlying areas of many Parishes, St. Mary being one example, continually being denied this basic facility? What is the Minister doing to provide a fresh water supply as a vital alternative to the same areas, who have to rely on bottled water, due to pollution of their wells and boreholes, mostly caused by the lack of drainage?

**Deputy K.C. Lewis:**

Yes, indeed, and I take the Constable's comments on board. The actual delivery of fresh water and fresh water pipes, that is a matter for the Waterworks Company, not for myself. But, obviously, we work hand in hand wherever we are putting mains drains into an area. Obviously, we collaborate with the Waterworks Company, so that fresh water pipes can go into the same trench. I would like to extend the mains drains further north. We have, obviously, problems in St. Mary and St. Ouen,

parts of St. Peter, of course, and Trinity, to mention just a few. But, given the funding, this is something I would like to move forward. Pollution wise, obviously, we work closely with our colleagues in the Environment Department, but we want to keep pollution, nitrates, glyphosates, oxadixyls and all of these toxic chemicals out of the water supply. As I say, that is primarily for Environment and indeed the Waterworks Company, but we like to work alongside with our colleagues and move this forward as soon as possible.

**The Connétable of St. Mary:**

Supplementary, Sir.

**The Bailiff:**

No, sorry, Connétable.

**5.10 Senator K.L. Moore:**

The Minister gave somewhat of a lacklustre response in relation to setting targets for electric vehicle emissions. Does the Minister agree that, given his position in Government, it is within his remit to set, action and target on a year-by-year basis?

**The Bailiff:**

Fifteen seconds, Minister.

**Deputy K.C. Lewis:**

Lacklustre is a little harsh. I just said I am going to electrify an entire fleet, the Jersey fleet, which is 604 vehicles. Hopefully, as soon as possible the buses - which is slightly out of my control, but we have the co-operation of LibertyBus - so we are certainly heading in the right direction at a rate of knots, given it is electric. We are doing this all as soon as possible.

**The Bailiff:**

That brings the first part of question time to an end ...

**The Connétable of Grouville:**

Sir, can I raise a point of order? I think the Minister unintentionally misled the House when he said 6 of the Parishes do not collect glass. I think he is referring to 6 Parishes not having kerbside collection.

**Deputy K.C. Lewis:**

Yes.

**The Connétable of Grouville:**

But I think all Parishes collect glass, except for, possibly, St. Helier.

**Deputy K.C. Lewis:**

Yes, indeed, the Constable is quite correct. I was referring to kerbside collections.

**The Bailiff:**

Thank you for correcting that.

## **6. Questions to Ministers without notice - The Minister for Health and Social Services**

**The Bailiff:**

We now come to the second question period for the Minister for Health and Social Services.

## **6.1 Deputy L.M.C. Doublet of St. Saviour:**

The Minister will be aware that the family-friendly employment legislation, that was due to be debated today, is now being delayed, for good reasons I hear. Part of that law was to assist breastfeeding mothers with additional rights and I do not believe that is the controversial part of the law. Given that his department is the largest employer on the Island and the Minister, himself, is fully supportive of the U.N.I.C.E.F. (United Nations International Children's Emergency Fund) baby-friendly initiative to increase breastfeeding rates, would he consider allowing his staff to have those breastfeeding rights, with immediate effect, in order to benefit a considerable number of mothers and babies in his department?

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

I would certainly want to follow best practice and make sure our department is a good equal employer and will facilitate young mothers to breastfeed their children. I do not have specific solutions immediately to hand, but I will go back to the department and I undertake to ask the question and keep the Deputy informed.

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

Does the Minister think that it is acceptable for a disabled adult in the care of the General Hospital to be left for 43 hours without food, or water?

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

No, I do not consider that acceptable. I am not aware of the circumstances the Deputy is speaking of, so I cannot add anything further, except to ask him, perhaps, to come and speak to me, or the department and we will try and find out how such a thing happened.

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

Is the Minister aware of any other similar cases of neglect at the General Hospital, or is it the case that, without a voice, some people have no recourse to complaint?

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

I am bowled over by the dedication and the service of staff in our health services **[Approbation]**. I echo the words of Deputy Pamplin through the media, who has said a very similar thing recently. I am surprised if they would neglect a patient in that way and, as I said, that the Deputy has not previously spoken to me about this, I would now like to speak to him and work out what on earth has happened.

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

Given the appalling toxic results from the tests in the marina, obtained recently by Save Our Shoreline Jersey in the absence of the official ones, is it safe to swim in the Elizabeth Marina from a health point of view? Given the approach of the Jersey triathlon, should we be allowing people to swim in the marina, given the toxic results? If it is not safe, when will it be?

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

A very interesting and detailed question. The reports from environmental health officers no longer come to me, because environmental health sits now in Growth, Housing and Environment and would, I believe, report to the Minister for the Environment. I have no direct information I can share with the Senator, I regret to say.

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

Supplementary, Sir. Given the question, will the Minister undertake to speak to the Minister for the Environment about this and to speak to the Minister for Economic Development, Tourism, Sport and Culture, given that we are going to have a Jersey triathlon with people swimming in the marina?



**The Deputy of St. Ouen:**

Yes, I will speak to both.

**6.4 The Connétable of St. Martin:**

Please, bear with me, as I have a lead into this question. In 1994, which is 25 years ago, I placed this advert in the *Jersey Evening Post*; it was 11th March 1994 – 1994, the year of the family - and I said: “Approximately one in 6 of all couples seek specialist help, because of difficulty in conceiving. Infertility can affect anybody, irrespective of sex, age, creed or colour. Infertility is a medical disorder, which deserves the same attention as any other potentially disabling disease. It is time that society’s prejudices towards being infertile are stamped out.” I checked recently to find out about infertility treatment in Jersey now. Sadly, it is still not given the recognition it deserves and the facilities and treatments that are so vitally needed. I will try and move on. With the full support of my son, I would like to say I am the proud mother who eventually conceived through I.V.F. (*In Vitro* Fertilisation). My question is: will the Minister explain the criteria used in respect of people receiving infertility treatment in Jersey and whether Jersey follows the guidelines for treatments, as set out by N.I.C.E. (National Institute for Health and Care Excellence) and, if not, will he explain why not?

**The Deputy of St. Ouen:**

This is the Connétable’s oral question, which she did not have time for, so I am pleased to be able to answer that and confirm that Jersey does follow N.I.C.E. guidelines for infertility treatment. Patients seeking assistance with infertility are recommended to first visit their G.P. (general practitioner), who can then refer them to the Assisted Reproduction Unit at the General Hospital. About half of outpatient gynaecological activity is in the Assisted Reproduction Unit. If these activities are not successful, then *in vitro* fertilisation, I.V.F., can be considered. It should be borne in mind: it may be that when people talk about fertility treatment, they are immediately thinking about I.V.F. treatment. There are many stages and treatments that can be offered around infertility, with I.V.F. being the last option. It is here, because of its expense and also in the N.H.S. that I.V.F. treatment is not free, but financial assistance over here is available, if, in summary, the couple meet certain criteria; principally the female partner is no older than 36 years of age, neither has any previous living children and they meet certain financial criteria. If their joint gross earnings are less than £40,795, then certain treatment is offered at a reduced cost, or the Jersey element of it is waived. There are quite detailed financial criteria, but there is some of the cost covered and up to 3 cycles may be funded at the reduced rates offered by H.C.S. (Health and Community Services).

**The Bailiff:**

Do you wish to have a supplementary?

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

Yes. I would just like to say: could the Minister ensure that the upper age limit is looked at, because the age of 36, I believe with the N.I.C.E. guidelines, is 40 or 42? From my own experience, I got married at 28 and just assumed I would have children. It took me 10 years to have my children, so I did not conceive until I was 38, but it was not because I was hanging around, it meant looking into doing something else, so 36 is quite a low age as a cut off. I would ask them to look at that and make sure that funding is available.

**The Deputy of St. Ouen:**

Yes, I am pleased and I will undertake to consult on that. I am grateful for the Connétable’s question; this is the first time anyone has raised with me questions about infertility treatments and I recognise its importance. There is a Jersey particular circumstance to this. Because of the cost of living in Jersey, many women are delaying starting to try for a family until their late 30s. The health implication for that is that, regrettably, egg quality is declining, so I am advised, at around that age,

so one has to consider the effectiveness of the treatment. A difficult balance, but I do undertake and I would like the Connétable, perhaps, to join with me in discussions around this.

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

Following the online petition last year, can the Minister please give us a progress report on the request from those people, who suffer with type 1 diabetes; the request in relation to being able to receive continuous glucose monitors and also insulin pumps by way of prescription?

[12:15]

**The Deputy of St. Ouen:**

This is under consideration, jointly with the Minister for Social Security. A rather hybrid system has grown up in Jersey, where some medical supplies are supplied for free; some at a subsidised cost and some the user is expected to pay the whole charge. We recognise the inconsistencies, very often, but we do get requests that lots of things be made free of charge at point of use. We would love to do that, but, of course, there is a cost implication. We are in discussions with G.P.s and, of course, in the Government Plan and ... seeing whether we can, if not make all medical supplies free, at least some of these. The diabetic necessities needed feature in those discussions.

**6.6 Deputy M. Tadier:**

Does the Minister have figures to hand and, if not, will he seek to provide them, to tell Members what the expenditure is on health-related mitigation of smoking-related illnesses, to his department? Will he also state how that compares with the *pro rata* revenue that is gained and given to his department from duty and G.S.T. (Goods and Services Tax) sales on tobacco products?

**The Deputy of St. Ouen:**

I do not have that broad information to hand. I understand the Deputy is asking for figures relating to the cost that smoking tobacco ... smoking tobacco, what resultant costs arise in the health service and compare that with the income from duty. With that I am sure I would need to work with the Minister for Treasury and Resources. From the Health side of things, I will investigate what information is available and circulate that to Members.

**6.7 Deputy G.J. Truscott:**

There are a number of people out there who, unfortunately, have ulcerated legs, they have wounds that will not heal and on a constant daily basis they have to replace their bandages and their dressings. This can over weeks, over months, add up to a considerable amount of money. I know that the Minister has had communication with various people around the Island that are suffering this financial hardship. He did inform me that, at some point, his department would be looking at the issue and would report back. Can you inform the House if anything has happened to alleviate this expense for people?

**The Deputy of St. Ouen:**

What I can say is that my answer would be very similar to the question about supplies for diabetes patients. Again, the cost of bandages falls into that category. We treat the patient and we ask them to pay for their bandages. There are certain types of bandages containing silver, which are expensive, but they have greater healing properties, so it is highly desirable that patients receive those, but very often they decline them, because they have to pay a greater cost for them. That means their healing takes longer. So, if we could promote greater results by providing those at subsidised rates, we are talking with G.P.s about that, specifically. That is a topic that has been raised. I very much hope that we can bring forward some mitigation to all these issues soon. However, I am not in a position just yet to announce just how.

**6.8 Senator K.L. Moore:**

Would the Minister provide an update on progress with the hospital process and also confirm whether he anticipates that he will see work start on building a new hospital in the Island before the end of his term of office?

**The Deputy of St. Ouen:**

I very much hope that we would see work start on a new hospital before the end of this term of office. As to current progress, since our debate and the rescindment of the preferred site, the plans around Future Hospital planning have largely remained under the *aegis* of the Chief Minister, who, I believe, will want to report as soon as possible on next steps. I am looking forward to that report. Beyond that, I have had no specific input in planning those next steps. I have joined in, as all other States Members have, the meetings that have taken place with States Members.

**The Bailiff:**

There is a minute more to grill the Minister, if there are any further questions for him. Deputy Pamplin.

**6.9 Deputy K.G. Pamplin:**

After voluntarily spending 24 hours with the staff of the hospital there are many questions I could ask over the next 3 years. What I will start with is the paper records that the staff are working with, does he agree with me that it is about time that that was sorted out, so they could work digitally, more efficiently and provide better care for the patient?

**The Deputy of St. Ouen:**

It is about time. Digital is the answer. It is woeful that these huge files are trolleyed around the hospital, when they should be available digitally. However, there are any number of computer systems used in the hospital and they all need to be brought together to talk to each other. We need to talk with our community partners and G.P.s too. Change is happening. It is slow, but it is happening. I understand there is some connectivity proposed with EMIS, the one used by G.P.s, to come on stream in the autumn of this year. We are looking to place into the Government Plan a greater emphasis and some increased spending on digital.

**PUBLIC BUSINESS**

**7. Draft Commissioner for Children and Young People (Jersey) Law 201- (P.18/2019)**

**The Bailiff:**

That brings Question Time to an end. There is nothing under J, Personal Statements, or K, Statements on a matter of Official Responsibility. We come to Public Business. The first Proposition is the Draft Commissioner for Children and Young People (Jersey) Law P.18/2019, lodged by the Minister for Children and Housing, which is to resume.

**7.1 Senator S.Y. Mézec:**

There is an amendment, that has been lodged by the Scrutiny Panel to Article 8 and a subsequent amendment, which I have lodged to that amendment, which was not lodged before the deadline. I wonder if it would be possible, at the very start, just to deal with that particular matter to ask permission from the Assembly to allow that amendment to Article 8.

**The Bailiff:**

Yes. As is clear from the Order Paper, there are 2 permissions really to ask from the Assembly. The first is that the amendment to the amendment should be listed for debate today, in accordance with Standing Order 32, so that would have to be lifted. The second is that the minimum lodging period has not been met. Are Members prepared to debate the amendment to the amendment today,

notwithstanding that the minimum lodging period has not been met? It appears so. Good. Then, for the purposes of allowing that to be debated, Standing Order 32 will need to be suspended. Do Members agree that that should be suspended? That appears to be so. Very well, then I will ask the Greffier to read the amendment. I am sorry, Minister, the Greffier of the States rightly reminds me we need to start with Articles 1 to 7.

**Senator S.Y. Mézec:**

This is the first time I have proposed Articles to legislation in the Assembly, so I will listen to any Members who have anything they may specifically want to say about particular Articles if they want them to be taken separately, but I will play it by ear in the run up to that. In proposing Articles 1 to 7 of the law, I think these are fairly straightforward. The law itself is divided into parts. Part 1, which is Articles 1 and 2 of the draft law, describes the interpretation and application of key terms used throughout this law. To highlight just one in Article 1, the example of a relevant authority is any private, public or voluntary sector entity, including a charity, as defined by the Charities Law. It is important to point this out for reasons I will come back to when we debate the amendment to Article 8. It is also important to highlight that, while the definition of children here are persons under the age of 18, the definition of young people extends above age 18 to the age of 25, for those who have a disability, have been in care as children, or have been, or are, in youth custody, or sentenced to youth custody. Article 2 sets out the scope for the Commissioner's functions, which covers not only children and young people, who are normally resident in Jersey, but also children, or young people with a disability, who are visiting the Island and children and young people who have been placed off Island under various arrangements under Jersey law. The intention there is absolutely clear that the Commissioner has a remit for the rights of all children in Jersey. On to part 2 of the draft law, which describes the establishment and the role and key functions of the Commissioner; it confers the Commissioner's primary function to promote and protect the rights of children and young people and sets out a non-exhaustive list of general functions. For example, the Children's Commissioner may review legislation, or services, provided in relation to children and young people in Jersey, such as adoption, mental health provision and employment of children and young people. This could entail conducting a review of the legislation and arrangements currently in place, or provide advice, or recommendations for improvements, to better realise the rights of children and young people in those circumstances. Equally, where the Government brings forward proposed changes to legislation, or the provision of services, the Children's Commissioner may provide advice as part of the consultation process, or as part of a working group, where invited. Article 6 supplements the Commissioner's primary function by requiring the Commissioner to take reasonable steps to involve children and young people in the work of the Commissioner by communicating and consulting with them; something that we can already see in the approach that the current Commissioner has taken in advance of the law being adopted. Article 7 establishes the relationship between the U.N.C.R.C. (United Nations Convention on the Rights of Children) and its optional protocols and the Commissioner's function. In practice, an example would be the Commissioner preparing a report to the U.N. (United Nations) Committee as part of its periodic reporting process. The Commissioner would report on the States response to the U.N. Committee's concluding observations from the previous periodic review and also highlight any other issues in progress the States has made in implementing the Convention and the States own monitoring arrangements it has in place to support the implementations. So, they are Articles 1 to 7. I propose those Articles.

**The Bailiff:**

Is that seconded? [**Seconded**] Does any Member wish to speak on Articles 1 to 7? All those in favour of adopting Articles 1 to 7, kindly show. Those against? The Articles are adopted. We now come to Article 8. Do you propose Article 8?

**7.2 Senator S.Y. Mézec:**

Yes, Sir. Could I propose it as amended?

**The Bailiff:**

As amended by the Chairmen's Committee and as further amended by you?

**Senator S.Y. Mézec:**

Yes, if that is possible.

**The Bailiff:**

Does any Member object to that course? No. That seems to be possible.

**Senator S.Y. Mézec:**

Can I start by thanking the Care of Children in Jersey Review Panel for all of their work in reviewing this law? **[Approbation]** The evidence that they received can be viewed on the Scrutiny website. It makes for very good reading, to help understand why this is so important. In bringing their amendment, they are seeking to significantly increase the powers of the Commissioner to obtain information, compared to what was in the original Article 8. I wholeheartedly support this aim and welcome the efforts of the panel to make this happen. There are 2 reasons, however, why an amendment to their amendment is necessary. These revolve around the issue of legal professional privilege and the Law Officers' advice privilege. The first of these reasons may not have been as problematic, but for an important distinction in the law that we are proposing, regarding what institutions will have the right to inspect, compared to what other jurisdictions do. In England, for example, their definition of public authorities does not include private organisations. However, as I said earlier, in Article 1 of our law the Commissioner's remit will extend to private bodies if they are performing a public function. That is something we feel is fundamental in Jersey, because of the role that charities, private sector nurseries and private schools play in providing services for children at the behest of the Government. It is more prevalent than it is in other jurisdictions. As a close-knit society it would be wrong to exempt them from the Commissioner's watchful eye. However, what this does do is it means the issue of legal professional privilege has to be considered.

