

STATES OF JERSEY

OFFICIAL REPORT

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[9:31]

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

PUBLIC BUSINESS – resumption

1. Social housing in Jersey: introduction of a regulatory framework (P.120/2017) - resumption

The Deputy Bailiff:

We resume now the debate on the main proposition ‘Social housing in Jersey: introduction of a regulatory framework’ - P.120/2017. I have next on my list Deputy Andrew Lewis.

1.1 Deputy A.D. Lewis of St. Helier:

I know that the Minister and her officers have put an awful lot of work into this and obviously need the time to do so. I do not wish to criticise that at all because the officers behind the scenes have worked very hard on this. However, I am afraid drawn to the conclusion of the Scrutiny report on page 7 where they say that is this really necessary and is this really the right time, is it over-regulation? Should we not be waiting for the draft or the running law, for example, to take part and work and do what it says it is supposed to do. I am inclined to agree with Scrutiny’s view on that. The thing that interests me from the report from the Minister for Housing is that the proposals also include the introduction of legislation to regulate the identification of housing need in Jersey. I am not quite sure that can be done through regulation but that is very encouraging. It hopefully will solve some of the problems that we have but if they do not find what they are we can find somebody else to do them. It also goes on, on the same page of that report, to say that it is recognised that the housing trusts are independent organisations that have operated successfully on a voluntary basis for many years governed by their own constitutions. In addition, Andium Homes is a state-owned company with its own relationship with the Minister for Treasury and Resources through a memorandum of understanding. To me that says it all. Those elements of our housing stock in social housing are well regulated through the Minister for Housing and through the excellent work of the Homes Trust and other most related organisations. These are trusts and charities. They have a very strong remit for doing good, doing the right thing, achieving an awful lot for very little. In other words, they are self-regulating. They have no profit motive. Andium Homes has no profit motive. It has a motive to create the best they possibly can. The regulation that is really important to me is the regulation that the Minister for the Environment put through only a few months ago. I saw in my district some appalling housing conditions and I was in a hearing where they said something about constituent politicians in that area. That regulation will go a long way to resolving some of those issues. I am not sure that a regulator regulating the activities of the housing ministry will do very much more. To me that falls on the shoulders of the Minister for Housing, and others have said similar. So I say this with a heavy heart because I know the Minister for Housing is passionate about what she does and she believes this is the right thing to do. I am struggling to understand why that is the case, after what I have just said and what I have seen in the Scrutiny report, and what I have seen in their own report on page 3. So I am really sorry, Minister, but I cannot support this at this time and that is no sleight on the Minister at all or on her excellent team but there is nothing here at the moment that convinces me this is entirely necessary with everything else that we have done in recent times regarding improving regulation in the area of housing. Now, other Members may have a slightly different view, some of have expressed a similar view to me. I will await with interest of the Minister for Housing because I hope that she can give convince me this is necessary because I know that she is passionate about this. If she can do that ... this is what it is mainly about. I may change my view but at the moment I cannot see, as Scrutiny said, sufficient evidence to justify another layer of regulation in a market that can do perhaps ... well, we could do with less regulation in all sorts of areas. When it is absolutely necessary we, in this Assembly, should regulate and take those

individually where it is needed. In this instance I cannot quite see that but I allow the Minister for Housing in her summing up to persuade me and others that that is the case, but at the moment I am unlikely to be voting for the proposition.