[12:30]

Jersey has signed up to the European Convention on Human Rights, which is, in my view, the most important piece of legislation we have to protect the rights of each and every one of us. Article 8 of the E.C.H.R. (European Convention on Human Rights), which is the right to a private life, has been found unequivocally to protect lawyer / client communications. Further to this, case law shows that corporations are included within this Article 8 right as well. There are citations in the report to this amendment to the amendment to show that. The Attorney General has, accordingly, done his legal duty to inform us that there is a real risk that not addressing this point could render the law incompatible with the E.C.H.R., which means it could be challenged by the Privy Council, which would mean a significant delay to the law coming into force. That would mean that we would inevitably have to make these changes anyway, but in the intervening months, the Children's Commission would have to continue operating in shadow form, with no powers whatsoever. I hope everybody can agree that that would not be the right course of action. This amendment addresses that concern. Secondly is the issue of Law Officers' advice privilege. It is a longstanding and indisputable constitutional convention that neither the advice, nor the fact of whether, or not, advice was given to the Government, is disclosed unless both the advisers and Government agree. That, as the Scrutiny amendment was proposed unamended, would have been problematic. I would say to that point that the idea of resolving this by having an absolute carve-out for the Law Officers is one that I am not comfortable with. I have made that view clear in discussions on this. There will, undoubtedly, be times in the future where the Commissioner will want to investigate a problem concerning either a child, or a group of children and in trying to work out where something has gone wrong, seeing the advice that officers were acting upon, or perhaps not properly acting upon, may be

important. This point is recognised, not just by myself and the Commissioner, but also by the Attorney General, who has accepted that it is in the interest of children that we must be as transparent and co-operative as we possibly can be. I am pleased that to address this issue we have worked hard to produce a protocol, which has been lodged as an addendum to this amendment for the Assembly and the public to see and scrutinise to agree how it will work in practice, to ensure that the Commissioner is able to receive the legal advice when it is in the public interest to do so. The protocol enables the Commissioner to go right to the top: to the Attorney General, or Solicitor General, when appropriate, rather than lower down the chain and risk unnecessary delays. It also stipulates that advice must be provided within 24 hours when it is urgent. Crucially, the protocol allows the Commissioner to publicise it when a request for advice had been rejected. This will act as a safeguard against any request being unreasonably rejected. This protocol has been agreed and signed by myself, the Chief Minister, the Attorney General and the Children's Commissioner, all of whom were active in drafting it. We have also agreed that we will review it in 6 months' time from now, as this is new territory for us and if the Commissioner feels that the procedures are not working, then we absolutely have to be prepared to respond to that. Once again, I apologise for the relatively short notice that has been given for this amendment, but I hope Members will see why it is important to adopt it. Members will have seen the email that was sent by Deputy Ward, chair of the Scrutiny Panel, which included a letter from the Children's Commissioner, where she outlined her support for this as well. I propose the amendments to Article 8 as amended.

**The Bailiff:**

You are proposing Article 8 as amended and re-amended. Is it seconded? **[Seconded]** Does any Member wish to speak on Article 8?

**7.2.1 Deputy R.J. Ward:**

I speak on behalf of the Care of Children's Scrutiny Panel. We accept the amendment of the amendment that we put forward. I am just going to read a few things. I sent an email and the letter from the Children's Commissioner. I always worry about reading anything out in this Assembly, because there are so many English teachers, but I will give it a go. As Members will be aware, the Review Panel brought forward its amendment as a result of concerns about the current drafting of Article 8 of the draft law. The Review Panel concluded a wide-ranging and thorough review of the Article and received significant submissions, which highlighted deficiencies with the lodged Article. Since the amendment was lodged, the Review Panel has a regular communication with the Chief Minister, the Minister for Children and Housing and the Children's Commissioner about a proposed amendment to its amendment, the concern about the amendment not being European Court of Human Rights compliant in respect of legal professional privilege, as has been discussed at length. Under the draft law, the Children's Commissioner would be able to request information from a very wide range of organisations and private individuals. There would, therefore, be the possibility for the Commissioner under the draft law to have access to legally privileged information between a private citizen and their legal representative. This was not the intention of the amendment, which was only intended to extend to public authorities, as defined in Article 1 of the draft law. With this in mind, the Review Panel understands the incompatibility of its amendment with the European Court of Human Rights and, therefore, supports the amendment. It is important to make that point as to why we are supporting the amendment. I would just read a little bit of the Children's Commissioner's letter, because it is very important that the Children's Commissioner has the ability she needs to perform her role and protect children, following the Independent Jersey Care Inquiry. Therefore, these are her words: "The draft law and amendment in relation to Article 8, together with the signed protocol, will allow the Children's Commissioner to effectively carry out the duties as set out within Article 4, Primary Function of the Commissioner and Article 5, General Functions of the Commissioner. The protocol provides clarity to the application of Article 8, giving paramountcy to the rights of children and young people. The provisions for review of the protocol enables the

Commissioner to immediately raise concerns should the agreed process for the release of information obstruct the Commissioner in carrying out functions and duties under the law, in order to achieve greater transparency and decision-making and greater openness in communication. In order to tackle the perception of cover-up, the law must provide the Children's Commissioner with enough powers to enable them to hold the Government of Jersey and other relevant authorities to account to their human rights obligations. The draft law and amendment that you are debating today does provide the Commissioner with the ability to fulfil that role and protect children's human rights, fulfilling the purpose of the Independent Jersey Care Inquiry sought to achieve. The draft law brings forward strong legislation to provide the Children's Commissioner with a broad and balanced range of powers to support the primary and general functions to promote and protect children's rights." I will finish with this: "The legislative framework builds a long-lasting legacy for Jersey and will provide a clear mandate for the Children's Commissioner to protect our children's right." I encourage you to support the Article 8 amendment as amended by the Minister for Children and Housing.

### **7.2.2 Deputy R. Labey:**

I was just going to ask the Minister, for the record, because I missed the email, whether he could confirm that the Commissioner is now happy with the law, or whether she has reservations, or feels that she is compromised in any way. Perhaps he could outline if that is the case, otherwise we need to know that the Commissioner now feels she has the teeth that previously she said she would not have had.

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

I would just like to echo what the chair of this Review Panel said, in my position as vice-chair and, on behalf of our panel, who have been working very hard since we came into position to continue the great work of the previous panel in following up the recommendations of the Care Inquiry. We were very quick to act here, because we see the importance of our role and all of our roles in pushing forward and achieving change in one of the most difficult, but most outstanding, issues of our generations. Very quickly we acted - we had done already, leading up to the decision - to call it in and we, over the last month, stepped up our work and, as the Minister alluded to, all of this is publicly available online. Alluding to Deputy Labey's statement, of course, I will allow the Minister to speak for himself, throughout the whole process we, as a panel, engaged very thoroughly with the Children's Commissioner. She was extraordinarily brilliant in her patience and her integrity when finally, before coming to today's sitting, she also confirmed her confidence in where we have arrived at. What I would say is - and it is something that the Commissioner has said a couple of times - that the time has come for people out there, who have been failed over generations and may be now still, that they need some positive reinforcement that change is coming. I believe, because of this work, and to use her words in her letter to all of us, Scrutiny have played a positive, productive part in the decision-making process. It has been a vital and effective role, which has enabled productive discussion and a provision of expert evidence to arrive at this procedure. For me, as a champion of Scrutiny, that speaks volumes. We should be proud of that. The work does not stop here. We continue on. As the Minister mentioned, in 6 months there is this provision under the protocol to review procedures. We, as the Care Panel, will be doing the same. We, as a Scrutiny Panel, will be holding the standard of what is needed here in scrutinising what is working. Finally, I would like to add full credit to the Attorney General in his work with us and making this ... which has been difficult at times, challenging for sure, but the outcome is so important, because we have arrived at a position where finally a Commissioner will have the powers, in some aspects more powerful than other jurisdictions and I really hope for those out there listening, who know all too well the failings of the past, that they can see that we are making productive change. I am proud to have played my part and all our parts in this today. I urge you all to push forward this amended amendment.

### **The Bailiff:**

Senator Gorst, if you have a long speech to make, I am wondering whether, or not, we would adjourn there and you could start in the afternoon.

**7.2.4 Senator I.J. Gorst:**

I was going to endeavour to speak and then call for the adjournment. It is about 5 minutes, so let us give it a shot.

**The Bailiff:**

All right.

**Senator I.J. Gorst:**

This is an important and historic day. I hope that, today, this law will be approved in both Second and Third Reading. I do, like the 2 previous speakers, congratulate the work of the Scrutiny Panel in proposing the amendment and, of course, the Minister in bringing forward an amendment to ensure that it does exactly what the Scrutiny Panel wanted it to do; that is to give appropriate powers to the Children's Commissioner. Before we entirely congratulate ourselves and metaphorically pat ourselves on the back, we should just remind ourselves that this has not been a wholly satisfactory process. Vigilance will be constantly necessary. I am pleased to hear that the Scrutiny Panel will be taking up that 6-monthly review. The power of the Children's Commissioner giving voice to the most vulnerable children in our community is fundamentally important to ensuring that we have services in place and provision for the most vulnerable in place into the future. For my part, where we are today, there is a tinge of disappointment that we have had to arrive at this good place in the way that we have. What we should do from how we have arrived here today, is recognise that this law is now a very good law, giving appropriate powers to the Commissioner and we are stepping into new, but important territory. I remind each one of us in this Assembly and I know that the Minister is only too acutely aware of this, that vigilance and listening to the voice of children is a job which is never complete and must be constantly at the forefront of our mind. The work of the department and the Scrutiny Panel together can give us confidence that that will happen in the future. For all Members, having pressed their buttons today in favour of this law, their job will not be done. It will remain while they remain in office in this Assembly. Vigilance, listening to the voice of children will be something which we must constantly have at the forefront of our minds. I have spoken for 5 minutes and in closing my comments, Sir, I call for the adjournment.

**LUNCHEON ADJOURNMENT PROPOSED**

**The Bailiff:**

The adjournment has been proposed. The States now stands adjourned until 2.15 p.m. this afternoon.

[12:45]

**LUNCHEON ADJOURNMENT**

[14:17]

**The Bailiff:**

We resume debate on Article 8 of the Draft Commissioner for Children and Young People Law, Article 8 as amended. Does any other Member wish to speak?

**7.2.5 Deputy M.R. Higgins:**

This particular law, to my mind, is one of the most important ones that we are having to bring to the Assembly. We have got to bear in mind - and this is for the benefit of the new Members - it came



about because of the Independent Jersey Care Inquiry and the abuses that had gone on for decades in the childcare system, which were outlined in their report. For those who have not seen it, this is it and you should read it, because we cannot forget what went on in this Island. What I am trying to say is, although I am in support of the law and the Children's Commissioner, I do have reservations about Article 8, although I shall be supporting it today. My reason for that is that I believe the Commissioner has got to have full powers and the reason why is we cannot allow abuse to go on again. Equally, there are many issues that still need to be addressed from this Care Inquiry Report. I know our current Attorney General is an honourable man and I hope that he will follow the protocol and so on, but in the past - as evidenced in the Care Inquiry Report - one previous Attorney General did not report child abuse and in fact went to the Director of Education and asked him to deal with a youth worker, who was abusing boys. He did not go to the police and this is the Attorney General. He should have drawn the matter to the attention of the police; his argument was that he did not want to involve the police, because the person concerned did not want the police involved. I raise this because, as the chief law officer, effectively, it should have been referred to the police, because that particular person - although he was removed from Jersey - went on to abuse other boys and had the police been involved that may not have happened.

**The Bailiff:**

Deputy, I am sorry to interrupt, would you like just to reflect on what you have just said, because this is ... I make it clear it is not me as the previous Attorney General ...

**Deputy M.R. Higgins:**

It is not, Sir.

**The Bailiff:**

... but the occasion that I was aware of was one where, following a police investigation, the Attorney General had prosecuted and then deliberately brought to the attention of the Education Committee the issues which had been raised by that investigation. It is quite the reverse of what you have just said and I just wondered whether you wanted to reflect carefully on what you have just said.

**Deputy M.R. Higgins:**

In fact, in that case, yes, I will give a bit more information; I will quote from the Care Inquiry Report, page 29, paragraph 113. This is the director of Education of the Island at the time, John Rodhouse, he said: "I cite these examples to show that when I have been made aware of allegations of abuse, or inappropriate behaviour, I have taken such reports very seriously and taken action. There was, however, one instance about which I feel very uncomfortable. It concerned a volunteer youth worker. The then Attorney General, Philip Bailhache, called me to tell me that a named volunteer youth worker had acted improperly with a boy. The boy's father was [and it is redacted] and did not want to involve the police. Philip Bailhache wanted me to investigate and take action. I protested that it was a matter for the police but Philip Bailhache said that the parents would not co-operate and that if I did not act nothing would happen. I interviewed the man, who admitted the offence and with the help of the youth officer the man was effectively removed from all youth work in Jersey. As far as I was concerned, I was caught between the legal authority of the Island in the person of the Attorney General and what I believed to be my professional and moral duty. I have since learned that the man was some time later convicted of a similar offence and has subsequently faced a further charge."

**The Bailiff:**

Deputy, I am sorry to have interrupted you. I am glad you clarified that; there are numbers of previous Attorney General and it is right that you should have done.

**Deputy M.R. Higgins:**

Thank you. All I am saying is - to go back to the former Chief Minister's comments - we have to be vigilant. There is no doubt in my mind and it came out quite clearly in the report, that there were cover-ups in the past and we cannot allow cover-ups to continue. So, we have all got to be vigilant and make sure that first of all the Children's Commissioner has full powers and that we bring everyone to book who has been guilty of these offences. Therefore, I will say that, yes, I am supporting this, but I will be coming back to the Assembly if I feel, at any stage, that people are not doing their job properly and that includes the Attorney General.

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

I know that this is a good example of Scrutiny doing its job and then the Minister listening and it seems that there were, obviously, other bodies involved with the Law Officers' Department and they have come to a position which they can agree on. I think that is good, but I think this is still the right place to raise any thoughts, or concerns, we have on this, because, otherwise, the opportunity will be passed. I am concerned that there were obviously 2 extremes; from what I understand, there was one position where the Attorney General and the Law Officers were saying that the well-established principle of confidentiality needed to be protected and, therefore, there were questions about what it was appropriate to share with the Commissioner. Then, on the other hand, the general principle - which I think we can all agree to - that the Commissioner should be free to access all the information she feels she needs; sometimes, of course, you may not know you need the information until you have it. So, I think I still have concerns about Article 8 of the law, in particular part 4 as is listed in the amendment to the amendment comments which says that: "Subject to paragraph (5), a relevant authority need not supply to the Commissioner under paragraph (1) any information that is, or relates to, advice by the Attorney General, or the Solicitor General, where the Attorney General has determined that in all circumstances of the case the public interest in supplying the information is outweighed by the public interest in not doing so." The problem with this, purely from an objective point of view, is that it is still up to the Attorney General to make the determination of what is in the public interest and I am concerned about that. I think that the Commissioner for Children should have access to all information and I have no doubt she would receive that in such a way that she would be sensitive to it and she would then determine the nature and the cause and the reason for requesting the information and then what to do with it. I have never fundamentally agreed with the concept - and this came up when the F.o.I. (Freedom of Information) Law was being introduced - about what should be exempt, or partially exempt, or absolutely exempt, from disclosure. One of those big questions was to do with legal advice. The argument put forward, which I think is still maintained today, is that in order for legal advice to be given correctly and with the most confidence, that it needs to be done without fear, or favour. Therefore, if you think that legal advice might be then shared with a third party, perhaps not within context, then it might undermine the quality of that advice. That is simply an opinion and it is not one which is shared by all lawyers. I have certainly talked to other lawyers, who disagree with that fundamentally and say that the legal advice you are giving should not depend on whether, or not, that information becomes public, or not. That is one which we would all live by well, so if you send an email we have all been told that you should be ready for it to be published on the front page of the *Jersey Evening Post*, or of any paper and I think we all stand by that. The question of who receives the emails, of course, is a slightly more sensitive area. But, certainly in terms of the content of what you say, it should not matter whether you say something privately, or publicly, if you are doing it with the right spirit and you are confident that the advice you are giving is the correct one; it should not matter whether, or not, that is published. If the Care Inquiry told us one thing, it is that there should be no hiding place and it is about the perception of transparency, not just about the actuality of whether we take the right course of action. We have to be seen to take the right course of action. So, the question I would ask is ... I understand that a compromise has been reached, but could the Attorney General give us some indication, or if not the Attorney General perhaps the Minister when he sums up, of any particular instance in which he thinks that paragraph (4), which I just cited, would come into effect. Can he give an example of

a scenario whereby the public interest, in not supplying information to the Commissioner, which she has asked for, would be outweighed by the public interest in not providing her with that information? Otherwise, I think I am going to have difficulty supporting this particular part.

### **7.2.7 The Attorney General:**

In relation to the question from Deputy Tadier and generally I would like to make the following remarks, if I may, to Members in relation to the convention that applies to advice given by the Attorney General to Government and government departments. This is an important convention and it has been recognised for a long time, not only in Jersey, but in other jurisdictions with a shared, or similar, legal history. In fact, the Attorney General of England and Wales recently said to the House of Commons that it remains a fundamental constitutional convention that neither the fact, nor the content, of law officers' advice is disclosed outside Government without law officers' consent. That convention provides the fullest guarantee that the business of Government is conducted at all times in the light of thorough and candid legal advice, which may also enter into matters of acute sensitivity to the public interest. It is not merely in the interests of the direct recipient of the advice that the convention is maintained, but in relation to advice given in respect of children, it is in the interests of children that Government makes the right decisions in their interests on proper legal advice. The convention is expressly referred to in the code of practice for engagement between Scrutiny Panels and the Public Accounts Committee and the Executive and, indeed, another similar document. There it is said it is recognised by the States and the Law Officers that the process of seeking and taking legal advice from the Law Officers is confidential. There are 3 primary reasons for this, (1) to ensure that there is no damage done to the public interest by the publication of legal advice given by Law Officers: publication of such advice would risk politicising the Law Officers' Department and would inhibit law officers from giving frank advice; (2) to ensure that there is no inhibition on the part of the panels, P.A.C. (Public Accounts Committee) - for which you can read Government generally or, indeed, Children's Services - in taking advice for fear of its publication; it is in the public interest that decisions are taken on a correct legal basis and that adequate confidential legal advice is obtained to assist.

[14:30]

Thirdly, it is to ensure that there is no inhibition on the part of Law Officers, or lawyers within their department, in giving full and frank legal advice on all the matters which are raised with officers, or one of the departmental lawyers for advice, or which the Law Officers, or the advising lawyer considers should be reasonably volunteered to the panels. So, it is to ensure that there is a frank relationship of trust and confidence between the lawyers who give advice and those who wish to obtain our advice. It is common, as I have said, for governments to operate on this basis, in the interests of the recipients of that advice and the ultimate recipients in this case, which I suggest are, in many cases, children. Now, the convention that has been modified under Article 8 has, as amended and it is modified in an exceptional case, which this is, because of the background of this law, namely the findings of the Care Inquiry. It is right that it has been recognised by the protocol and the terms of this law that the Commissioner will be in a special position in relation to access to departmental advice. It is right, as Deputy Tadier has observed, that under subparagraph (4), it is the Attorney General, who will determine whether the public interest in supplying information is outweighed by the public interest in not doing so. The reason for the Attorney being granted this role is, of course, it is advice given by his department. It will be advice to which, generally, he will not have been party and will look at it afresh in the public interest and the Attorney is used to making decisions in the public interest, not only in prosecution cases, but intervening in the public interest as *Partie Publique* in cases heard by our courts. It was a job that we volunteered to offer to the Freedom of Information Commissioner, but he declined to take on a role outside the F.o.I. Law, so the Attorney is carrying out that function. I am afraid to say that I cannot give in advance, I do not think, examples on the facts of when it will be appropriate to determine, in the public interest, that material would be given

to the Commissioner, but the fact is - as recognised by the Chief Minister, the Minister for Children and Housing, myself and the Children's Commissioner - we are all acting in the public interest and all committed to the best interests of children. We are all in this together and that is the approach that we will be taking to issues of disclosure which may arise under subparagraph (4). Members will see that under subparagraph (5) of the amended Article 8, there is additional provision to the effect that even when disclosure is not in the public interest, there is a power on the part of the Attorney General to supply the information requested to the Commissioner after first consulting the relevant authority concerned. As it is said by others in this debate, this is an exceptional case and it is, to some extent, a compromise of the usual position. But, I would like to assure Members firstly that the convention in relation to advice given by my department, generally, remains in full force. Secondly, that my view on advice is the convention is in the public interest, in the interest of good government. But, nonetheless, in the exceptional circumstances of this case it has been modified, as proposed by Article 8, in a way which is justified in view of the Assembly's view of the priority of the role of Children's Commissioner.

**Deputy R. Labey:**

Sir, at this juncture is it appropriate to ask the Attorney a question, or a point of clarification?

**The Bailiff:**

You can certainly do that.

**Deputy M. Tadier:**

Sir, could I have first dibs on that, because I did want to ask a follow up.

**The Bailiff:**

I am not sure how parliamentary 'dibs' is but you may have first dibs, yes. **[Laughter]**

**Deputy M. Tadier:**

I will stand corrected if there is another word, or a Jèrriais equivalent. The Attorney General volunteered some information, which I was not aware of, that the F.o.I. officer was offered the opportunity to act as the arbiter for what the public interest is, as he would normally do in the course of an F.o.I. request. Can he clarify why it was deemed appropriate to offer that officer the power suggested and why it was turned down?

**The Attorney General:**

Simply because the test for disclosure has been modelled very carefully, under subparagraph (4), on the wording contained in the F.o.I. legislation. It is to ensure that the Children's Commissioner has no lesser right to material than an applicant under the F.o.I. law. In fact, of course, if you look at subparagraphs (4) and (5) together, she is in a better position in relation to access to material than any such applicant. That, of course, is reinforced by the protocol, which gives her a right to seek and obtain information in urgent cases. That is why, I think, there was consideration given to asking the Commissioner if he would like to have a role in considering questions under this law. He, of course, having recently made a decision, which specifically respected the Law Office convention and so it was a matter which should be given weight, which has just been published. I cannot answer for him as to why it was that he was reluctant to involve himself in other legislation, which did not relate to Freedom of Information itself. I hope that answers the question that Deputy Tadier just posed.

**Deputy R. Labey:**

If the Attorney was quoting the Right Honourable Geoffrey Cox M.P. (Member of Parliament), he did, of course, go on to release the advice he gave to the Cabinet on Brexit, because Parliament demanded it. Could this Assembly demand release of the Attorney's advice, either on behalf of the Children's Commissioner, or on its own behalf?

**The Bailiff:**

Are there any other questions for the Attorney, in which case he might gather them all up in one go?

**The Attorney General:**

The Assembly could not demand disclosure of advice given to Government, but if it was the will of the Assembly that such advice be sought, then it would very likely be in the public interest, or at least a significant public interest consideration, for that advice to be disclosed. Deputy Labey is absolutely right; what I read out to the Assembly was a recent exposition of the convention in the context of advice given to the British Government in respect of the proposed departure from the European Union and the effect of the withdrawal agreement. That was my recollection. Indeed, to assist, the Right Honourable Geoffrey Cox Q.C., M.P. went on to say: “The constitutional tensions created by the expression of the will of the House of Commons by these means [that was the resolution they passed] and the public interest in the Law Officers’ Convention on the other, are not themselves conducive to the proper conduct of public affairs. It is necessary that the public has confidence in the ability of Government and Parliament to work together at a time of national decision making of the most profound significance.” It went on to say that Government will respect its decision and in these exceptional circumstances resolve to publish the advice received. So, it would, ultimately, be a matter for Government and the Attorney but, nonetheless, if it was a matter of such a moment of significance, one would expect a resolution of this Assembly to be a significant and perhaps determining factor in relation to disclosure of any such advice.

**7.2.8 Senator J.A.N. Le Fondré:**

I just want to say and endorse comments also made earlier, which is around the entirety of the law. This is a very important stage today as to where we are in this whole process of protection for children and we must not lose sight of that. I also think we need to be sending a very clear message that there should be nowhere to hide. That no one should be trying to hide procedure, or process, or other devices and that the care for children and support for the Children’s Commissioner is unequivocal. What also became clear, though, is that Article 8 was carrying a number of issues and the amendment that Scrutiny brought also brought another range of other issues into the process, which also introduced - as has been referred to directly by the Minister earlier - the significant risk for delay in the law being ultimately presented to the Privy Council, because of the context of human rights, as we have been hearing. So, I just really wanted to stress that this amended Article is the result of - and I will assume we will get to Third Reading and obviously refer to this more appropriately - but this amended Article 8 does represent a coming together of, let us say, all sides of the argument. We have worked very well, I would say, quite hard over the last 10 days, or so, to try and achieve what we think is a practical and appropriate position. I do believe I speak, hopefully, accurately in saying that all sides have come to this agreed position and wholeheartedly support the amendment that is in place, i.e. the amended Article 8. It is critical from the point of view of the overall law that this amendment is supported. I accept the points that people have made, that they are not entirely comfortable in certain places and things like that, but in terms of not losing sight that the overall law is a vast improvement, it is a massive step of something new to this Island and what has not been in place before. I just do reiterate the point, obviously, Deputy Ward - and I will do thanks and things to the Scrutiny Panel later, I hope - has confirmed that the Children’s Commissioner did write to the panel to express her support of the proposed amendment to the Scrutiny Panel amendment and he circulated that letter. I think it is just worth reading almost the last sentence from the Children’s Commissioner’s letter, which talks about the law establishing an independent Children’s Commissioner, who can act as a champion for the rights of children and young people in Jersey: “This legislative framework builds a long lasting legacy for Jersey and will provide a clear mandate for the Children’s Commissioner to promote and protect our children’s rights.” I think, for me, that is what we have got to remember when we are debating this and I wholeheartedly support. Hopefully,

that is indicated, as well, by my signature on the protocol that has been put together as well, the position we have arrived at.

**The Bailiff:**

Does any other Member wish to speak? Then I call on the Minister to reply.

**7.2.9 Senator S.Y. Mézec:**

Can I thank all Members who have taken part in this debate on this amendment? Deputy Labey, when he spoke, asked very simply if the Commissioner was happy with this proposal and so the Chief Minister has just confirmed, in reading the final line, that that is the case. I know the Deputy, over the lunch recess, I am sure, read the email and has studied it and will see the rationale for that. Some concerns have been raised that I have a large degree of sympathy with and that is because of the simple fact of the matter that sometimes this is going to be really difficult, sometimes there are going to be questions that are going to need to be asked, that are going to be very uncomfortable and, sometimes, there will be truths that will be unearthed, that will be inconvenient for some. The Care Inquiry Report itself showed decades and decades of failure, decades of people looking out for themselves, instead of looking out for the vulnerable in our community and, as Senator Gorst said in his speech, we can never be anything other than vigilant, to make sure that we do not end up in that place again and there is a huge amount of work that has got to be done to make sure that not just we as individuals commit to making sure that does not happen again, but for us to implement systems to make it harder for it to happen in future. That is why this piece of law is so important, because it will establish, for the first time in Jersey, an institution which will be able to do this into the future and have the robust powers enshrined in legislation that it needs to, to undertake those investigations. I think the fact that we have a protocol, which we have signed up to, shows the seriousness that we give this and that we accept that there may well be a fine balance to be struck at times. But, it does provide the Commissioner with that line straight to the top, with a commitment that information will be given over within 24 hours when it is an emergency and I think, in many respects, that means she is in an enhanced position from what some of her counterparts may face in other jurisdictions.

[14:45]

So, I hope that Members will accept that we are in a substantially better position as a result of this amendment. I, personally, want to thank the Chief Minister for the personal interest that he took in this once the Scrutiny Panel had produced their amendment, the advice that the Attorney General gave, the Scrutiny Panel themselves for making themselves available at short notice to discuss these issues and help us find a way forward on it and, of course, the Children’s Commissioner, who, again, gave a substantial amount of time, at short notice, to get us into this position. I think this is a really positive step forward. I ask Members to support this Article and I call for the *appel*. Finally, I would just like to thank the officers, who I cannot name, but who will be listening, who also gave a large amount of time to getting this right and a very good job they did.

**The Bailiff:**

The *appel* is called for. I invite Members to return to their seats. The vote is on whether or not to adopt Article 8 as amended and re-amended. I ask the Greffier to open the voting.

<b>POUR: 47</b>		<b>CONTRE: 1</b>		<b>ABSTAIN: 0</b>
Senator I.J. Gorst		Deputy M. Tadier (B)		
Senator L.J. Farnham				
Senator S.C. Ferguson				
Senator J.A.N. Le Fondré				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.W. Pallett				

Senator S.Y. Mézec				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of 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.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

**The Bailiff:**

Minister, by adopting the amendments to Article 8, I think it is necessary that the amendments to Article 12 also be adopted, because they are consequential on the changes to Article 8. Are you wishing to propose the rest of the law in parts, or *en bloc*?

**7.3 Senator S.Y. Mézec:**

I am tempted to suggest that we do it *en bloc*, because I think all Articles do work together in giving the Commissioner powers in other areas that she needs and establishing practices. But I am, of course, in the hands of the Assembly. If there are any particular parts, or Articles, that they feel strongly ought to be separated. I can go on for hours if they would like on every single Article, but if Members are happy for me to go *en bloc* that is what I would prefer to do.

**The Bailiff:**

Very well, then please will you proceed with Articles 9 to the end and Schedules.

**Senator S.Y. Mézec:**

I will try and be quick. I have got a substantial amount of notes in front of me, but just to go through the various different parts of this law, as it is broken down. After Article 8, Article 9 refers to the Commissioner's power to enter a premises for the purposes of conducting investigations. I hope Members will agree that is a very important right to have and she will also have the statutory right to gain entry, even if that is deeply uncomfortable for whoever runs the institution she is trying to enter. In Part 3, which is Articles 10 to 12, it is about the key legislative considerations for formal investigations, which would be conducted by the Commissioner. Article 12, again, most of this is procedural matters that will show the requirements of giving evidence and the production of documents for a formal investigation that the Commissioner is undertaking. Articles following that are much of the same vein, but I will move on to Part 5, which is Articles 26 to 28, which is about the advisory panels that the Commissioner is required to have as part of this role. I would want to say that it surely goes without being said that there should be a youth panel that advises the Commissioner and that will be enshrined in this law. I think it is worth noting that when the previous Chief Minister decided to accept the recommendation from the Care Inquiry and appoint a Children's Commissioner, he set up a panel of young people to help advise him on that appointment, who went on to serve as the Commissioner's youth panel when she took office. I have had the privilege of meeting some of the members, who have served on that panel, who have also gone on to do other really important things involved in promoting children's rights outside of that panel, which I think is a really positive sign of what can happen in the future when we make this a staple part of this role, something that will exist for ever more. Also, she has to appoint an audit and risk advisory panel, which I think all Members will accept is, obviously, an important thing to do. Moving on to the Schedule, which is just the last part of this, which explains how the Commissioner will be appointed and how a Commissioner will be dismissed, potentially, because getting that right is pretty fundamental here and making sure that the role is as independent as it can be and that there is no way for any 'here today, gone tomorrow' politician to ever manipulate a Commissioner in office, or to attempt to dismiss a Commissioner, because they are saying things that they find inconvenient, or embarrassing. I think it is important that in appointing a Commissioner, or bringing a proposition to dismiss a Commissioner, the Chief Minister will be required to have the agreement of the President of the Chairmen's Committee of Scrutiny as well, so that makes it clear that it is not a partisan Government appointment and that there will need to be broad support, including from those who also hold the Government to account. So, I propose all the Articles and Schedules *en bloc*.

**The Bailiff:**

Is that seconded? [**Seconded**]

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

I would just like clarification, just of something that the Senator said. He said that the Commissioner will be allowed to go into any building. Does that mean private homes as well? Because, sometimes, as we have seen in the U.K., in private homes there has been a grooming session and I wondered if the Commissioner would have the right to attend here, if she thought there was a grooming session going here. Is she allowed into private homes as well?

**7.3.2 Senator S.Y. Mézec:**

No, it does not. That is excluded from this; this will be for Government-run organisations, so it is not for private dwellings. What I would say, in the specific example that the Constable has raised, I would hope, in that instance, that the Commissioner would work with the police, who, of course,



would be able to obtain a warrant and I would hope obtain one very quickly to deal with a situation like that. I call for the *appel*.

**The Bailiff:**

The *appel* is called for. The vote is on whether to adopt Articles 9 to 32 and the schedule to the law. I invite Members to return to their seats and I ask the Greffier to open the voting.

<b>POUR: 49</b>	<b>CONTRE: 0</b>	<b>ABSTAIN: 0</b>
Senator I.J. Gorst		
Senator L.J. Farnham		
Senator S.C. Ferguson		
Senator J.A.N. Le Fondré		
Senator T.A. Vallois		
Senator K.L. Moore		
Senator S.W. Pallett		
Senator S.Y. Mézec		
Connétable of St. Helier		
Connétable of St. Clement		
Connétable of St. Lawrence		
Connétable of St. 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. Martin		
Deputy of St. Ouen		
Deputy L.M.C. Doublet (S)		
Deputy R. Labey (H)		
Deputy S.M. Wickenden (H)		
Deputy of St. Mary		
Deputy G.J. Truscott (B)		
Deputy J.H. Young (B)		
Deputy L.B.E. Ash (C)		
Deputy K.F. Morel (L)		
Deputy G.C.U. Guida (L)		
Deputy of St. Peter		
Deputy of Trinity		
Deputy of St. John		
Deputy M.R. Le Hegarat (H)		
Deputy S.M. Ahier (H)		
Deputy J.H. Perchard (S)		
Deputy R.J. Ward (H)		

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

**The Bailiff:**

Do you propose the Bill in Third Reading?

**7.4 Senator S.Y. Mézec:**

Yes. I think this is a very good day for Jersey and as has been said when we debated the principles - and it has been said a few times on some of these Articles - this is new territory for Jersey. It comes out of a history in the Island, which is not a history to be proud of in terms of how children and young people have been failed by the States of Jersey over successive years. But I hope is a positive sign of our commitment to ensuring that those days can never return to the Island and for showing the importance that we place on human rights and, in particular, the U.N. Convention on Rights of the Child and in establishing this new institution - the Commissioner for Children and young people in Jersey - we are establishing a body, which will perform that function for years to come and there can only be positives as a result of that. But, just to echo what Senator Gorst said on the debate on Article 8, just because we have done something good here, in establishing this office, does not mean that anybody should ever get complacent in the future. All of us are corporate parents and we all have to play that role, work with the Commissioner when necessary and listen to what the Commissioner will say in future, no matter how uncomfortable and inconvenient it may be from time to time. So, this is a very good day for Jersey and I propose the law in Third Reading.

**The Bailiff:**

Is that seconded? [**Seconded**] Does any Member wish to speak in Third Reading?

**7.4.1 Senator J.A.N. Le Fondré:**

Just, very briefly, one is to endorse absolutely the comments of the Minister for Children and Housing, in this instance, in terms of the sign of the commitment that we are placing on the future of children. I did just want to - as I alluded to previously on the Article 8 debate - just to give an indication for what is a one-page amendment. That was about 12 to 14 hours of my time alone in the last 10 days and that is excluding the time by Senator Mézec, the Law Officers' Department, the Attorney General, the Children's Commissioner and the Scrutiny Panel. I think I have probably missed some officers in there, somewhere, so I just want to really very much thank everyone who has been involved in that process, particularly in Scrutiny, because it has been a very constructive approach. As I said, I think we have all got to a very good position on this. Sometimes, people do not appreciate how much time does go into these things and I just wanted to use that as an illustration. This is a very important law. I think it is not trite to say this is a historic note in the time of this Assembly and I look forward to absolute endorsement by the rest of the Assembly on the Third Reading.

**7.4.2 Deputy M. Tadier:**

Members will know that one of the reasons I got into politics, at least the significant reason, was on the back of the child abuse revelations that were publicised in 2008 and I felt very strongly about that and I was contacted by some of the survivors of that. It is with a slightly heavy heart that, today, I cannot wholeheartedly endorse what we have in front of us, because I think that what has happened ... and I say this without wanting to offend anyone and fully acknowledging the good work and the compromise that has been achieved ... albeit in a very small, but I think significant and fundamental part of this law, which is to do with Article 8. The reason I am touching on it now is because I think it is fundamental, even in the Third Reading, because the Committee of Inquiry report was quite clear; it said we need to really restore the faith in our institutions. That is not the faith that we might

have in them, those of us who are familiar and see often the very good side and the best of our public sector; it is those individuals, who have been let down and who have had to live ... it may have just been one example of being let down and there were thousands of others where they were supported, but that one example, which is the one that stays with them for the rest of their lives, if indeed they were lucky enough to survive. One of the findings of the report was that there must be no hiding place and that none of our institutions should be immune from scrutiny. What we have seen here, I think, is that we have seen different people saying: "I think you need to add this bit, I think you need to take it away" and you have had a coming together of minds. Somebody brings a bit of sugar, somebody brings some butter, someone else brings some chocolate and, before you know it, you have got a good old Jersey fudge. We see that too often. The very fact - and it was not public knowledge, I do not think, until today - that the F.o.I. officer was requested to administer the test for the public interest ... and that is done for a very good reason, that is because we want somebody, who is not involved in government, giving legal advice and we would not, presumably, give it to the Minister either to judge what the public interest test is. We give it to some third party. I am worried to hear that the F.o.I. officer, for whatever reason, said: "I do not want to do that." It might be because the individual has too much work already, but the principle and the very fact that it was offered to the individual and then declined shows that the correct thinking, the best practice, was to have somebody impartial in that respect. Part of the allegations at the time of the historic abuse, which I think were effectively dispelled by the Inquiry, said that there were big concerns about the prosecution decisions and that it was very unusual that, at the time, the Attorney General chose to make a statement about the public interest and the fact that certain cases were not pursued for whatever reason and that was because, in many cases, there was not the evidential test. It does not mean that the offences did not take place, it just means that there are certain times we do not prosecute. If we build something into our law, albeit as a compromise, from the very beginning, which continues to hang that very question mark over some of our institutions, then we have not got the best law possible. I, today, do not want to pass anything but the best law that we have. Of course, a completely logical argument would say it is better that we have some law in place, rather than nothing; it is better that we have a Commissioner there with most powers rather than all powers, but knowing how the system works in here, it is important that, I think, we do have the alternative voices that stand up and flag these issues. It is important not to build our systems around individuals, so we might say: "But it is fine, we have got a great Attorney General, we have got Law Officers we know that we can trust." But that may not always be the case. In any system where child abuse happens - and it can happen in many instances, often it is in the home - but when it is institutional we know that it only requires a weak link somewhere along the line for somebody to get away with something that is wrong.