1.1.1 Deputy M. Tadier of St. Brelade:

We hear a lot about red tape from the Council of Ministers. Now, red tape is just a prerogative way, for those who do not like it, for describing regulation and we all know that we need regulation in various areas. That was established yesterday. We were reminded of that by various speakers. What we have got here unfortunately is not red tape. It is blue tape. Now, red tape and blue tape are very similar. It is just blue tape is what you get from a Tory Government when they are trying to do red tape but they completely mess it up because it is completely ineffective and so their attempt at regulation ... and they might try and hide it by words like: "Jersey specific light touch [whatever that means] co-regulation." Maybe the Minister for Education is going to start doing co-examining at school. So to save money on the budget for teachers and examiners: "You mark your own papers, students. You just exchange them among you. You tell us what you think you deserve." "I think I should get an A star. My colleague thinks that. What do you think?" Yes, we will end up with A stars. We will have one person, who is the regulator, paid, I do not know, let us pluck a sum out of the air, £100,000 a year, and he will mark all the papers and I am sure he will be able to mark all of the papers and spend enough time on all of that ... and we were told yesterday by Senator Ozouf, who is probably so sick with the housing situation that I am not surprised he ... maybe that is what has kept him from today. I am sure some of us feel sick with the lack of progress in housing. He told us that even he, who has been working in ministerial government for the last term and previously, does not think that the Minister for Housing, the Minister for the Environment, is sufficiently resourced to even regulate properly and he is sceptical about regulation. So the point is today, what we have got in front of us is a complete dog's dinner. It is blue tape, it is not red tape, and it is not going to be effective. There are those making the arguments against regulation *per se*. What the Scrutiny Panel is saying in a very measured way is that we understand the need for some regulation and I think that even in yesterday's debate, though the vote was lost, I think the argument was won that we all agree that the real problem in Jersey, the real problems lie around private rental accommodation; about conditions, about the spiralling cost of housing in the private sector. How can it be that housing in Jersey for the vast majority of those who rent, which are in the private sector, is going up way beyond inflation? We talk about cost of living for people. These are buzz words at every election, even from the Council of Ministers, pretenders when they stand on the platform and say: "We want to bring down the cost of living. We care about housing." Yet, year on year we have seen beyond inflation housing. Four or 5 years ago you rent a 2-bedroom flat in St. Helier, ample big flat with parking, for £1,000. Nowadays you would be lucky to find a one-bedroom flat in the centre of St. Helier of the same quality for £1,400 and it will not come with parking. That is the reality, 40 per cent increase within about 4 or 5 years. Yet this Council of Ministers do not care and are completely inactive when it comes to where the real problem lies yet they seek to distract by saying: "Let us regulate social housing" where the real problem is not.

[9:45]

Of course the problems in social housing are created by the 90 per cent market rates. You do a quick straw poll like I did yesterday saying: "Can you tell me if you live in Andium what you pay for your rent for a 3-bedroomed property?" Now, completely aware that properties are not all going to be the same. Vast disparities there. Some people may be paying £250 a week for a 3½-bedroom place. Others paying £400 a week for effectively the same place because they are new tenants. It is in complete disorder and, of course, that is going to be the argument: "Oh, that is why we need regulation." That is nonsense. That is why we need to get rid of the 90 per cent rates in social housing. It is not social housing anymore. This Council of Ministers and the previous Assembly who voted for it destroyed social housing. We need to have proper social housing back on the agenda

before we try to regulate social housing because it does not exist anymore. This is complete nonsense. I suggest we go with the Scrutiny Panel; we do not rubberstamp regulation which is not effective; and we come back in the next Assembly with a Minister for Housing who has realty, a Council of Ministers who has real passion on the housing issues and to right some of the wrongs that have been allowed to go on in Jersey for so long. This is not the way to do it.

1.1.2 Senator S.C. Ferguson:

Just a small point. We have heard a lot about **[Interruption]** ... you may prefer not to hear me. We have heard a lot about the 90 per cent rate and it seems to me from the comments I have been hearing that the vast majority of the social housing is in the public sector and is run by the public sector and yet we are doing 90 per cent of the market rate but, hang on, we are doing 90 per cent of the rate we set. I think there is a fundamental economic error here and obviously with 1,500 immigrants a year there will be pressure on housing, and that is really what is at the root of all this. So it is all right regulating things but we need to get our systems working properly first.

1.1.3 Deputy J.A.N. Le Fondré of St. Lawrence:

Can I start off firstly declaring an interest in that I am honorary secretary of Les Vaux Housing Trust and it is not a financial interest? I will say a couple of words but I am intending to abstain on this because I think it is probably appropriate but there is no financial interest at all.

The Deputy Bailiff:

Well, a large number of Members yesterday, Deputy, when you were not here, declared various interests in the subject matters of this debate.

Deputy J.A.N. Le Fondré:

I think given the proximity but what I will just say is ...

The Deputy Bailiff:

But that is a matter for you.