[15:00]

The example I have given many times before is that of Louis Paisnel; every man in Jersey had to give their fingerprints, but Louis Paisnel did not for whatever reason and he was the one person that should have been captured and he evaded capture for many years. So, secrecy really is a way for these things to go undetected and even though it might appear insignificant, even though I might get called a pedant, I am afraid I cannot support this today. I am not going to vote against, it because I think we need a law and it is one of these rare occasions where I will have to abstain. But, I do not want to disparage the very good work that the Minister for Children and Housing and others have been doing in this area. I know there have been competing tensions and it is right that those conversations are being had, because we really need to get to grips with putting the best legislation and the best protection in for our children.

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

It is a shame that Deputy Tadier feels he has to express his position today, because fulfilling honesty and trust in our community is one of the crucial factors and why this law is so very important. The

Children's Commissioner, since her arrival in Jersey, has signalled not only our fulfilment of one of the key recommendations of the Independent Jersey Care Inquiry, but she has swept through like a breath of fresh air and shown us the honesty and the commitment that is necessary to fulfil this important function. Allowing this law to be passed will enable the independence that is needed for her office to complete and continue its work in the vein that is so very important. I simply just would like to take this opportunity to pay tribute to the excellent start that the Children's Commissioner has made in her work and to thank her and her officers for their diligent and dedicated commitment to the task.

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

I am slightly loath to speak, but I will do so after Deputy Tadier's speech. I leave it to the Minister, who is more than able to deal with his party in the way that he sees fit. But, rather than dwelling on that, I want to ask the Deputy to consider the message that his abstaining is going to send to the most vulnerable and the children in our community. I think it is important that Members in this Assembly do not forget that how we vote is observed, sometimes negatively and sometimes we get grief for how we have voted and we know that is part of the democratic process. But also, unanimous decisions of support to those in our community, for whom there has been little support over decades - and he, in his speech, clearly said that that was one of the driving forces for him standing for election - I ask him to think very carefully about how he votes and the message that he sends in how he votes to vulnerable children in our community now. For my part, the senior Law Officer makes decisions about the public interest, probably every day that he is in office, with appropriate advice and having consideration to the due facts. Therefore, I do not think that that is an inappropriate request to make of Law Officers. But, if the Deputy and any other Members are concerned about that, I would point to the answer that the Attorney General gave to Deputy Labey. I was pleased to follow his reasoning as he was giving his answer and I remind Members of what he said, ultimately, in his closing sentence. That was that should this Assembly ask the Minister, or the Attorney General, to publish legal advice in a particular case, the overwhelming position, the only sustainable position *in extremis*, would be - as was alluded to and we saw in the United Kingdom Parliament - ultimately for that advice to be published. Therefore, I think that the Deputy, if he had concerns ... I have got no doubt, whatsoever, that the Children's Commissioner would make known to this Assembly, to the Minister, that there was such a requirement; that even though a public interest test to be made under the M.O.U. and the Commissioner, perhaps, took a different view, that would become a matter for this Assembly to consider. So, I think there are now safeguards appropriate in this law, because we must always ensure that there are those safeguards. So, not only to the Deputy, but to any other Member, who is considering either abstaining, or voting *contre*, I ask them to think very carefully before they do so, because what we said in this Assembly will not be the thing that is remembered, it will be how we have voted. I know that, on these matters, he is an individual of honour and they do matter to him greatly, but I do think it is important to send the right message around this historic decision.

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

I would just like to say that this particular piece of legislation is exceptionally important, but it should not stop there. I came into the States in 2008 and again, like Deputy Tadier, it was arguing for the Independent Care Inquiry. We had tremendous battles in this House, tremendous opposition to any investigation and yet the Care Inquiry has proved, beyond all doubt, that abuse took place and cover-ups took place. One of the reasons I say it is unfinished business is, in fact, if I ask all Members to look at Written Question 19 that was given today from the Minister for Home Affairs. I asked about how many people have been investigated and prosecuted since the Care Inquiry, based on evidence that was given in the Care Inquiry. There were a number of people and there were allegations of a person being a serial rapist, there was another one where at least 12 people talked about a person committing sodomy and rape. There was another person, who was referred to as the Pinball Wizard. I attended many of the sessions of the Care Inquiry and there was sufficient

information given out there, that those people should have been pursued. Well, I find it scandalous that, for example, the Pinball Wizard, when members of staff of the institution concerned confirmed what the children said, that they had been bounced off the walls of the office. This is absolutely outrageous and we will never put this matter behind us and get the support of the people, who have been abused, unless we address these issues and bring these people to book. So, I ask Members, please support measures going forward, let us make sure we deal with this once and for all and no one is above the law and there are certain people who have been and appear to be protected and they should not be.

#### **7.4.6 Deputy J.M. Maçon:**

Again with my colleague, I came in in 2008 and the context was very different than it is today. Just one word of caution, which I would just like to put on the table, is that we should not put too much pressure, or hope, on this particular individual, as courageous and however good she will be. What is important is that she can work with the other systems and the other professionals, in order to work with them in order to deliver the services that we desperately need to improve. So, while I absolutely welcome this law and absolutely agree that the powers should be put in place, we have to remember that it does not stop here. There is still much more work needed to be done, in order to co-ordinate the services, give the training to the staff, develop them in that way, in order to meet the needs of our community; I feel that, perhaps, maybe, too much might be expected in just one person and we have got to remember it is not just one person that we need to deliver this for the children of Jersey; it is all of us, the professionals, the community, *et cetera*. So, I am fully behind supporting the Commissioner and what she needs to deliver and if she needs me to bang a few heads, in order to help her deliver what needs to be done, I will do that. I think that is something which we all need to take part and support her in order to do that.

#### **The Bailiff:**

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

#### **7.4.7 Senator S.Y. Mézec:**

I wholeheartedly agree with what Deputy Maçon just said. As important as this piece of legislation will be, there is, of course, a wider cultural issue that has got to be dealt with and we have to all understand that each and every one of us is a corporate parent, as I mentioned earlier on in this debate. In particular, systemic change will be needed, to make sure that all of our systems are fit for purpose, irrespective of who the individuals are, who may hold a particular office one day, or the next. In addressing what Deputy Tadier said, I just want to make one point because, like Senator Gorst, I do hope that I can convince him to vote for the proposition, rather than abstain; it is to admit that this law that we are now debating in Third Reading is not perfect and the reason it is not perfect is because it cannot be. It is written by human beings, who are imperfect and there may well be all sorts of situations in the future that we simply are incapable of contemplating now. There may well be Articles in the law that are drafted for entirely honest and decent reasons, but when put into practical application we simply find they did not quite work as we thought they might and perhaps, in a few years' time, we will need to revisit aspects and deal with them. That is certainly what has been the case in other countries that have had children's commissioners, or ombudsmen, for much longer than we have, is that things do not magically become perfect overnight. Things have to be revisited over time and we have to commit, each of us, to playing our part in that. If we realise, in months' or years' time, that something is not working to the optimum level, we would want to then go back and look at it again. So, I do not think it can be a good reason to vote against a law, because you like 99 per cent of it, but 1 per cent is not quite good enough, because what we have is a choice between no law, or a law which is really good. When it is a conflict between the *status quo*, which is to have a Children's Commissioner, who is operating in shadow form, with no legislation underpinning that and no ability to undertake the investigations that she will want and need to do, versus a law that may

well have one or 2 bits in it that are not as good as we may like them to be, but does provide a substantially better position than things are now. I just cannot understand how somebody could abstain. Surely, having a decent law in place is better than having no law and I hope that point will convince him to vote in favour, rather than abstain. Just to close by thanking, as the Chief Minister did, everybody who has been involved in this important piece of work. A huge amount of time and effort has gone into it. I am thoroughly satisfied that we do have an excellent piece of legislation that will, I hope, inspire us to consider the things we have considered in the context of children, but in other areas as well that we may want to think about in future. It is an important day for Jersey in establishing this role and I ask Members to support the law in Third Reading and I call for the *appel*.

**The Bailiff:**

The *appel* is called for. I ask Members to return to their seats. The vote is on whether to adopt the Commissioner for Children and Young People (Jersey) Law in Third Reading, and I ask the Greffier to open the voting.

<b>POUR: 47</b>	<b>CONTRE: 0</b>	<b>ABSTAIN: 1</b>
Senator I.J. Gorst		Deputy M. Tadier (B)
Senator L.J. Farnham		
Senator S.C. Ferguson		
Senator J.A.N. Le Fondré		
Senator T.A. Vallois		
Senator K.L. Moore		
Senator S.W. Pallett		
Senator S.Y. Mézec		
Connétable of St. Helier		
Connétable of St. Clement		
Connétable of St. Lawrence		
Connétable of St. Saviour		
Connétable of St. Brelade		
Connétable of 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.R. Higgins (H)		
Deputy J.M. Maçon (S)		
Deputy S.J. Pinel (C)		
Deputy of St. Martin		
Deputy of St. Ouen		
Deputy L.M.C. Doublet (S)		
Deputy R. Labey (H)		
Deputy S.M. Wickenden (H)		
Deputy of St. Mary		
Deputy G.J. Truscott (B)		
Deputy J.H. Young (B)		
Deputy L.B.E. Ash (C)		
Deputy K.F. Morel (L)		

Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy R.J. Ward (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

## **8. Draft Public Finances (Jersey) Law (P.28/2019)**

### **The Bailiff:**

We now come to the next item of Public Business, which is the Draft Public Finances (Jersey) Law, P.28/2019, lodged by the Minister for Treasury and Resources. I ask the Greffier to read the citation of the draft.

[15:15]

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

Draft Public Finances (Jersey) Law 201-. A law to provide for the administration of the Public Finances of Jersey and for related purposes. The States, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following law.

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

This draft law is part of a wider process of significantly improving and modernising the financial management and governance arrangements within Jersey's public administration for the benefit of Islanders. This process commenced early in 2018, when improved governance arrangements in P.1/2018 were approved by this Assembly. The current Public Finances Law was established in 2005, when ministerial government was first introduced in Jersey. Since this time, the law has, on numerous occasions, been updated and amended in an incremental piecemeal fashion. In early 2018 it was, therefore, both timely and inevitable that the law should be reviewed as a whole. KPMG were commissioned to undertake this review and to make recommendations on the appropriate way forward for an updated Public Finances Law. Furthermore, in recent years, the Corporate Services Scrutiny Panel, the Public Accounts Committee and the Comptroller and Auditor General have all issued reports and made frequent references to various deficiencies in the current law and about the need to improve corporate working, financial management and planning within Jersey's public administration. I believe this draft law addresses the concerns raised by the aforementioned bodies. I am also pleased to say that KPMG have reported that this draft law meets the majority of their recommendations and they understand those instances where it has not been possible to follow their proposals. I will refer to these instances later in the speech. This draft law is an enabling piece of legislation, which allows improved flexibility and is less prescriptive than is currently the case. At the same time, the legislation provides the appropriate financial management and governance framework to control Jersey's finances. This is a framework which ensures that this Assembly rightly retains overarching responsibility for making those important decisions on financial policy and the allocation of financial resources. However, it is important that our public finances legislation is flexible enough to enable us to deal with change in a managed and timely manner because, as with any organisation, circumstances and priorities can and do change. The overarching financial management and governance arrangements are set in this legislation, with the more detailed policies and administrative processes set in the new public finances manual. This document has attracted the interest of some States Members already. The requirement to issue a public finances manual is

essentially no different from the existing power in the current law, which enables financial directions to be issued. However, the draft law strengthens transparency, by ensuring that the manual is published. Financial directions are currently available internally to government employees, but not publicly. This requirement, to make the manual publicly available, gives greater visibility to the Government's control and governance framework, which will change over time, as improvements are identified. It is a work in progress. The public finances manual can only work within the parameters set by the law itself. It cannot confer any additional powers. As an example, Article 27 of the draft law permits the Minister to lend up to a total of £3 million a year. It is not possible for the manual to increase that amount. Some States Members have said that they need to review the contents of the manual at the same time as the law. The Assembly is not required to approve the draft manual, nor any subsequent changes made to it by the Minister. The draft law enhances accountability for the content of the manual, as responsibility for issuing it clearly rests with the Minister. States Members will be able to hold the Minister to account for its content and any subsequent changes to it. Some of the major criticisms of the current law have centred on the inflexibility of the fixed 4-year expenditure levels included in the Medium Term Financial Plan and the fact that the process fails to acknowledge and address the years immediately following and approve the financial plan. The draft law, therefore, includes provision for a rolling 4-year operational planning cycle, enabling funding to be aligned with States' priorities. The law incorporates the annual Government Plan, replacing the current Medium Term Financial Plan, as the means of considering and allocating financial resources. In a change to current practice and to improve fiscal discipline, the Assembly will consider income and expenditure proposals at the same time. Through the Government Plan, this Assembly will be able to approve a detailed one-year budget for the following financial year. At the same time, the Assembly will also receive information on income and expenditure proposals for years 2, 3 and 4 on a rolling basis. In order to achieve the flexibility many have called for, these figures will not be fixed, but will be subject to review and agreement on an annual basis. Once the Government Plan is approved by this Assembly, we must adhere to its financial constraints for the following financial year. This is why the law, as is the case in the existing law, states that it is only the Council of Ministers who may bring forward an amendment to a plan. This is not to frustrate States Members. We must consider and set our financial priorities at one point in time and stick with them for the following financial year. In previous debates on the M.T.F.P. (Medium Term Financial Plan), our discussions and decisions have focused on the income and expenditure from the Consolidated Fund alone. In future and in order to provide an overall picture of States finances, the Government Plan will include financial information on the major States funds. This will include details of those funds administered by Social Security, including the Social Security Reserve Fund, the Health Insurance Fund and the Long Term Care Fund as well as the Strategic Reserve Fund for the 4-year period of a plan. Consideration of the Government Plan is likely to take a considerable amount of this Assembly's time, both before and during the debate and it is important that what we are asked to consider is fully justified and that full financial information is available, to enable proper debate. This is why the law now requires that anyone proposing an amendment to the Government Plan has to consult with the Minister for Treasury and Resources on the financial implications. The Minister will be required to determine the impact of the proposal on States finances, both in the shorter and longer term. This addition is not intended to thwart amendments; it is to ensure that we have the relevant information available, when we are asked to consider the proposal. I have listened to scrutiny and the previous comments from the C. and A.G. (Comptroller and Auditor General) and other States Members and this draft legislation now enables funding to be allocated for major projects, replacing the current capital projects on an annual cash requirement basis. This replaces the current system whereby the States Assembly allocates the full budget upfront for a project. This change in approach will result in the better use of public finances and give greater flexibility to move forward on high priority projects. However, the Assembly will rightly continue to make the decisions on what projects should be taken forward and when. The draft law continues to promote the transparency and personal accountability



which was brought into effect in June 2018 in P.1/2018, with the retention of the Principal Accountable Officer role. The role will continue to have responsibility for propriety, regularity, economy, efficiency and effectiveness and the appointment of accountable officers for the ministerial areas of responsibility. The law also enables the Principal Accountable Officer to appoint Accountable Officers in certain specified bodies, such as Jersey Telecom and Jersey Post, which operate apart from the States. A P.A.O. (Principal Accountable Officer) has undertaken that before any such appointment is made to these bodies, consultation will take place, in order to ensure a clear and shared understanding of the Accountable Officer functions within these bodies. There will still be Accountable Officers in the non-ministerial departments, for example in the Bailiff's Chambers and Law Officers' Department. The P.A.O. and all Accountable Officers will continue to be answerable to the States Assembly and held to account by the Public Accounts Committee. To further promote accountability, this legislation also enables the Treasurer to report to the Council of Ministers on the actions of any person, including the P.A.O., that relates to the administration of public finances. The role and independence of the Treasurer is rightly maintained and strengthened in this law. I know that there have been comments from Scrutiny and the C. and A.G. because the specific role of the Chief Internal Auditor has been removed from the legislation. I must remind Members that the Treasurer retains responsibility for the internal audit function in the law. The detail and standards to be adopted by internal audit and the independent reporting lines available to the head of internal audit are all dealt with in this public finances manual. A copy of the draft of this particular part of the manual has been circulated to all those involved with auditing in the States. I am content that the new approach maintains the right reporting lines for internal audit, to ensure that all relevant auditing standards are complied with. I am aware that some States Members are concerned about the wider aspects of the overall accountability framework for the public administration. Part of this overall accountability is enacted within the Employment of the States of Jersey Employees Law, which is another piece of our legislation that is need of updating to reflect modern public service accountability. Members will be pleased to hear that the Council of Ministers has prioritised this review and is expecting an updated law in the next 12 months. A new initiative in the draft law is the process to be followed if the States Assembly is unable, or decides not, to approve a draft Government Plan. The inclusion of such a provision follows international best practice. The draft legislation no longer sends maximum borrowing, or lending limits. This does not mean that the Assembly can borrow what it likes, when it likes, without considering the consequences. It means that the Assembly will have to assess the need and financial viability of such an approach, based on the medium and long-term sustainability of public finances and the implications for the economy in Jersey. The Fiscal Policy Panel is required to report on and make recommendations on this issue. We have been advised that the setting of maximum limits in legislation does not follow best practice and implies that any limits are affordable and sustainable, when clearly they may not be. Financial sustainability and well-being are an important part of our medium and longer planning processes, and the law requires that these issues are adequately addressed. It is part of the F.P.P.'s (Fiscal Policy Panel) remit to review and report on these matters. We must consider the effect that the decisions we make today will have on future generations. This law takes on board current international best practice and incorporates it, where appropriate, in the Jersey context. The law reflects this through the inclusion of a new initiative, which requires this Assembly to consider the overall well-being of existing and future Islanders. The draft law revises the way in which the public finances of Jersey are regulated, controlled, supervised and administered. This is a significant piece of legislation and I have insisted that, throughout its drafting, there was significant consultation prior to its completion. A group of senior States officers, including the Treasurer, the States Greffier, the Director General of Strategic Policy, Performance and Population, as well as representatives from KPMG were involved in the drafting process. The draft law has been discussed with the Council of Ministers and I am extremely grateful to the subgroup of Ministers, who assisted in the detailed review of the draft law. I am pleased to report that there was strong discussion at this subgroup, which resulted in improvements to the law I lodged with the Assembly. My Assistant Minister and I have attended 2

private briefing sessions with members of the Corporate Services Scrutiny Panel and the Public Accounts Committee, before lodging this draft. I also attended a public Scrutiny briefing once the draft legislation was lodged, as well as organising a briefing session for all States Members. I have also responded to Scrutiny and provided relevant background information when requested. I intend to issue a full response to Scrutiny's comments on the law, which were presented yesterday. I am also very pleased to see that the Chartered Institute of Public Finance and Accountancy, C.I.P.F.A., who were asked to do a high-level review of this legislation by the Corporate Services Scrutiny Panel, have largely endorsed the proposals put forward in the draft legislation.

[15:30]

I was particular pleased to see that C.I.P.F.A. commented in their report that: "In summary, the revised Public Finances Law is to be broadly commended through the introduction of key elements of good practice financial management." I am confident that this draft legislation provides a strong, cohesive framework for our public finances, which reflects the changing way in which the Government of Jersey operates and one which also reflects modern international best practice in government accountability and financial management. I leave States Members with a further comment from the C.I.P.F.A. report: "The main changes to the P.F.L. (Public Finances Law) will positively assist in providing an improved platform for transformational change to be achieved." This is what we need. I move the principles.

#### **The Bailiff:**

Are the principles seconded? [**Seconded**]

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

I would like to start by thanking the Treasury team for their engagement with the Corporate Services Panel, with the inclusion of the Chairman of the Public Accounts Committee in this process. They have engaged us at a relatively early stage; however, this is a significant piece of legislation, as the Minister herself said and we have seen some drafts of the law, but the law that was lodged was after some 30 drafts, so it was, as a Scrutiny Panel, quite difficult to keep up with the number of drafts and the small number of those drafts that we received. Therefore, we have done our very best to engage and keep across this major policy change and we will be calling in this legislation after the principles are debated, simply because the 7-week period, since the draft law was lodged, is not an adequate piece of time for such an in-depth piece of work to be completed on a thorough basis. There are already several amendments, that have come to our attention, that are required in terms of tightening up and clarifying and also offering the Assembly some opportunity to discuss and debate the direction of the Public Finances Law and how we will progress, as an Assembly, in adopting it eventually. So, this is an in-principle debate and the principles of improving financial management are something that, I am sure, Assembly Members will wish to agree with. However, I do want to put a flag in the ground now and inform and make it very clear to the Minister and her team that in adopting the principles, if that occurs today, it is not an absolute agreement with the Articles as they stand now. There will be amendments after a brief period of time and we hope, as a panel, to return to the Assembly, with our amendments, after completing our work by, hopefully, the early June debate. We will certainly endeavour to do our very best. I have to share with the Assembly that we have, for some time now, shared our concerns with the Treasury team and made it clear and asked them to come forward with a plan B, because we know and are aware that the claim will be made that, in delaying this process, we will delay, potentially, the Government Plan. So, our request for a plan B was simply that: come forward with some legislation that will enable the Government Plan to be brought and the rest of the Public Finances Law to be dealt with as a separate issue for the Assembly in the depth that is required for such a major legislative change. As I said, the Minister causes significant legislation and I am sure that Members will agree that significant legislation requires appropriate scrutiny of that legislation, to ensure that we do move forward in the best way. I hope

that Members will engage with Scrutiny and the Members, who are on the Corporate Services plus P.A.C. panel and will engage with us and help to work up the amendments that we will debate at a later stage.

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

Firstly, I would like to thank Deputy Alves, Deputy Gardiner, Deputy Morel, Senator Vallois for many hours and many days of going through the Public Finances Law, line by line, from the current one to the new one to really get down and understand what this new, significant and substantial piece of legislation does achieve. So, it has been long hours and a lot of work and it is very technical and complex, but once we have gone through that, I do not think I have been more upset by a piece of draft legislation. I have not seen anything that has been so undemocratically lodged in my entire life; certainly in my time in this Assembly. This is the principles, though I will be talking to some of the Articles. Just to lay out where I feel that the principles are going with this; in general, the Public Finances Law is setting out the one-year plan and it is trying to sort out the Government Plan and there have been many recommendations, certainly with the Comptroller and Auditor General, to say that we should be doing things better, we should be planning better and I think that is absolutely right and this goes a long way towards that. But, there are so many parts of this, that have been included, that are so undemocratic, where we are now using different laws to try and restrict the ability of this Assembly and the people elected by the people of Jersey from being able to take part in debate within our Assembly. We have areas where the Government Plan is setting out our spending, it sets out in Article 13(2): “A person, committee, or panel, who proposes an amendment to any element, referred to in Article 9(2), of a lodged Government Plan must, before proposing the amendment, consult with the Minister [the Minister for Treasury and Resources] for the purposes of the Minister making a determination of the impact of the amendment.” Then, in 2(b), we have got: “Lodge, with the amendment, the Minister’s determination made under subparagraph (a), unless the Minister declines to make the determination.” So, what this is saying is: if you want to make an amendment to the Government Plan on the year’s spending, that you cannot, by law, lodge that amendment unless you have consulted with the Minister for Treasury and Resources first. But, there is nothing in the law that states that the Minister for Treasury and Resources has to make his, or herself, available in the future. So, if you wanted to stop amendments, if a Minister for Treasury and Resources did, it probably would not do them too well in the future, they could just be away for the summer break when it is all being dealt with and wait until we come back and you are not allowed to lodge that amendment. We have a Standing Orders Law that sets out what this Assembly can and cannot do and the rules and regulations. Why are we now putting more barriers to how this Assembly works in new laws that says what backbenchers and Scrutiny and Committees can and cannot do, without passing this part of the law as well? It is utterly wrong to use this law to restrict this Assembly from doing what they have been elected to do, which is debate in this Chamber and I think it is deplorable. But, it then goes on and states in Article 16(1): “The States may amend an approved Government Plan only on a proposition lodged by the Council of Ministers.” That means that anyone in this Assembly, after we have approved a Government Plan, if something comes up for their constituents, for the Island, if it has a financial and manpower implication, that would be amending an approved Government Plan; therefore, you are not allowed to lodge that. If it has got a financial implication for the current year in an approved Government Plan, the law now states that, unless you are the Council of Ministers, you cannot lodge that proposition, restricting again the elected representatives of this Island from doing what we are elected to do in this Assembly. How is that right and how did we get to this position in a Public Finances Law where we are setting out barriers and restrictions to elected representatives of this Island? Those are not the principles that I think we want to be putting in a new law. There are lots of areas of this law where it breaks down, making it easier to make decisions, making it easier for the Executive and Government to quickly make plans and changes to finances, but, suddenly, we have got all this new stuff that was not in the previous law, it has been added new, so this is a new idea: let us restrict the States Assembly from being able to lodge

propositions and amendments in a law. How is that, in any way, acceptable to anyone in this Assembly, be it the Council of Ministers, who are bringing this forward, Constables, Deputies, backbenchers? How does this support Scrutiny in any way, which I thought was something that we really cared about, the Scrutiny process? We are using a new law to put further barriers on us, in this Assembly, to stop us from doing what we were elected to do. It is wrong, it is deplorable, it has got me very upset. There are other areas that just do not have the transparency we want. There is a requirement, under Article 23, that sets out that the Minister for Treasury and Resources will do a 6-monthly update on where changes have happened, but then it only refers to Articles 18 to 21 and 26 to 28, which miss out 2 very important Articles: 24 and 25. The 24 is the authority to withdraw a specific amount, so do we not want to know, in the 6-monthly plan, if the Minister for Treasury and Resources, who does not have to do it by Order, does it by the decision of the Minister for Treasury and Resources, whoever he or she may be, can withdraw amounts of money in certain aspects from different places, do we not want to know about that in the 6-monthly report? Why is that being removed from the requirement to report? Where is the openness and transparency within that? The 25 is the investment of money. Why are we now removing the requirement for the Minister for Treasury and Resources, in the biennial report, to let this Assembly and the general public know that there has been investment in money, there has been overdraft limits, there has been borrowing? So, again, where are the principles of this law, what is it trying to achieve? There are some areas where, I think, it is trying to achieve exactly what we want, but there are areas that were suddenly added in here and I do not know why, or where they have come from. They certainly do not seem democratic, they do not certainly seem to be what I think is acceptable for a law in this Assembly. If you want to restrict what Assembly Members can do, you use the Standing Orders of the Assembly and it sets out the rules for all of us, equally. We do not discriminate against certain aspects of this Assembly about what they can and cannot do within law. It is the wrong way to legislate. I think the Minister for Treasury and Resources, in her speech, talked about how this sets out regulations and accountability, but it really does not. In P.1/2018 we agreed and it was in page 8 of the report, that the accountability is really enacted through the Employment of the States of Jersey Employees Law, which will need to be considered at the same time as the Public Finances Law. Well, we have the Public Finances Law here now, as proposed, but the accountability side is in another law and though it is being prioritised, we are not going to see it for a very long time. So, if we agree the Public Finances Law now, we are going to agree the accountability later. Well, surely, that is not right either. Again, is this the principles of what we are trying to achieve in this Assembly? Well, surely, it is not. The Minister for Treasury and Resources also said that there was a meeting arranged to meet with States Members, to talk around this Public Finances Law, but it was last week, it was not her views and opinions, really, because it is lodged, it was going to be debated a week later, it was kind of a 'to do' thing at the end. It was not brilliantly attended, unfortunately, because I think other people had other commitments, but if we are going to try and change an entire law and swap out one for another and, quite honestly, one of the most important laws we have, which is how we spend the money that we get from the people of Jersey through taxes, surely we need to be doing better than a week's notice on how we are going to inform the elected representatives, to find out what their views are. I totally support the Chairman of the Corporate Services Scrutiny Panel that turned around and said: "Where is the plan B?" It is very important, because the Government Plan side of things, I certainly agree with the idea that we do our income and expenditure one-year fixed planning, but we set out a 4-year plan.

[15:45]

It is a great plan, but when you add and change so many other areas, have a plan B. That was not mentioned a week ago, or 2 weeks ago; it was quite a long time ago, but we still do not have a plan B. It was a very sensible recommendation. There are other areas where the public finances manual will now be public; that is great, but there are areas of concern in that, too. The public finances manual in Article 31, which it falls under, states that the Minister for Treasury and Resources may

delegate the functions to make changes to the public finances manual to the Treasurer. Then it says, under Article 34, about the independence of the Treasurer: “The Treasurer is not subject to any direction on how a function of his, or her, office is to be carried out, other than a direction that is set out in the public finances manual.” So, what we have got here is a manual that sets out how our Treasurer can do the job with the independence, but also sets out that the Treasurer, if the Minister for Treasury and Resources deems necessary, is able to change those rules, whenever they like. It would be like sending out a manual to the Assembly saying: “Here is the manual on how we can work in the Assembly and there are 2 rules. One is you are not allowed to leave your seat ever and the second one is if you want to change the rules, you can change the rules.” Well, when you want to leave your seat, you will just change the rules, will you not, because you are allowed to. It is not exactly a guidance and rule book, when you are allowed to change the rules on how you function, when you are talking about public finances. Sorry, I know I am going on. I am incensed by some of the areas of this law and how it has got to where it is. I do not know how much we have spent getting consultants in to set up this law. I do not know whether it has been value for money. I absolutely cannot agree with the principles of the proposed Draft Public Finances Law that sets out to restrict the voices of this Assembly. I absolutely cannot. I am glad it has been called into Scrutiny where it can be worked on, but the principles of this law, as you read it Article by Article, sets out removing restrictions on the Executive and Government on how they can spend money and increases restrictions and barriers on everyone else. Is that the principles of the law we want to pass today, because I totally disagree. I would ask any other Member in this Assembly if they think that using new laws in a way to restrict elected representatives from representing their electorate is the right way to go. I cannot, and I do not think anyone else should. I will leave it at that.

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

I would like to thank Deputy Wickenden for his concise ... I know he said he was speaking too long, but he was concise, because the work he has done and others have done, which has got to the bottom of this law, to make sure we understand it, has been a large amount of work and what we have found has been horrendous, to be honest with you. Let me start, though, by asking the simple question: when the Chief Minister asked that we appoint the Deputy from St. Clement as the Minister for Treasury and Resources, I wonder why he asked that, because, perhaps, he should have just asked us to appoint KPMG as the Minister for Treasury and Resources, because that is what this law is. Apparently, this came from KPMG; it has been given to us straight away by the office of the Treasurer. I am incredibly disappointed that we are sitting here today, to discuss a law which has not been devised by the Minister for Treasury and Resources, it has been devised by a consultancy firm. This law smacks of those Bills that go through Congress in America where the title says one thing but, hidden away deep within, there are the mines, the traps, which people have put in there, which are only discovered years and years later. This law is being billed as: “We need this, because we need a Government Plan; therefore, we need this, because we need the Government Plan by next month,” or whenever we need the Government Plan: “We must pass this law”, but that is fundamentally wrong. This law changes the relationship between this Island, its democracy and the money that taxpayers give this Chamber as such, or the Government, to look after and spend on their behalf, for their benefit. This law fundamentally changes that relationship and it hands the power to the Treasurer. In the Minister’s introduction she said that it strengthens the independence of the Minister. Now, independence is a word that we have come to use in a way that if something makes that institution more independent, then we are beginning to be brainwashed into believing that is always a good thing. In this case, it is not a good thing. The Treasurer has sufficient independence. The Treasurer does not need more independence, because the money that the Treasurer looks after is the money that Islanders have had to pay through their taxes and the money that Islanders expect us, us 49 people in this Chamber, to ensure is spent properly, not that that one person, the Treasurer, is spending properly. To see that relationship destroyed by this law, the same with Deputy Wickenden, incenses me and upsets me and makes me seriously call into question what the Minister for Treasury

and Resources thinks she is doing by proposing this law. I could take that further, but I will not. I ask people, for the reasons that Deputy Wickenden has said and so eloquently went through talking about some of the Articles, I ask Members of this Assembly to say, perhaps more politely than I have, to the Minister for Treasury and Resources: “No, go away, think, think again. Do not ask us to weaken democracy in this Island in the name of speed and efficiency of government business.” That is not the way this works. We are here to hold the Minister for Treasury and Resources and the Treasurer, therefore, to account. This law stops us doing that, stops us doing it properly and, more importantly, it stops us also providing the input that this Assembly has always for hundreds of years had, and the ability that this Assembly has to provide input, make propositions and amend as required. So, it really upsets me to say this, but I ask you not to support this. I think it is a bad piece of law and it is the second piece that has come out of the Treasury Department this year, which is not fit for purpose. I will leave it there, because I think you know the strength of feeling about it.

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

Usually, I would not hesitate in terms of jumping up and standing and talking about the Public Finances Law, having been a Member of the States Assembly for 10 years and regularly scrutinised Treasury and regularly scrutinised Public Finance Law amendments and so that is why I stand here, being in a position now as what I believe is a truly independent Member. I stood on that basis. I chose to stand for the position of Minister for Education, but I cannot leave behind the responsibilities that I have in terms of all the other areas of government and the Parliament and our responsibilities as elected representatives and, therefore, I never remove my Scrutiny hat. Unfortunately, not just for my officers, but for other Ministers, they regularly get the brunt of my challenge, my questions and I can understand that can be rather frustrating for some individuals that are not used to that level of challenge and questioning, but I think it is fundamentally right. I think every Minister should be doing that, as a first line of scrutiny. I think we have a responsibility to ensure that whatever is coming before us that we are at least 80 per cent sure and happy that we are almost there. Nothing, like the Minister for Children and Housing was saying before, can be perfect; we are humans. I do not believe there is such a thing as perfect, but what we can strive to do is always improve. So, in terms of the Public Finances Law, it is time that the Public Finances Law was changed. It is time that we had a brand new, properly fully fledged, modernised Public Finances Law. It has been amended so many times over the years. Yes, it was lodged, debated and agreed 14 years ago and I think we are still scrambling through the strange existence of this ministerial government system that we have which was what the Public Finances Law came out of, which is what the States of Jersey Law came out of and what the Employment of States of Jersey Employees Law came out of. The reason why I mention all those 3 together is because one of my fundamental concerns, with regards to the Public Finances Law, was an amendment that was brought last year by the former Chief Minister. It was called P.1/2018 and that was creating the role of the Principal Accountable Officer. The Minister for Treasury and Resources knows my view and my concerns and I have raised it regularly. It is not because it is not necessarily the right thing to do, it is the checks and balances that sit around it. We heard before about our responsibilities when we put through the Commissioner for Children and Young People Law how important that was. It was not just the one thing we do. We are all corporate parents; we need to ensure we carry on improving our systems and our services and supporting vulnerable children and all children. It is the same type of concept. We may go through with supporting a piece of legislation on the right principles. We might agree to a certain point and compromise on certain wordings in terms of Articles and that, to a certain extent, is where I have got to with this particular piece of legislation, because I have been in and out of offices with the Minister for Treasury and Resources going through this line by line. I have also met with backbenchers to try and help them to understand some areas, but also for us to challenge, because that is really healthy. I think that is really healthy and even if we cannot agree, at least we have had that discussion. I think it is really important for us to be able to do that. So, the Principal Accountable Officer - and Deputy Morel referred to how much power lies in the hands of the Treasurer, I challenge that - I think it is

how much power that lies in the hands of the Principal Accountable Officer and it goes back to this issue of checks and balances. It was something that I raised last year when P.1/2018 was brought forward. I was the only one that raised it. I turned around and said: “Okay, on the basis that we do this, you ensure that what comes forward next time we have the right checks and balances in place.” The line in P.1/2018, in the report, specifically referred to the fact that a new Public Finances Law would come in with the changes to the Employment of States of Jersey Employees Law and the changes to the States of Jersey Law, because there are 3 principal governing pieces of legislation to ensure that government functions the way that this Parliament wants it to and that is the point. So, when Deputy Wickenden refers to the democracy and the responsibilities that us, as States Members, have to our constituents, or our parishioners, the public at large, the very people that put us here to do the job that they expect us to do, we owe it to them to ensure we have the right governance in place. The governance starts from legislation and works its way down and we need to make sure that whatever comes out of that is what we want to achieve in terms of the ultimate delivery with this respect, our public finances, which is why it will bring me on to a part where I want to talk more positively about; I will not go into line by line. But something that I have realised, that no matter how many briefings we have had, no matter how many mentions, or discussions, in the media are had and even in the Minister’s speech today, there is no mention that there was an amendment made before it was lodged in terms of putting well-being into the Public Finances Law. Why do I raise that? Because this is crucial. Years and years we have been talking about not just focusing on numbers on a spreadsheet, but focusing on outcomes: what do those outcomes look like? The money goes in here, the outcomes are here, and ensuring that we are delivering not just based on performance, but it is the 3-legged stool that we have all talked about: the environmental, social and economic responsibilities we all have in the Island to ensure our public services are value for money. So, the proposal in terms of the well-being will represent a significant development towards the integration of financial and non-financial information, in this case at a much more strategic level. The use of a well-being framework has the potential to ensure that decisions on where to direct government spending, public services and other interventions will align with a higher level and ultimate objectives.