Deputy J.A.N. Le Fondré:

Obviously it is a matter for the Minister. I think she is passionate about the matter and there has been quite a lot of work done on this. The observations I would make; I am glad Senator Ferguson mentioned the 90 per cent rent because, as Members may or may not recall, I brought a relatively minor change, although the language attributed to objecting to that change was quite strong, to change it to "up to 90 per cent". My view at that point was about flexibility. If it was about social housing providers, giving the trustees or the directors, or whatever it is, the flexibility to use their own professional skill and judgment as to what rents they should be applying. It should not be a straitjacket and you "will" always charge 90 per cent of rent. That is the point, I think, that does need to come through in any regulation is about, in my view, light touch where appropriate, flexibility. I have to say, in my personal view - I am speaking personally here - is that if you are going to regulate you regulate. It should not be about who receives money from whom, who is funded by the States, who is not funded by States, what does that mean. If you are going to regulate the sector you regulate the sector. I think the other observation I would make; that that does mean, ultimately, that things like Parish housing probably get caught by this at some point and I think from that perspective Connétables and Parish representatives need to think about what regulation looks like. That goes back to the issue around flexibility and light touch to an extent depending on the circumstances. That is an observation. That is all I am going to say on that. What I would say as well as an observation, I think Deputy Andrew Lewis has probably commented on it, I guess other people may well have done, and for that my apologies. I was caught up in the fog delays from yesterday, as I think Members know. Is there any money that is caught up or absorbed by the costs of regulation? It does mean less

money that goes into repairs and maintenance or providing accommodation unless rents go up and that is why, again, the light touch issue is important. My final observation again about flexibility... and I will go back to history and I will go back to personal experience and also the experience of the organisation I sit on. I have been a member of the Les Vaux Housing Trust for about 20 years, I think, and in fact I will go back further than that. I believe, probably the only Member in this Assembly to remember it will be the Connétable of St. Clement, with the issues around Troy Court back in 1989. The issues that arose then were about flexibility. The States have built a straitjacket to an extent and this is my recollection as well as what was read in the media at the time; is that the States were unable to help a third, two-thirds of a large number of residents who were going to be facing eviction from their estate because they did not fit the criteria that the States imposed at the time. Therefore, in some of the instances that do occur is that one is seeking to assist people who do not necessarily qualify for benefits and there is a danger, particularly in the course we are presently going, is that you will only qualify to receive some form of housing support if you are in the income support system because then that gives you access to the Gateway. What one needs to make sure is that there is provision in there for ... there are still people out there who do not want to be on benefits but do require assistance and one has got to make sure one has the flexibility in there to be able to cater for those situations. I think that is all I am going to say. That is just some general principles. I have to make one other comment. Unfortunately because of all the timings and delays with travel and things there is (a) a planning inquiry going on today; and there is (b) another matter I am involved with on something else, all constituency issues, so will be in and out of the Assembly at various points. I give my apologies to the Assembly on that matter.

1.1.4 Connétable C.H. Taylor of St. John:

We do not need this regulation and, as Members have already pointed out on a number of occasions, we have minimum housing standards and that was introduced by the Minister for the Environment and this, therefore, begs an interesting question. How much has the Housing Ministry Department consulted with the Environment Department in producing this proposition and is this not an example of what is so outdated, of silo operation? The second observation I would like to make is that we have talked about supply. Of course, supply has an equal and opposite demand and that demand is totally unregulated because we have no immigration policy. Until we have a policy that restricts the number of people coming in to the Island to look for housing what is the point in trying to work out how many houses we need? We need to have co-operative, cohesive and inclusive government and this is an illustration of what is lacking very seriously at the moment. There is also another issue which I find very uncomfortable. Why should somebody in social housing be separated out from anyone else? We are one society and all housing should be regulated to the same standards and to, therefore, bring forward a framework for social housing I find discriminatory. So, naturally, I will not be supporting this proposition.