[16:00]

Focusing and achieving well-being, or high-level outcome objectives may help better focus the Government’s attention on the reasons why we have a public service, rather than on the delivery of outputs as an end in itself. The strategic use of well-being indicators will galvanise public spending and service delivery around those indicators only if there is a clear line of sight between them. Furthermore, if done well, the setting out of well-being objectives should provide the public with an additional and more specific source of information about the economic, societal and environmental outcome areas that the Government aims to focus on during its tenure. If it is well understood and well communicated by Government, media and other commentators, it then can provide better information to Parliament and the public at large. That, in turn, has the potential to increase and improve parliamentary and public discourse, enrich the basis for Government’s accountability to Parliament and the public and ideally improve the effectiveness of public expenditure. We should also highlight the caveat that accompanies all discussions of performance measures: the risk of perverse incentives that can arise from a fixation on specific performance targets, or league tables. Ideally, fixation on a performance target should encourage constructive behaviour, aimed at achieving the desirable outcomes, but because the world is complex and it is neither feasible, nor desirable, to create performance measures to capture all of that complexity, it is possible that one performance target, when pursued in isolation, could be achieved to the detriment of other important performance objectives. Not only is it important to try to improve well-being outcomes, it is also important how those outcomes are achieved. This well-being framework could have the potential to help ensure that decisions about where to direct Government spending, public services and other interventions will align with a high level and ultimate objectives which is clearly what we, as a

Government, and ultimately this Assembly, endorsed in terms of the Common Strategic Policy last year. I have been asked questions directly, as the Minister for Education, by Members of this Assembly about performance and whether I believe we should measure the performance of teachers. You can look at, for example, our children and how they grow up in the Island and the different services that they interact with. The fact that all of those services interact with those children ensures that we do not have things like high crime levels, or certain rates of bad health, or certain things that measure further down within the system. But we need to recognise how all those different services interact and fundamentally it is about where we are spending that money and whether we are spending it in the right way and whether we are supporting those services in the best way we can to achieve that outcome. So, on that basis I just wanted to make a positive contribution in terms of the Public Finances Law. The Minister for Treasury and Resources knows that I have been fairly scrupulous in terms of going through this line by line and sometimes I get the impression that just because you become a Minister, or you go into Government, there is a 'them and us' type of situation. I never intend to work like that, I have never worked like that and I am not going to work like that over this term of office. I believe working with each other, all having different views and challenging the very things that we are here to make decisions on are absolutely the gold dust in terms of the democracy that we set out to achieve in this Assembly.

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

I too was invited to be a member of the subgroup and I am going to, I think, agree with some of the elements, but very much support and explain why we should progress the principles of this law today. My starting point, Members will probably know, I have had a - I still have a - public sector accounting qualification, I have had it for many years and I worked as a civil servant both under the law before, the Public Finances Law, the one when we had committees and as a practitioner. I think what I have seen is the evolution of the Public Finances Law in Jersey. Yes, the current law, as you know, is, I think as the previous speaker said, Senator Vallois, 2005, it was adopted when we went to the ministerial system. Prior to that, our budgets were one year at a time. That is what we had, an annual budgeting system, money went into boxes, watertight boxes. If you were a president of a committee, that was your money. If you wanted more money, you came here to the States and argued for it and at the end of the year you told everybody how you had done. It was all very simple. When we went to the ministerial system, we introduced this idea called the M.T.F.P., this grand plan: "We will have a 4-year budget plan", it said. Well, the snag about that is the information was only ever good for year one. As you went into year 2, 3, we started to get to fiction land. Obviously, I was out of the States for a number of years and I listened to the debates about your M.T.F.P. When I was previously a States Member and on Scrutiny, I think I remember doing a review of an M.T.F.P. and, frankly, it was rubbish. There was no evidence to justify half the figures being put for the latter years. I think we have kind of come to the point now: what more evidence do you want for the not fit for purpose in the current Public Finances Law, is the debate we have had over pay policy and the issues about amendments to the M.T.F.P. We have had to work in a straitjacket. Members will also know that I do have reservations about our corporate change processes in many ways. I have reservations about the power of the Chief Executive. Members know that. I have reservations about our target operating model. Members know that. I have got reservations about P.1/2018 to effectively get rid of Ministers in terms of a statutory responsibility and how they shared a pool of responsibility under centralised control. I am not comfortable with that at all. Had I been in the States before, I would have certainly argued strongly against that. Frankly, I hope that we do not go that way because I want to see our Chief Minister fulfil the commitment that he gave when he was elected, is that we would have a new ministerial structure. But the one thing I know is that we have to be able to progress a better planning methodology of what our government achieves and we have to move off of this silo one-year plan and here we have got a device that enables to do it. We must not underestimate the benefits of the principles of a 4-year rolling plan. Now, yes, there are issues of detail, let me say straight away. I do believe that there are issues of detail and while Members were speaking I was listening to them,



but also reading the reports of Stuart Fair of C.I.P.F.A. who did the report - I am sure all Members have read it - on 22nd March in 15 pages of detail and also read the comments of the C. and A.G. on the law, and both of those make common points. They all recommend, strongly, the financial management principles in the new law. They make reservations, wisely, of detail. They make reservations of detail, of quite an important one this, about the public finances manual. They believe that the public finances manual should be integrated into the law in some way. Now, I think though, listening again to Senator Vallois; I think all the points Senator Vallois said about well-being are absolutely right, but I certainly would not be looking in the law to put all that level of detail, which is really important stuff, in a law. I would be looking to have them in subordinate documents, which are locked into the law, ideally into the public finances manual which C.I.P.F.A., say, should come here for approval, because that is going to be crucial to how the new government methodology works. So, I think also there is corporate flexibility. We have not had the corporate flexibility before when we consider our spending plans to be able to consider our tax policies and be able to link in the ability to generate revenue with our spend. We have not had that. I think what chance have we got if we do not progress with these principles about achieving our common strategic priorities, which are based, fundamentally, on cross-government priorities. What chance have we got? Now, there are other points of detail in there. For example, this issue about the right of the Treasurer to delegate the changes to the public finances manual. I think that is an issue. I think that is right that that needs to be looked at, but, again, it is a point of detail. I think there are issues about the independence of Internal Audit, which the C. and A.G. focuses on. But I think nonetheless they both say ... if you read their reports, out of the 15 pages, I think around about 12 pages were: endorsed principles and it is probably right that we have not got it right at one go. But, will you ever get a law of this importance and magnitude right at one go? Now, I know Members want perfection, but I do not buy into that the principles are flawed. I do think there are areas of detail to be looked at and I would hope the Scrutiny process that they follow, if the Assembly goes with the principles, can find some way of sorting those issues out, so that we can still have a Government Plan, because if we do not have a Government Plan, well I do not know where that leaves all us. We have made promises to the public and the whole essence of having a new law was intended to do that. So, I agree about well-being. One of the things, for example, I was ... we have got well-being and I think Senator Vallois was keen on that and I absolutely endorsed it. I want to see a law which reflects social and environmental issues in our Government Plan. That is great. It is done in other places, it is done in New Zealand, great that we have got it. But, of course, what we are relying on in this law, we are relying on the Fiscal Policy Panel and what do they tell us? Money, everything is driven by ... I would like to see that again modified in some way, because I do not think the Fiscal Policy Panel are the purveyors of all wisdom in terms of all areas of life, so, again, I see that as a detail. So, my plea is: Members, please go to the principle, praise the work of the Scrutiny Panels, because this is a tough task. I feel I have kind of let people down, because I was put by the Chief Minister on that subgroup and I had so much on I did not look at the great deal of detail, I looked at the big picture. Clearly, when I read these submissions now, I see that there are these points of detail. They need their subordinate issues, but they need to be dealt with. I kind of failed on that and it is a difficult ask. So, let us not beat ourselves up on this, please read those submissions and accept the fact that we are on a journey. I do not think, in terms of our government reforms, we can go back. I do not believe we can. I think we have got to make progress, we have got to make things work. If there are problems about the role of the Chief Executive, we have to sort him out. He has got to account to a democratic Assembly and I want the Ministers to be powerful and strong, but we must deliver for the public. That means having a structure where we can produce plans which we can deliver for the first time that cut across Government's benches. So, I think that is probably all I wanted to say; I have probably gone on too long and I will leave it at that.

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

From the Public Accounts Committee point of view, I should perhaps say that it is highly unusual for the Comptroller and Auditor General to comment on legislation. The only reason she has done that is because of the technicalities that have cropped up in the proposed law. She is not making a political statement; she is talking about the technical details that we must get right, in order to have a sensible law. She has raised a number of points, which have been mentioned and they have not been fully answered by the Treasury, or they have not been taken notice of. Tucked away in her submission, there are changes to the operation of the C. and A.G. role, among other things, which is not kosher. If the Comptroller and Auditor General feels strongly enough to bring technical matters to our attention, then we should jolly well take notice of them. Basically, I have no problem with the Government Plan. I think an annual rolling budget effectively is excellent and the sooner we get it in the better. Sadly, as I say, the Treasury did not seem to want to bring in that part and let us do all the alterations for the other bits of details as a separate issue.

[16:15]

Again, I concur with the comments about the public finances manual. If you read the Comptroller and Auditor General's submission, it is quite straightforward about it. One thing that has bothered me, is that there were no law drafting instructions apparently made, or given to the law draftsmen, it was all done verbally. In fact, as I understand it, or we have gathered, there are no minutes of the meetings with the law draftsmen, which again is not the normal procedure. As I say, the Government Plan is very important but if the Comptroller and Auditor General and C.I.P.F.A. think that these details that they have highlighted are important, then we must take them into account and we need to be able to explain to the Assembly why they are important and to bring the amendments and to do the proper scrutiny of an important piece of legislation before we debate the Articles.

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

I have a question, but I think most things have been covered. My concern is that I understand the difference between the Articles that will come later, because we do that a lot in Scrutiny; we are always looking at Articles, as we have shown today. But, they seem to be so inextricably linked with the law at the beginning that you cannot understand whether it is fit for purpose until you understand how the Articles will work. In particular, for me, there seemed to be a lot of fallbacks, which are amendments to the Government Plan, but in Articles 13 and 16 it seems that amendments to the Government Plan can only come from the Council of Ministers. Therefore, we are removing a whole part of this Assembly in being able to amend the Government Plan, so it seems to be a slightly circular argument: you can do that, but only if you are this and, therefore, you cannot do it. I think that needs to be looked at very carefully. So, for example, it says in the law on page 7, if there is an amendment to a lodged Government Plan, the Minister for Treasury and Resources must be asked to review and comment on the effect of the proposal as well. That means that we are giving an enormous amount of power to a few individuals and I think we come back to the question that I have asked a number of times, which is the relative power of the Council of Ministers, the rest of the States Assembly and the Chief Officer. It seems to me that this law is making that definition very distinct and it is taking away the opportunity for us, as Members of this Assembly, to make amendments, or make changes, or have control over the spending in the Government Plan, thus limiting our effectiveness, thus limiting democracy in the long term. So, we need to ask the question of how those Articles will impact upon the workings of the law, before we discuss the Articles in order to work on the workings of the law. Again, we have this circular argument, which is very difficult to get out of, so we need to understand how the Articles will impact before I can vote for the principles here, I am afraid.

#### **8.1.8 The Connétable of St. John:**

I think one needs to just correct a few points. One is Article 13(1): "An amendment to a lodged Government Plan may, in addition to proposing the amendment to the plan, propose ..." and it goes on that you must consult the Minister. It is not the Minister in person, it is the Minister in office and

the reason for this is that we have learnt from previous mistakes. The classic example of that mistake was that we had an amendment to a budget one year which came in at the last minute and that was to double vehicle emission duties: “What a wonderful idea. We are going to double vehicle emission duties, we will get more taxes and we will help the environment by reducing the amount of emissions.” The Assembly approved it, I spoke against it, as did the Minister at the time and time proved that I and the Minister were correct, because what happened was a number of firms on the Island, who had put in orders for new vans, that were environmentally more friendly, cancelled their orders. So, when that happened, it meant the old, dirty diesel vans continued to pollute the atmosphere, so the intention of improving the environment failed and because they did not buy new vans, the Treasury did not get any money at all, so it did not work. What we are saying here is that by consulting the office of the Minister, these can be properly investigated, looked into and then a true and accurate debate take place in this Assembly using your head and not your heart. I was very disappointed with comments from the Deputy of St. Lawrence, Deputy Morel, in that he criticised that the law has been drafted by KPMG and not the Minister. I would be, quite frankly, surprised if the Minister drafted the law and did not rely on the expertise of professionals to do so on her behalf. I know, personally, I would be frightened of writing any law myself, if that should ever fall upon me and I would rely - I think much to the Assembly’s relief - on experts to do it for me. He then went on ... and I feel that having worked with C.I.P.F.A. on Scrutiny and come to recognise their expertise and their skill, they have endorsed generally this proposal. To suggest that we know better than them, I find very hard to live with. They are very thorough, I have worked with them, they have been a wonderful group of individuals and I would highly value their comments and I think this Assembly should do the same. I accept that there may be one or 2 disagreements in the Articles, but the important thing is that we do today accept the principles. Scrutiny can go through the Articles. They have already had a significant period of time to go through many of the Articles and I hope that they will be able to complete their work as quickly as possible, so that we can move on. The very bottom line, as always, is a financial one and any delays to this will result in kicking the savings we could make and need to make and absolutely have to make, we will kick those savings into the long grass. If we do not make those savings today, you will not catch up and you will never make those savings in the future. So, it is significantly important that you do support this proposition today, let Scrutiny do its work and then we can debate the Articles later.

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

I thought it was right for my colleague, Deputy Ward, to raise the issue and ask the question about how fundamental Articles 13 and 16 are to the principles that we are agreeing on. Of course, we know that normally you address the Articles in the Second Reading, but I think he is on to something. Because it seems to me - and this is for the Minister’s summing up to answer - if they are not fundamental, that is fine, we can address them in the Second Reading and I would encourage Members at that point to vote against 13 and 16. But the words that the Assistant Minister just said I do not think can go unchallenged. He is effectively saying: “I told you so” in giving a particular example of a proposition where he and his fellow Minister failed to convince the Assembly, because, presumably, maybe their arguments were not strong enough, or whatever reason and then subjectively saying that afterwards the policy which the Assembly chose was the wrong one because there were negative effects. I do not know if that is true and I do not know if in fact there were also positive effects of the States decision which outweighed the negative effects which he thinks exist. But that surely cannot be an argument to say that in future, whenever you want to put an amendment in, perhaps, as a backbencher, or as an independent Member, working independently of Government that you should be forced to consult the Minister by law. It is fine to say that that is a good principle. Members might wish to consult with all sorts of people inside and outside the Assembly before lodging any proposition, and it may well be that you go and talk to the department about that. But it is a bit strange to oblige a Member to talk to the Minister for Treasury and Resources and one has to question: where does the line stop? Are we going to say that if you want to put anything to do with

the environment that you have to talk to the Minister for the Environment first? In law is there a legal requirement for us to consult the Minister for Infrastructure if we want to do anything with buses, for example? There is no requirement for the Minister to give approval to that individual, it is just to say you have to approach them. But, surely, that is why we have lodging periods and that is why you build it into the system and then the Minister will decide at that point what the merits are and what the difficulties, or challenges, are with that particular proposal. That is what we already have. So, it seems very strange that we are building in a supplementary requirement and then to add Article 16 which says: “The States may amend an approved Government Plan only on a Proposition lodged by the Council of Ministers.” That is taking us down an avenue where we are abdicating even further responsibility and the powers of the Assembly. We are saying it can only be done if the Council of Ministers want to do it. So, it may well be that we win a Proposition in principle but that, for whatever reason, the Minister says: “I do not think this is workable anyway” so we are removing democratic checks and balances even further from our powers. I think wherever we are on this Assembly, whether we are on the ministerial side, or whether we are on the Scrutiny, or the independent side and not involved necessarily in either of those functions, we should be fighting for the autonomy and the rights of all States Members, irrespective of where they might end up in Government. I think these are fundamental abuses, I would say, of parliamentary practice and they have no place being in there. I suspect and I wait to hear from the Minister, in summing up, whether or not these are so fundamental to what is being proposed here that they are points of principle that need to be looked at in the First Reading and, therefore, we should probably either reject it entirely, because of these fundamental and egregious amendments that find themselves into this law, or at least ask that Scrutiny bring amendments to these particular parts.

#### **8.1.10 The Deputy of St. Mary:**

I am just wondering if we are not making too much of Article 13 about an amendment to lodge a Government Plan. I recall some years ago, I submitted an amendment to a budget to reduce vehicle excise duty on tractors and in making that amendment I went to the Treasury for an assessment as to what that will cost us if that amendment was made and the duty was not imposed. The purpose of that is not to give the ministerial team the whip hand in a way, it is just simply to inform the Assembly of what is going to happen to our budget. As I understand, it is an informative exercise and, as I see it, the new provision is nothing more than that and I wonder if we are making much of it.

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

I have been a bit like: “Shall I, shall I not?” because people have covered things I was going to say, especially the Constable of St. John there about who should be writing important financial laws; well-respected accountants international are good enough for me with the oversight of the team at Treasury and our excellent Minister for Treasury and Resources but, again, she has not written this law. Now, we do seem to be looking here from the speech of Deputy Wickenden for: “This is against democracy. This is so bad, it is tying your hands behind your back.” Like Senator Vallois, I have changed over from being a backbencher, on Scrutiny, P.A.C., P.P.C. (Privileges and Procedures Committee) but I still try and be fair and I really would not say anything in this Assembly that I do not believe to be true. We have had heated conversation around the Council of Ministers, we have had reports from the Comptroller and Auditor General, C.I.P.F.A. and others. Yes, everything may not be perfect, but from reading it, it is better than where we are, because we did cobble this law together in 2005 very quickly when we went to ministerial government from, as Deputy Young has said, something that had been running for years.

[16:30]

Somebody standing here today said: “This has been here for hundreds of years.” No, it has not. We have also been accused ... the Council have not got a backup plan under P.1/2018 if this does not go through. Well, the backup plan to me is somebody is going to rescind P.1/2018, because this is where

all this seems to be going. Then we are a year into elections, we were all elected a year ago in 2 weeks' time and we made promises and now this Council of Ministers has been trying to lodge the Government Plan with the new Public Finances Law in late July to give, I think, 18 weeks to bring forward amendments. Now, I will try and convince Deputy Ward and Deputy Tadier, Article 13, like the Deputy of St. Mary said, does not restrict - it even says in part 1 - if the Minister has not lodged a new tax, bring one forward but, basically, of course, you would consult Finance. At the moment it is called "financial and manpower" but this is a Government Plan budget, so it does go a bit further. I know people who amend the budget and they never find, or make up, the pennies. I am not having a go at Deputy Wickenden again, but it has happened before, the budget is going to have some money coming in from alcohol and we get ... if you read the fine print, when you amend the budget you should also find the money to replace that budget. People do not do it. People sit here and vote for it and somebody has to find that money somewhere. So, I do think we are making a big deal of this. It is up to the Assembly. Scrutiny, Senator Moore has said, with a good wind and their advisers and the panel already in place, they can bring the amendments and then we can bring the Government Plan in time and we look forward to many amendments to the plan on income and expenditure and what it will do. But, again, basically, plan B is go back to 2004, before we went to ministerial government, not before P.1/2018, because I think this is how bad it is. We are talking the talk. We have talked the talk for a year, you do not want to do anything. The public really are now going to get fed up. They want it on paper, they want to know what it looks like and there are no reds under the bed with this, it is not the end of democracy as we know it and it is not this and it is not that. It is a lot of good things and even the C. and A.G. can say good things about it, so can the advisers to Scrutiny. So, I am very sorry, I mean I stand here today like, as I say, I started off. I do not tell anything as I do not see it and this is not the end of democracy as you know it.