1.1.5 Deputy S.M. Brée of St. Clement:

I think the case for establishing an independent regulator has not been broke. It is important that we think about, what will this regulator do at a cost of a minimum £100,000 a year? Well, if you look at page 7 of the proposition, social housing providers; we have Andium Homes who account for 4,500 units. Now, my understanding was that Andium Homes, while being an incorporated body, is wholly-owned by the States of Jersey and there exists a memorandum of understanding for us to issue directions to Andium Homes. So why do we need an independent regulator to regulate our own social housing provider? So if you take Andium Homes out of the equation it leaves you with, according to the report, approximately 1,200 housing units who will be regulated. I do not think that regulation of these independent social housing providers is either warranted or needed because we do have a Minister for Housing. One would question: why can the Minister for Housing not ensure that those independent social housing providers meet minimum standards? Surely that is the role of the Minister, not to set up yet another independent regulator at a high cost, and let us face it, we have

not got exactly a successful history with setting up independent regulators. But also this debate has raised another question in my mind and that is this Council of Ministers' approach to social housing. We, as a government, are here to ensure that everybody, irrespective of their financial situation, has a roof over their heads. That is what social housing should be about; ensuring that every member of our society has a standard of accommodation that we can be proud of. I think what this has possibly crystallised in my mind is the relationship that we, as the States of Jersey, as an Assembly, have with our social housing provider; that being Andium. Now, while Andium have progressed quite a number of projects because we incorporated them the directors of the company are bound by Company Law to act in the best interests of the company not the shareholder. We have a Minister for Treasury and Resources who is the shareholder representative. His powers to direct and influence what Andium do are very limited; very limited. Other than giving an instruction to the directors, if the directors refuse to accept that instruction, replacing the board of directors as the shareholder, which you can do at an extraordinary general meeting. But do we want to follow this model of social housing that we are now having to deal with. I have spoken to a large number of people who are tenants of Andium and this 90 per cent rent policy is causing huge problems for a large number of people. Because if you are a tenant of Andium, and they are imposing the 90 per cent policy, which we, as an Assembly, have agreed to, it is placing a large number of people in very dire financial circumstances. I would suggest that what has come out of this debate is; perhaps, we need to re-examine the way in which we provide true social housing and the way in which the Minister for Housing interacts with Andium Homes because there does seem to be an issue here. What we are being asked to do here is to approve an independent regulator for our own social housing provider. That just does not make sense and nothing in this proposition has made me change my mind. The good work done by the Scrutiny Panel has increased my concerns that this is a, dare one say it, almost pointless debate and, therefore, I cannot support it.

[10:00]

I honestly cannot support introducing an independent regulator to regulate our own operations. We have minimum standards for rented dwellings. Surely that is what we should be looking at. That is what we should be ensuring; that no member of our society is living in sub-standard dwellings irrespective of who the landlord may be.

1.1.6 Senator A.K.F. Green:

I am pleased to follow the last speaker. We seem to have very short memories. Maybe some Members of this Assembly were not here when this happened. We have very short memories because when we had the Housing Department, as it was... and I have to say I am very proud of the work that Andium have done, but I will come back to that in a minute. When we had the Housing Department, as it was, we ended up having to find £250 million to put right years of neglect, years of under-expenditure, years of lack of investment and we can find loads of other examples in the public sector. Had the regulator been there to ensure that this Assembly did make the right resources available at the right time, albeit that it was directly under this Assembly, had the regulator been there we might not have needed to have raised £250 million to put it right. But it is more important than the money, it is about the quality of lives of the tenants that live there. I heard Deputy Brée talk about he wants minimum standards. I want better than minimum standards and this is partly what the regulator has found. Do not throw it out just because it regulates only the social housing. There may be more to be done later on by regulating slightly differently, and I do not mean that by 2 standards. What the Minister is trying to do here is to regulate things like ... I mean I do not know if Members have all read the report ... a guarantee on the interest rates. If one of the providers borrows a significant sum from the bank, which is good at the moment because interest rates are low, there is a guarantee that if interest rates go, I think, above 5 per cent that this Assembly, the Minister for Treasury and Resources, will meet that bill of the interest above 5 per cent. So with that comes some extra responsibility. You have to ask yourself; what is the difference now that Andium is incorporated and

when it was a States department? Well, there is no change in staff. No change in staff whatsoever and yet they are flying. I am really proud of the work they are doing. Pomme d'Or Farm, before ... when it was built in the 1980s, Pomme d'Or Farm was not touched again until the early 2000s. You did not need a brush to clean the gutters. You needed a lawn mower to mow the grass in the gutters. All that has changed with Andium but do we want it to go back to the way it was a few years ago. A regulator would prevent that from happening. This Assembly did not prevent it from happening before. So there is good reason for regulation. I could equate to another. The good reasons, there are 250 million reasons, asides from the tenants for good regulation. I could go back to say we had an outstanding, at one time, state-of-the-art first class sewage disposal system, now we have got one that is falling apart at the seams. Well, if we had had the right regulator in place we might still have maintained that or upgraded it earlier and not let ourselves get into that condition and that is no disrespect to the Minister or the officers there. They have tried to put it right. We need a regulator. Do not ...

The Deputy Bailiff:

Could I ask Members to keep the background level of noise down? I mean people are entitled to speak quietly.

Senator A.K.F. Green:

They may not be interested in what I have got to say but I am passionate about social housing. I saw the squalid conditions that our tenants in so-called social housing were living in in La Collette, in Pomme d'Or Farm and in Le Marais. I saw that and that happened on some of this Assembly's watch, maybe some new people have come in since then. That happened when it was under the direct control of this Assembly. We need that regulator to make sure that never ever happens again and if the regulator does not go far enough for some Members, do not throw this out, support it and then come back, working with the Minister, to look at other areas as well.

1.1.7 Deputy D. Johnson of St. Mary:

As Members will be aware, I am chairman of the relevant Scrutiny Panel in this case and my views are adequately covered in the report to which various Members have referred to. I do not, therefore, propose to go through it in any detail but I would, in the interests of summary, perhaps refer to one item in each of the 3 headings we have covered. Under the heading "*Necessity for Regulation*" we refer to and have noted the conclusions taken from the consultation paper produced in March of last year. Perhaps the most relevant comment there is: "The Minister shares concerns about the cost that operating a regulator might create and whether the appointment of a regulator will be a proportionate measure in view of the small scale of social housing provision in Jersey. The Minister, therefore, decided not to appoint an arm's length regulator for social housing." The panel, and I think no member has yet received any adequate explanation as to why there appears to have been a U-turn on that point and the panel is, therefore, of the view that the previous decision for the Minister to take charge of oversight should stand. One item not yet mentioned, I think, is the point covered in the proposition itself on page 12 where the Minister says: "It is important to note that where the term 'regulator' has been used in this proposition and report the Minister has not made the decision with regard to how the regulation itself might be structured." Surely, that must be a prerequisite before we pass this proposition. We need to know how the regulator will work before we can comment on the mechanics and efficiency of it. Going back to my earlier theme, the second heading in the panel's report is entitled *Social rental sector versus private rental sector*. I have to say I agree with the Constable of St. John, this seems to perpetuate this division in society that we regard the 2 as separate. We should not be doing that. There is a link between the 2. Rents are pegged to the private sector, 90 per cent, and that needs to be looked into further and I think that by perpetuating this social housing versus private housing element we are in danger of, I say, creating division within our society which cannot be in the best interests of anyone. That leads me on to the conclusion. Various Members

have noted already that we have only recently passed the Rented Dwellings Law designed to improve better standards. This panel is awaiting with great anticipation the regulations, which we work ... constructed on with the environment and once they are in place they will be applicable to the social housing sector as well. Our conclusion is that surely it would be better to see how those regulations bed-in and see whether, based on those, improvements can be made to the social housing situation. I think it is also worth noting in this connection that that law and the regulations they are under will provide for an appeal process. I think the Minister for the Environment will surely correct me if I am wrong but I think he is aware and accepts that any appeal process to the Minister himself is not, in this democratic age, an appropriate measure and welcomes the idea of an administrative tribunal situation being set up. I think that as and when that happens there is no reason why any problems related to the social housing sector could not be referred to that same tribunal and put all the items together. I revert to the position that the panel itself has come to; that at this stage we see no, or little, merit in appointing a regulator, whose activities are yet or whose definition is yet to be fully defined and it will be far better to, if necessary, bring this back to the States at some future time, depending on how matters progress under the laws already approved. I, therefore, maintain the recommendations contained in the Scrutiny Panel's report and recommend that this proposition be rejected.