**The Bailiff:**

Does any other Member wish to speak? Then I call on the Minister for Treasury and Resources to reply.

**8.1.12 Deputy S.J. Pinel:**

Goodness me, that was more of a task than giving the original speech. Some very passionate and well-informed speeches, but, equally, I think, there was quite a considerable amount of confusion. The Treasury Department does not write legislation. We have had the assistance of very well-informed independent advisers, who consult with global jurisdictions to come up with their recommendations; KPMG of course and C.I.P.F.A., who, apart from 2 items in their report to Scrutiny - they were Scrutiny advisers - endorsed all the others. So, for international advisers then we would be rather stupid to ignore their advice. Also, the C. and A.G. was mentioned, as well, who gave a lot of endorsement. When you are creating new legislation like this, which is replacing something that is 14 years old and completely not fit for purpose, there are going to be things that people do not like and this is why Scrutiny wanted to have a look at it. We are not talking about the Articles today, as somebody said, this is the principles and we have got to move forward if this law is going to inform the Government Plan, which it absolutely needs to. Somebody made reference to the budget and how we would maintain the expected savings that we are supposed to find; if we do not have the law in place is going to be difficult, if not impossible. Various Articles were mentioned again in detail and I do not want to go into that, even though Deputy Tadier asked for a specific answer, because we are not discussing the Articles, we are discussing the principles. So, I want to thank all of those who were very positive about it and those who were less so. But, the interest in it is, I think, very important. It is very important legislation and I hope that people will see that we are, as I say again, discussing principles. This talk of restriction and lack of democracy, all I can say is that it is mentioned in so many of the Articles and my speech that this is important because of its improved flexibility and less prescription. It gives us far more variation on what we can do and react instantly to the constant changes that we are seeing. When I say instantly, relatively instantly. Also,

to put forward this annual rolling plan, which will give Assembly Members much more freedom to have an interest and impression on what the States Assembly does, whereas at the moment we are tied to 4 years. I cannot remember who said it, but this has resulted in some quite difficult situations with pay talks because of that. This changes that, so I think, generally speaking I understand that people will have their own concerns, but from the point of view of getting this legislation on the way to discuss the Articles, which the Scrutiny Panel are going to do, and then make amendments is the way forward. I propose, once again, the principles.

**Deputy M. Tadier:**

I do have a point of clarification. I did ask the Minister whether or not Articles 13 or 16 were so fundamental to the principles as to undermine the principles were they to be removed at a later stage. Can she answer that?

**Deputy S.J. Pinel:**

Yes, they can be discussed; any of the Articles can be discussed, but with advice from our advisers as to why they put them in in the first place and are they removable.

**The Bailiff:**

Well, the *appel* is called for. I invite Members to return to their seats. The vote is on whether to adopt the principles of the Public Finances (Jersey) Law and I will ask the Greffier to open the voting.

<b>POUR: 36</b>		<b>CONTRE: 13</b>		<b>ABSTAIN: 0</b>
Senator I.J. Gorst		Connétable of St. Helier		
Senator L.J. Farnham		Connétable of St. Saviour		
Senator S.C. Ferguson		Deputy G.P. Southern (H)		
Senator J.A.N. Le Fondré		Deputy M. Tadier (B)		
Senator T.A. Vallois		Deputy M.R. Higgins (H)		
Senator K.L. Moore		Deputy L.M.C. Doublet (S)		
Senator S.W. Pallett		Deputy R. Labey (H)		
Senator S.Y. Mézec		Deputy S.M. Wickenden (H)		
Connétable of St. Clement		Deputy K.F. Morel (L)		
Connétable of St. Lawrence		Deputy of St. John		
Connétable of St. Brelade		Deputy R.J. Ward (H)		
Connétable of Grouville		Deputy C.S. Alves (H)		
Connétable of St. John		Deputy I. Gardiner (H)		
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Deputy J.A. Martin (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				

Deputy of Trinity				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy J.H. Perchard (S)				
Deputy K.G. Pamplin (S)				

**The Bailiff:**

Very well. Senator Moore, I understand your panel wishes to call this in to Scrutiny.

**Senator K.L. Moore:**

You gather correctly, Sir.

**The Bailiff:**

What time do you propose that you will need for that?

**Senator K.L. Moore:**

I think we are looking to one of the June sittings. We, at the moment, have probably in the order of about 10 amendments to bring.

**The Bailiff:**

We would normally fix a sitting, I think, would we not?

**The Greffier of the States:**

Yes. We have to give a date.

**The Bailiff:**

We have to give a date.

**Senator K.L. Moore:**

If I must, we will go for the first sitting in June.

**The Bailiff:**

The 4th of June.

**Senator K.L. Moore:**

Thank you.

**Deputy S.J. Pinel:**

Excuse me, Sir, may I thank the Chair of the Scrutiny Panel, because I know there is a lot of work to do and I appreciate what they have done so far and a lot that has to be continued. The difficulty we have if it is any later is then with the Privy Council in the U.K., so I very much appreciate your help.

**The Bailiff:**

Very well, it will come back before the Assembly on 4th June.

**9. Draft Explosives (Amendment) (Jersey) Law (P.21/2019)**

**The Bailiff:**

We now come to the Draft Explosives (Amendment) (Jersey) Law P.21/2019, lodged by the Minister for Home Affairs. I will ask the Greffier to read the citation of the draft.

**The Greffier of the States:**

Draft Explosives (Amendment) (Jersey) Law 201-. A law to amend the Explosives (Jersey) Law 2014. The States, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following law.

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

As our Scrutiny Panel mentioned, or indicated in their comments, this is very much a technical amendment. The current law provides for this Assembly to make regulations regarding fireworks, but since the law was passed and work on drafting those regulations has commenced, it has become clear that the definitions provided in the primary law, as they are currently, are too narrow. What this amendment does is to change the term to “pyrotechnic article” which will include fireworks. Broadly speaking, I am told that a pyrotechnic article is one which contains explosive substances, or an explosive mixture of substances designed to produce heat, light, sound, gas, smoke, or a combination of such effects. The current Regulation-making power covering only fireworks does not encompass all of these items and is consequently not sufficiently broad, meaning that any regulations made would not be able to have the effect and purpose that was intended. I would emphasise that this amendment and this law is very much an enabling amendment, it does not, of itself, provide any controls on fireworks, or pyrotechnic articles. Those arrangements will be covered in the regulations on which there will be extensive consultation and which will need to come to the Assembly for approval, if this amendment is adopted. In addition, other than amending the definitions in the primary law, this amendment enables the Minister for Home Affairs to specify and prescribe times during which fireworks can be supplied or used and when public firework displays can be operated in regulation, which will be approved by this Assembly in due course, hopefully, and then also by Order. But, before doing so, the Minister will be required to consult the Comité des Connétables, who will be the licensing authority. As the Constables will be the licensing authority for public firework displays, it was thought sensible to ensure that any related minor offences could be dealt with by Parish Hall Inquiry. Finally, the amendment allows the Minister, if approved, to designate, by Order, any article, substance, or preparations, as an explosive, or class of explosive, for the purposes of the law and regulations that the States may in due course approve. That will future-proof the law and negate the need to come back and change primary law if there are changes that need to be made in the future. I maintain the principles.

**The Bailiff:**

Are the principles seconded? **[Seconded]** Does any Member wish to speak on the principles? All those in favour of adopting the principles, kindly show. The principles are adopted. Deputy Ward, does your panel wish to scrutinise further?

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

No. I just refer you to the comments from the panel and just make one point which is that we intend to review the draft regulations once they have been lodged to the Greffe.

**The Bailiff:**

Thank you. Minister, are you going to propose the articles *en bloc*?

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

Yes, please, Sir. They do what I explained in my opening comments and I would like to propose them *en bloc* and thank the Scrutiny Panel for the positive interest they have shown in this proposition.

**The Bailiff:**

Seconded? **[Seconded]** Does any Member wish to speak on any of the Articles?

**9.2.1 Deputy K.C. Lewis:**



Just a question: would this include sky lanterns and the like?

**9.2.2 Deputy M.R. Higgins:**

I would just like to seek clarification from the Minister: does it also include flares fired by aircraft, for example, in the air display?

**The Bailiff:**

Any other fast googlies for the Minister? Minister, would you like to reply?

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

The answer to those questions, I believe, is yes, providing there is some explosive part to these things. It includes theatrical pyrotechnics, flares, detonators, even bird-scarers would come under the Explosives Law. So, the answer to those questions is definitely yes, as far as Deputy Higgins is concerned and probably yes to the question by Deputy Lewis. I maintain the Articles.

**The Bailiff:**

Those in favour of adopting the Articles, kindly show. The *appel* is called for. I invite Members to return to their seats. The vote is on whether to adopt the Articles in the Draft Explosives (Amendment) (Jersey) Law and I ask the Greffier to open the voting.

<b>POUR: 43</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 0</b>
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator S.C. Ferguson				
Senator J.A.N. Le Fondré				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. 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 K.C. Lewis (S)				
Deputy M.R. Higgins (H)				
Deputy J.M. Maçon (S)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy L.M.C. Doublet (S)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				

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

[16:45]

**The Bailiff:**

Do you propose the Bill in Third Reading?

**The Connétable of St. Clement:**

Yes, please, Sir.

**The Bailiff:**

Seconded? [**Seconded**] Does any Member wish to speak in Third Reading? Those in favour of adopting the Bill in Third Reading, kindly show. Those against? The Bill is adopted in Third Reading.

**10. Draft Access to Justice (Jersey) Law (P.23/2019)**

**The Bailiff:**

We now come to the Draft Access to Justice (Jersey) Law P.23/2019, lodged by the Chief Minister. I am going to leave the chair to the Greffier and, therefore, the Assistant Greffier will no doubt read the citation of the draft.

**The Greffier of the States (in the Chair):**

The Draft Access to Justice Law 201- lodged by the Chief Minister, that is P.23/2019. I will ask the Greffier to read the citation.

**The Assistant Greffier of the States:**

Draft Access to Justice (Jersey) Law 201-. A law to make provision for improving access to justice by establishing a legal aid scheme, and for connected purposes. The States, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following law.

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

The purpose of this draft law is simple: it is to provide a statutory basis for the legal aid scheme in Jersey. The draft law establishes the Legal Aid Guidelines Advisory Committee, which would advise and assist the Chief Minister in making the scheme. The Judicial Greffier would become responsible for the administration scheme, a responsibility which, in practice, would be delegated to the Law Society. The draft law brings clarity, with regard to ownership of the scheme and provides a clear process for implementing and making amendments to the legal aid scheme, an important point, which I shall be returning to shortly. It brings accountability, where none presently exists politically, of me, as Chief Minister, and also in terms of Freedom of Information legislation and through an annual report in respect of the scheme which will be prepared by the Judicial Greffier and presented to the States. It also reaffirms the duty of an advocate, or a solicitor, to provide legal aid. The path that has

led to the lodging of this draft law is a long and detailed one and I will not bore Members entirely with the in-depth history of how we have reached this point, the required detail is in the report. Suffice it to say that the Access to Justice Review commenced around 5 years ago. The review of legal aid was undertaken by the Law Society, with the purpose of ensuring the scheme remained fit for purpose for the current day. The Law Society completed its review in October 2016 and then advised the Government that its membership had taken a decision to implement a revised legal aid scheme, based on the findings of the review in January 2017. Now, there were a number of concerns, which arose from the Law Society's proposals and representations were therefore made to the Royal Court to achieve a stay on the implementation of this revised scheme. The end result was that the Law Society agreed to get back around the table with the Government and other members of the expert group for in-depth discussions around their proposals. It is those discussions which ultimately led to the development of this draft legislation and the Law Society's proposed revised scheme, which has been attached as an annex to the Proposition. It is important to note, which I will, again, repeat very shortly, that this is not part of the Proposition. So, we need to maintain a distinction between the draft law, which is what I am asking the Assembly to debate, consider and hopefully approve today and the proposed scheme, which is something that basically comes back at a future date. They are, to an extent, related, but they are different entities and please can Members keep that very clear. I tried to make that distinction all the way through the discussions when I have been involved in this process and I am also very grateful to the Scrutiny Panel for their very constructive approach, again, on what they have done here, but also the fact that they have kept that distinction in how they have approached matters as well. So, my focus today and it is as when I appeared before Scrutiny earlier this month, will be on the draft law. Now, I know there are questions and concerns about the proposed scheme, but these are going to be matters for the proposed Legal Aid Guidelines Advisory Committee, if Members agree that it should be established. Now, I would be certainly very happy to encourage Members to air any thoughts they have about the proposed scheme, so that the Committee, if the Assembly agrees it should be established, can take account of these when it is advising and assisting me in making that scheme. So, I do not intend, if I can, today, to speak in detail on the scheme. I hope Members will understand my position in that respect and also it is around we know we have got a very full week. I am making that distinction; this is about an enabling law to put a structure in place and not about the detail of the proposed legal aid scheme at all. I am hoping that Members will accept that the law ensures there is ample opportunity for any concerns to be addressed and provides sufficient recourse in the event that Members are not satisfied with any final scheme that any Chief Minister, whether it is myself, or any successor, seeks to make. So, I believe that placing the legal aid scheme on a statutory footing would be a positive and welcome development. It is not in anybody's interest to maintain a position where the only way to resolve disputes of the content of the legal aid scheme is to resort to court action, as was the case in November 2016. So this, in itself, which is the main purpose of the legislation, is a big step in the right direction. There are a few aspects of the draft law, which I do want to cover in a little bit more detail before I close my comments on the principles. So, the draft law provides, I would hope, a clear process for making and amending the legal aid guidelines. The Legal Aid Guidelines Advisory Committee would be chaired by the Judicial Greffier and that has a broad and balanced membership, reflecting the partnership approach that has been a key part of this work to date. Before advising the Minister on a scheme, the Committee will quite rightly be required to consult the Chief Justice and the Magistrate and anybody else as they see appropriate in their proposals. The law then makes it clear that it is the Minister who ultimately makes and publishes the guidelines and Article 7 sets out what the legal aid guidelines may include, but it is not an exhaustive list of requirements. In preparing the legal aid guidelines, the Minister is required to publish proposals and both seek and consider representations from the public. So, before the guidelines can be confirmed, they must be presented to the States Assembly and can only take effect after a period of at least 4 weeks has passed. Now, if, within that 4-week period, any Member of the Assembly lodges a proposition requesting that the guidelines be annulled, then they shall not come into force until that proposition has been considered. So, there is

a check in this Assembly. I should also make it clear and as I have said in a public hearing of the panel, that consultation with Scrutiny, at an early stage, will be a central part of the process of publishing and making the guidelines and I reiterate that has got to be the case. I would hope and I believe that this sets out a clear, transparent and robust process for making and publishing the guidelines, with safeguards provided at various stages throughout. The law ensures that the Judicial Greffier can provide legal aid where the interest of justice requires it. This is important for the circumstances, which will inevitably arise, when somebody falls outside the remit of the scheme for one particular reason, or another, but in their particular instance really does require the support of a legal aid lawyer. So, it ensures that flexibility can be exercised when needed. The law also provides, for the first time in Jersey, for lawyers to offer 'no win, no fee' arrangements, known as a conditional fee agreement and the law specifically requires, however, a conditional fee agreement will not provide for a success fee to be paid. Again, reiterating that if Members agree to this draft law, possibly today, that is not the same as agreeing to the scheme and Members really need to be very clear about that. So, while I will not be speaking in detail on the proposed scheme, there may be a few matters that I probably should touch on. The scheme does have a number of positive aspects: it is an accredited panel of specialist lawyers to provide criminal legal aid, as well as the duty advocate and duty lawyer schemes and that ensure that the public will not simply receive the next lawyer on the roll for their representation in a criminal case, who may know next to nothing about criminal work, but a lawyer, who focuses on criminal work as a key part of their profession. In return for these benefits, it is important to be clear that it has been agreed that criminal legal aid will now be publicly funded. So, the proposed scheme maintains the current arrangements for providing civil legal aid. Also, an enhanced and centralised publicly-funded legal aid office is a positive development and one that we are looking to implement in any event. Now, I acknowledge, however, the concerns that do exist and they have been identified in the Scrutiny report in relation to the scheme. There are concerns regarding the financial eligibility criteria and the scope of the scheme and I have no doubt that those aspects will be very carefully examined, both by the Guidelines Committee and by Scrutiny. I would very much welcome their comments on all of these areas, but that, in particular. There are also concerns around the current proposals for funding criminal legal aid. The suggested capping of costs paid to acquit defendants in criminal cases at the legal aid rate has raised some fundamental concerns and I am very much alive to those. We are confident we can arrive at a solution which addresses the points that have been raised in this respect ensuring that the majority of criminal legal aid can be paid through the recycling of existing funds while ensuring that Islanders, who have not been excessive in sourcing their defence representation, are not financially penalised if acquitted or found not guilty. I reiterate I would strongly expect when the draft scheme is put together that that will be a subject for the Scrutiny Panel and other consultation to have their input on it. Again, it is a matter that is separate to the law. So the level of public funding required for criminal aid will depend on the nature of the scheme and the sourcing of that funding is a job for the Executive. Importantly, any changes made to payments to acquit a defence will require regulations and therefore will be subject to the scrutiny and approval of this Assembly. Just to address one point, to give credit to Deputy Morel, there is a very slight typographical error in one of the Articles. In fact, Scrutiny have also identified 2 other typographical errors, but the one by Deputy Morel is a cross-reference, which is incorrect. I am able to amend that on the Third Reading and then will identify it in the Articles, but basically there is a reference where it says one Article refers, I think, to either Article 18 or 17 and it should be the other way around. I do apologise, I should say, for that oversight. I have asked for measures to be in place to make sure that the cross-checking of references and things is slightly stronger, but, as I said, for today there is a work around that we can do, which is under Standing Orders. To conclude, bearing in mind we are on day one of what is likely to be a longish week, I believe this draft law does represent progress and is an important step in securing an improved and viable legal aid scheme for Jersey into the future. Approval of this law does not mean the end of the Assembly's or the public's involvement in this matter; in fact, it is going to be quite the opposite. It will put in place a process which will lead to greater accountability, a

clear process for agreeing the legal aid scheme and a sustainable scheme for the future, involving the profession, government, the public and this Assembly in a genuine partnership approach that works for the benefit of Islanders who need legal aid. I look forward to hearing from Members and I shall be obviously happy to answer questions. Just to remind Members that obviously, again, today this is about the law. I welcome comments, for the record, or any reservations they have around the scheme. I will not necessarily be trying to address those individually, because that is very much for the next phase, but it would be helpful if Members wish to place anything on record that can feed back into the deliberations of the parties I have already identified. Before moving the principles, can I very much thank the Scrutiny Panel, as chaired by Deputy Ahier, for the work they have done. I hope we have worked very well together. It has been a very constructive process and I very much welcome their approach and input to this whole process. On that basis, I move the principles.