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

While I am loath to put myself on the same side at the 'anti-regulators - all regulation is bad', because that is not my natural position. My position is that appropriate and good regulation, accurately delivered, is entirely appropriate for what goes on in our Island and particularly with housing. But the Minister, yesterday, was singularly ineffective in persuading me, and many others, that in attempting to do half the job, i.e. not addressing the private sector at all, she was doing a halfway decent job. So on that ground alone, why has she not done the full job, why has she not said: "We will accept the amendment and deliver across the whole housing sector", then I cannot possibly support her. On other grounds as well, I do not wish to support her in this particular regulation. The reason is, I can hold the Minister for Housing to account. She was answering my questions only yesterday about the new initiative she is going to propose looking at objective assessment of housing needs. Can I, equally, call to account the regulator, when it is set up? No, I cannot. The responsibility goes through somebody else but I cannot call the regulator in and say, what are you doing? Thirdly, and it, I think, picks on the Constable of St. John's remarks about separating off, of somehow social housing is different to the rest of housing and needs different treatment. I do not believe that is the case. In fact it goes worse than that. By including the word "social" it is relatively straightforward for me to say: "Hang on, we have not got social housing in this Island. We scrapped that some time ago." If you look at the words used by the Minister for Housing and Andium we talk about "affordable housing" except it is not even that because we have got the 90 per cent of the market rate setting out ... so it is not affordable even. It is certainly not social. It is not affordable. The mark set by Andium; Andium do their own survey of where the market is at. If you happen to have a glorious view in the private sector you can be charged for that. They will charge you. What can you get out of this flat? That will be the going rate. That is then transferred to Andium Homes as part of their valuation. That is not social housing. It is not even affordable housing. That is a mistake. If you examine the figures there is no relationship between what Andium say is the market rent and what the Statistics Department - I always find that difficult - says is the going rate. Where is the average? Those figures are markedly different and which is higher? It is the Andium assessment. So on many grounds, particularly that we cannot hold a regulator to be accountable to this Chamber and that the market rate is completely falsely, I believe, set I cannot support this set of regulations. I do not think it is appropriate and I do not think it can be made to work.

Deputy R. Labey of St. Helier:

Could I give notice that I would like to invoke Standing Order 84 and propose the guillotine motion in 30 minutes because we have spent since midday yesterday on this debate. We have a huge programme of stuff to get through this week and indeed until purdah begins. We have had powerful arguments. We had crystallising arguments from Deputy Hilton and the Deputy of St. John late last night. I know we have to hear probably from the Minister for Planning and Environment and also, of course, from the proposer but 30 minutes should be enough to wrap this debate up.

The Deputy Bailiff:

Well, all you need to do at this point ... more than an hour has been spent since the opening of the debate, more than 10 Members have spoken.

[10:15]

It is, therefore, in form for you to give notice, 30 minutes' notice to move to close the debate. That is a matter for you to decide in 30 minutes' time.