**The Greffier of the States (in the Chair):**

Are the principles seconded? [**Seconded**] I believe the amendment was withdrawn, so we go straight into the debate.

**Senator K.L. Moore:**

May I just declare an interest in this debate?

**The Greffier of the States (in the Chair):**

Yes, of course.

**Senator K.L. Moore:**

Thank you and I will not take part.

**The Greffier of the States (in the Chair):**

Usually, when you declare an interest, you say what it is.

[17:00]

**Senator K.L. Moore:**

Sorry. My husband is an advocate, who owns a small law firm. I am therefore grateful to Deputy Ahier, who has taken on the work of the sub-panel.

**10.1.1 Deputy S.M. Ahier:**

The legal principle of justice for all in Britain can be traced back to the Magna Carta of 1215: “To no man will we sell, deny, or delay, right or justice.” So let it be with Jersey. We need a legal aid system that everyone in Jersey can have confidence in, one that has a deep-rooted sense of fairness for all. The Legal Aid Review Panel, of which I am the Chair, was formed in July 2018 to undertake legislative scrutiny of the Draft Access to Justice Law and its accompanying guidelines, which will redefine how the legal aid system in Jersey operates. This will replace the current legal aid system operated by the legal profession for public; that is to say, criminal law. The draft law is an enabling law, which places legal aid in Jersey on to a statutory basis. How the legal aid system will operate will be determined by the Legal Aid Guidelines Advisory Committee, who will formulate the next legal aid scheme, to be published by the Chief Minister within 6 months of the draft law coming into effect. The set of scheme guidelines, as seen at appendix 2 of the report, will be assessed and amended, as necessary, by the Advisory Committee. The Legal Aid Review Panel recommends that the Legal Aid Guidelines Committee should carefully consider the construction of the legal aid scheme and should not use the guidelines appended to the draft law as a blueprint. When our Scrutiny Panel first met, we were concerned that, for such an important body, the Legal Aid Guidelines Advisory Committee did not have any Members of the Assembly on it. After a meeting with the policy and Law Officers and discussions with the Chief Minister our proposals were accepted. This

allows for 2 Members of this Assembly to sit on the Advisory Committee, increase the quorum of meetings from 5 to 7 members and that no less than 7 members sign reports, as opposed to 5 previously. Also, that the guidelines, or revisions of said guidelines, will be laid before the States for at least a 4-week period before they could be made and published. As part of our review, we held 4 public hearings, one with the Bailiff, one with the Law Society, one with the Magistrate and finally with the Chief Minister; all transcripts are available on the States Assembly website. During our hearing with the Magistrate, she said: “If there were a discretion for the Magistrate to refer a matter to legal aid and say: ‘I am asking for this person to be granted legal aid, because without that I do not think this person can receive a fair trial.’ I think that would be an important safeguard.” After some consideration, we lodged an amendment, through the Chairmen’s Committee, to allow the Magistrate to make a request with the Judicial Greffier to provide legal aid and under Article 44 to remove the words “exceptional circumstances”. On receiving response from shareholders, it was apparent that this change to the draft law represented a fundamental change to the entire basis of the legal aid scheme. Our panel agreed unanimously to withdraw the amendment, but recommends that the Chief Minister ensure that the Magistrate should have discretion to grant legal aid where circumstances require to be provided for in the legal aid scheme when it is published. A legal aid office will be established, overseen by the Judicial Greffier, which will require net growth in revenue funding of around £400,000 per annum. This will include a fixed fee duty solicitor and duty advocate service, which will operate within the office. One of the advantages of the centralisation of the legal aid office is to bring together opportunities for signposting of alternative solutions and to give greater transparency and clarity on eligibility. Through these changes, public law would be funded centrally and civil law would continue to be funded and operated by the legal profession. There needs to be a spirit of partnership between all parties and it is noted that the Law Society have said: “There are no plans to abandon *pro bono*; we are happy to give that, but it is a question of balance.” Compromises have been made by all sides and it was within the framework of working together that agreement has been reached. This has been an extensive and arduous process for everyone involved and I understand that the Legal Aid Scrutiny Panel may be called upon to look at the scheme in detail, as the next phase of work when it is published. I would like to thank our Scrutiny Officers for the production of the Legal Aid Review, which I hope Members have had the opportunity to read and especially thank the Constable of St. Peter, the Deputy of St. Mary and Deputy Rob Ward for their assiduousness during this process.

#### **10.1.2 Deputy J.M. Maçon:**

It is an important piece of legislation and perhaps one which I have not given quite as much time to as I would have liked, but just an observation in developing the guidelines that has been asked for. I do wonder, listening to the Chief Minister, when he outlined the individuals that will be part of the process, part of me did think: “Well, where is the user voice here? Where are the people, who have been through the court process in order to provide that understanding of when you are a non-expert having to deal with a very technical, very legalese place; where is that, in order to provide a balance?” So, in going through and developing this guideline, perhaps I would suggest to the Chief Minister some form of user group, who brought forward the people, who have used the legal system in order to help him develop the guidelines, because, again, it is that principle of customer service. If you have got the Judicial Greffe leading and designing a system, it will look a certain way. If you have got a prisoner, or someone else who has been aggrieved by the legal system, it will look another way and between that we need, of course, to come to some sort of fair balance between them all. I am just concerned that if you have never been through the legal system, if you have never been through those processes, how much you can contribute to how a system should look like is going to be very limited and I think maybe we need to be a bit more proactive in tracking those types of people down. For example, I am sure the lady who had the coastal Keppel Tower planning dispute would be a wealth of information about how the legal system does, or does not, work and I think it would be useful getting that type of feedback, in order to understand how the system could be used. Looking

at things like the Plain English Campaign, again, is it better to have the technical jargon going forward, could that be incorporated, in order to help users to go forward? What I would say is I totally agree that looking at tribunals, or other ways of mediation going forward is eminently sensible as an option, but all I would say is I think there is not enough of the ordinary citizen user voice here and I think there should be and that should be both on the convicted and the acquittal side, whether that is a criminal case, or a civil case. I think those voices do need to be heard in formulating the guidelines going forward.

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

I do apologise in advance to the Assembly, I do not mean to constantly complain, but when bad law is put before you, bad law is put before you and it is up to us to point that out. Certainly, reading the history of this law, it is not this Chief Minister's fault particularly, it is not this Council of Ministers' fault particularly. The whole history of this law is unedifying and what we have before us is an unedifying mess, to be honest with you and I do wonder why. We know that the Chief Minister pulled this law briefly and I was hoping that would be because they wanted to take full governmental control of the legal aid system. Unfortunately, that has not been the case and we have got what pretty much came before it. This law is the result of this Assembly being held to ransom by the legal profession. That is what this is. Going back to the previous, of 2 debates previous, why do we have Ministers if we are just going to outsource everything to other people to look after, because that is what this law does. It says: "Here is a Legal Aid Guidelines Committee", two-thirds of whom are judicial, or legal professional, people. The only reason, as I understand it, that we have any non-legal people on that Legal Aid Guidelines Committee ... and Deputy Maçon is absolutely right to say we need users represented, because they have been forgotten throughout this entire process. Who thinks of users? Well, they are criminal defendants, so we must not talk to them. No, they are people who have used the legal aid system and we need their input. But, the only reason, as I understand it, as to why we have any non-legal people on that - I have just got to bring my notes up again, because they just flicked off - is because of the Scrutiny Panel, as I understand it. They are insisting to have people on there and I may be wrong in that, but we now have 2 people appointed by the Chief Minister and 2 other appointments, who are not legal, but I cannot remember who they are appointed by. So we now have a committee of 12 running Jersey's legal aid system, 8 of whom are lawyers, in one form, or another, or appointed by lawyers in one form, or another and 4 of whom are democratically elected politicians. If that is how you think a legal aid system should be run, then go ahead and vote for this law. Like I say, it is not this Council of Ministers' problem, this whole saga started back in 2014 and at some point in 2016 the legal profession decided that they were just going to wrestle it off the States and they succeeded. Now, I do not know how we let that happen, but it seems to be what has happened. It is really poor. I am just reading off what was written in the report. It is really poor. Add to that, while I am talking about the report and this is so confusing, we also have, as part of the report for the proposition, laid before us, a set of guidelines, which are irrelevant. There are 30 pages of irrelevance in here. Sadly, I was stupid enough to read through 30 pages of irrelevance **[Laughter]** and when the guidelines do come back, the Chief Minister can be assured that I will be reading through them again, because they will be vital when they come through. I understand the distinction; we are not voting on the guidelines here; we are voting on the law; the law itself is poor. To set up a committee made principally of the judiciary, or the legal profession, is wrong. There are not many things where I point to the U.K. and say: "Just do it like that," but for them, the legal aid system is a democratic issue and the legal aid system is controlled by the Government; they make choices about levels that qualify for legal aid, areas that qualify for legal aid and the buck stops with the Government. That, in my head, simple as it may be, is how this should be, but we have come up with a ridiculous fudge where the lawyers will remain in control. It is no surprise that, in their draft, irrelevant, guidelines that they have put at the beginning of the report, they reduce the qualifying amount to £35,000 from £45,000. I think that gives us a taste of where the Guidelines Committee would like to go with protecting Islanders and giving them access to justice. Be careful what you

vote for here, basically. Two good aspects of changing this from the Tour de Rôle system are it will help new law firms and I appreciate the burden on them. But I heard, talking to people, somebody say: "Oh, but some lawyers say it is slave labour." Every single lawyer in this Island got into their job knowing exactly what they had to do in order to remain as lawyers in this Island and they knew they had to do their 15 years in the Tour de Rôle; that is not slave labour and then, when they are not working for the legal aid system, they were earning £375 an hour minimum, plenty of whom earn a hell of a lot more than that. So, to hear that, it is hard to be too concerned about that aspect of it, but this will help small law firms. Most importantly, though, it will ensure all Islanders receive a decent defence, or decent legal advice, in the criminal courts and that was the main failing of the Tour de Rôle system; there is no question. The fact that you could end up with a corporate lawyer on your case, who had never stood in a criminal court before, was a problem. I am not saying it happened a lot, but it was definitely a problem and fixing this, bringing this in, will help us comply with the human rights aspect of things and I am pleased for that.

[17:15]

But I am really disappointed that the Council of Ministers has not taken this upon itself. I understand that the Tour de Rôle is going to continue for several cases. Well, so be it, but the lawyers, the legal profession, do not run this Island. They do not get to choose, or they should not get to choose - they are about to end up getting to choose - who qualifies for legal aid and who does not qualify for legal aid; it is not their concern, it is the concern of politicians and the democratically elected Members of this Assembly. As the Chief Minister mentioned, I raised a few questions, one of which was, again, I just think it is poor to have cross-references, which do not work, within the law. It is really poor; it is low quality. I have seen it in other laws that I am scrutinising. It proves to me that the Ministers are not scrutinising their own work. They are the first line of scrutiny and they are not doing that. To see just simple cross-references ... in this case, it was about the right to appeal under the regulations, so it is a really important cross-reference. It might only be a typo, but it was not, because it occurred 3 times, so it is not a typo, if you do not mind. Under the law I have asked: "Will the Chief Minister be able to disregard the advice of the Legal Aid Guidelines Advisory Committee?" I am pleased to say that yes, the Chief Minister will be able to disregard that advice, when he finds it politically tenable, at the time, is up to him, but it is good that the buck there does stop with the Chief Minister and I am pleased with that. I had an issue, because there is no term length for those non-judicial, or legal, members of the Committee. Personally, I think there should be a term length included there to make sure people do not spend 25 years deciding who is going to be receiving legal aid in our Island. There are other aspects, such as no powers to verify this is a weakness in the law, no powers to verify whether someone does have the capital, or the income, so, basically, you have got to self-certify, essentially: "I do not have income, I do not have capital, therefore I need legal aid." But the Legal Aid Committee, or the legal aid office, will not have any powers to verify that, which is short-sighted, I would suggest. I am very disappointed and I do not understand how this works. The law does not provide a formal framework within which the Advisory Committee should operate. So, basically, the Advisory Committee, when they go off after we pass this law, as I am sure it will pass, they have a blank piece of paper to create this legal aid system. I find that just incredible. We have not inserted in here any basic sense of where the cover should be, where people should be covered. I just find that very odd indeed and again it is just abdicating our responsibility and I just find that very odd. One piece that the Chief Minister did mention was that the States can propose the annulment of the proposed guidelines and the Chief Minister called that a strength, but it is not really, is it, because we know that to propose the annulment of all the guidelines, that takes a hell of a lot of nerve. If you are going to stand up here as a backbencher and say ...

**The Greffier of the States (in the Chair):**

We have had 2 "hells" so far and I have got to pull you up on that.

**Deputy K.F. Morel:**



I do apologise. Yes, of course. I have got such a poor mouth that things come out and I do not even notice. [Laughter]

**The Greffier of the States (in the Chair):**

I noticed. [Laughter]

**Deputy K.F. Morel:**

Basically, to be able to propose the full annulment of the guidelines takes a lot of nerve, whereas to say: "Oh, this is the one thing" it is like the Public Finances Law debate we have just had. To say no to the First Reading does take more nerve than saying no to one Article and saying: "This needs changing." That is the position we are going to be in. We cannot, as backbenchers, change the guidelines a little bit, just because there is something wrong there. The classic would be: "The qualifying amount is £35,000. I, as a backbencher, think it should be £45,000." I cannot say: "Let us just amend that" - I have got to propose the entire annulment of the guidelines and I know how tough it is to argue against the legal profession, because they have just spent 5 years wresting control of this off the Council of Ministers and they have succeeded. So, how am I, as a backbencher, going to propose the annulment of the entire legal guidelines? I find that that is a weakness, not a strength, Chief Minister; that is absolutely a weakness and not a strength. I know I go on and I am sorry that I am the bearer of bad news and I appear to be the one who moans about these things, but it is because this is poor. This is a fudge. This is a mess. This is us, yet again, just giving it to someone else. We are the ones who will carry the can, though. When the legal aid system is not working, it will not be the lawyers who are being moaned at, it will be you, it will be me, it will be us who will be moaned at. I do not understand why we do this to ourselves time and again. Another little thing that I think could be improved would be the reporting system. Yes, the Judicial Greffe is going to report on this once a year, but within the law there is no minimum standard for what the Judicial Greffe should put in that report. I think we do need this, because I have seen it with arm's length organisations. I have seen statistics that they include in the first year when they are feeling really good and want to look open and want to get everybody on side. They put a lot of statistics into their annual reports year after year. As they go by, they start just knocking them out, hoping that we will not notice and slowly those annual reports become less and less informative. So, I think it is really good practice to put a minimum set of information that is required in those annual reports in this legislation, because I can promise you, in 10 years' time, the annual reports will not be so informative as they are now. While the C. and A.G. can review it and F.o.I.s can be carried out now, which is good, the C. and A.G. obviously cannot review it on an annual basis. The C. and A.G. can only review the scheme every few years, or so, at best. So, I think this is deficient, I think this is a law which is, unfortunately, a sign of the strength of this Assembly, or, in fact, a sign of the weakness of this Assembly; a sign of the weakness of various Councils of Ministers that we have had over the years, because this has not been designed by us. It has not been designed by the Council of Ministers, it has been designed by the Law Society. It is incredible, but there you go. I am sure we will pass it. I am sure we will go on merrily and forget all about it, but I think you at least need to vote with your eyes open and know what it is that we are voting for.

**10.1.4 The Deputy of St. Mary:**

As Deputy Ahier has already mentioned, I am on the Review Panel. I also declare a sort of interest in that I have a daughter, who is a qualified advocate here, but she is not in the private sector and is, therefore, not directly affected by this. I must begin by challenging Deputy Morel's judgment of this issue. I normally just agree with him on most things; this I cannot. The present system is funded entirely by lawyers. It will not continue in that vein and over several years the lawyers have tried to negotiate a solution, which has ended up in what, I admit, is a compromise. The main point I have about Deputy Morel's argument is that he seems to think that we are abandoning the whole administration of this and how it works to a collection of lawyers. What we are doing is saying that

you have negotiated between you and there are sets of lawyers in different camps here, it is the best way forward. You have got to a certain per cent where you think you can produce mutually acceptable guidelines and you have included those and the Chief Minister has included those draft guidelines in the report. We did, at an earlier stage of our review, consider whether we should comment on those guidelines at all. We are here, as the Chief Minister said, to approve, or otherwise, this enabling law. We felt it was wrong to do anything other than comment on the guidelines for the specific reason that Members could comment on particular aspects and could highlight to the Review Panel, which, I would add, is to continue in force, so we do think we have done our job. I think all members of the panel have said they will be pleased to continue in office, so that when the guidelines do come back, we will be there and through that element we will be consulting the public. On the question of the public, I accept Deputy Maçon's point and I accept Deputy Morel's point that the guidelines, as now framed, have been prepared by lawyers. Also, as has been mentioned, the panel did request that to maintain the States involvement, 2 Members of the Assembly were on that Guidelines Committee and that is within the Proposition. Also, the Chief Minister has the power to appoint 2 members and I assume that - it is for him to answer - they will be well-qualified people, if not versed in the law, but well capable of taking care of the interests of the public. At the end of the day, those guidelines come back to this Assembly; it is for the Assembly to approve them. The Chief Minister has to approve them before he brings them back. The power does rest with us. As to annulment, that is a nuclear option. One would hope that if there are problems, which would be manifest by comments from the Review Panel, they would be apparent beforehand and care could be taken and action will be taken before they arrive at that stage. This state of affairs is a compromise. If we do not alter the system, we do face the real prospect of defendants not being so defended properly in the criminal courts. Reference has been made to adopting the English system. In case Deputy Morel is not aware of it, the English system is bankrupt; there are places where there is no legal aid available at all. So, this compromise will work, provided it is monitored and improved by the Assembly with the help of the Review Panel. I, therefore, endorse what our panel has already said. It is fit for purpose and I very much hope that Members will approve it.

**The Greffier of the States (in the Chair):**

I have 2 Members on the list to speak - Deputy Tadier and Senator Gorst - but it is nearly 5.30 p.m., so I wondered whether the Assembly wishes to adjourn, or does it wish to carry on?

**Deputy R. Labey:**

May I just point out to Members that there is a *vin d'honneur* in the Old Library for the Jersey Special Gymnastics Team and I know that a lot of Members are attending that; that is due to begin at 5.30 p.m., so I just wanted to point that out, in case that has a bearing on Members' thoughts on whether to continue, or not.

**The Greffier of the States (in the Chair):**

Are you proposing the adjournment?

**Deputy R. Labey:**

Yes, Sir.

**The Greffier of the States (in the Chair):**

The adjournment has been proposed. All those Members in favour please stand. The Assembly will sit again tomorrow morning at 9.30. We stand adjourned.

**ADJOURNMENT**

[17:27]