1.1.9 Connétable J.M. Refault of St. Peter:

I rather hesitate at standing after that call for the guillotine but I think there are a few points I would just quickly like to make and some corrections, particularly from the last speaker when he said that Andium set their own market rates. No, they do not. They go out to the marketplace and they get them assessed by proper rental agents and that is what they did when they set up the 90 per cent market rate, and they continue to do that periodically to prove that they are continuing to offer true 90 per cent of open market rates. That is the work that they do. I think with regard to the proposition, I have sympathy with the Minister for bringing it forward because back when we incorporated Andium it did say in there, in that incorporation document, that we would introduce a regulator for housing and so she is carrying out what this Chamber accepted back when we did that in the last session. So I do not have a problem with her bringing it forward. However, while I accept the principles I think that we need to recognise that with regard to the social housing, as we know it with Andium and the trust houses, they already have a lot of regulation built within them. They each have their own board of directors. We have public health that look at the decent home standards and also with regard to Andium we have the Treasury shareholder function which can give them some clues and pointers in the directions we would like then to go in. I think that one of the things that from yesterday that I would just like to refer to was Deputy Tadier's amendment and in spirit he was not wrong in what he was trying to achieve and what he was trying to achieve was to get these regulations extended to the private sector but I do not think this is the vehicle to use in that particular case. I would like to ask the Minister, either her or her successor in the next Government, if she is not in that role then, to make some efforts to look into private sector housing problems because at the moment we enjoy Andium at 96 per cent of decent home standards but we cannot say that with regard to the private sector. In what I call my middle career in housing, I went into properties, which I was very reluctant to go in, and some which I refused to go through the door of and some simple examples, was like a bath under the stairs. That is a nice and reasonable one. Where there are dog faeces around the insides of the house, in the bedrooms even. A terrible one I remember going into was a garden shed with a bath and toilet in and an extension lead providing the power for the light and the heating, outside in the garden. That was where the tenants had to use their bathroom. Of course, one that I think most of us will remember, the Broadlands fire, and the one that always reminds me of the chap who put his address down as "The Porch" in the Broadlands property that was on fire at that particular time back in 2008. The cause of me standing in this Assembly... but that is another point. I think if we really do think about it there are a tremendous amount of sub-standard private properties by the tenants out there. The Oxford English Dictionary now has a term, it is called a Rachmanism, and some of us older Members will possibly remember Peter Rachman in London, a housing landlord in part of London who exploited his tenants and if they did not do what he wanted he would send in the heavies to break their toilets. He was up all night until they left of their own accord. That is not the

case of what we have got here but nevertheless that type of situation is quite difficult for people in private tenancies and that is the point I would like to get to. If we do look at private tenants, private landlords, we need to put in place some tenant protection measures so they can sing out and say: "I am being abused by this landlord" and they would have the protection of some form of regulation. I would like the Minister, obviously not today, but to take that forward into the next session and to try and introduce some sort of controls in the private sector.

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

It is interesting to follow the Constable of St. Peter about tenants being exploited and I think why he is missing the point is that most tenants that are exploited live in the private sector and we are doing nothing except the excellent law that we brought in, the Rented Dwellings Law. If I am going to put £100,000 anywhere it is to the excellent staff that have been fighting to get this law in for many years. This regulation, we do not know what the framework is. We do know there was an excellent report by this Scrutiny Panel. There was an excellent report by the Scrutiny Panel in 2013, not even sure that regulation would be appropriate, and to explore other options. So suddenly, out of the blue, we have now got this, as Deputy Russell Labey has said, having a pointless debate when we have got real work to do. Why I stood ... because we, here in the Back-Benches, have no idea what the regulation is for or what it will look like because it is only a framework but did anyone really listen to what Senator Green said? Senator Green hopped up and said: "We subsidise housing trust loans at the bank anything that rises above 5 per cent." We set that up. I was not in the States at the time. I got dragged down here kicking and screaming saying: "They are bringing this in" and it was how they brought it in. But this regulator is not going to make ... unless he has got a time machine and he is going to go back to 1999 or 1998 when they set up the housing trust with the stupid rules that we were the backstop, the taxpayer, and they gave them all the land. This is what Senator Green said, so what does the inner circle know that we do not know? He cannot take that back. He will see it on Hansard. The regulator will be looking at interest rates. Well, when did Jersey ever set its own interest rate? He will be worried if they go above 5 per cent because it ... and he turned around to the Minister for Treasury and Resources and said: "Because the Minister for Treasury and Resources will have to step in over 5 per cent." Where is this written? Even the Minister for Housing is sitting there with a puzzled look on her face. I did not make this up. Senator Green has had a conversation somewhere around that Council of Ministers. It is not in any of the paperwork that we have seen. It is absolute rubbish that we are being asked to pass today, we do not know what it will look like. There is no urgency. Last night I thought we ... a few of us met after work, so we were going to a presentation at the Town Hall and we said: "If the Council has got any sense the first thing that he will do today ... the Minister for Housing or the Chief Minister will stand up and pull it." Because if you cannot see the writing on the wall we cannot see what the regulations will look like you are only going to do your own ... the Minister, as Deputy Southern said, the Minister is the person I am holding to account. When we went to Andium we were told we would not need a Minister for Housing because of the ... they were going to do this but we have kept a Minister for Housing. They look at policy and strategic aims. They are not exploiting their tenants. We have other laws now. For myself and Deputy Southern and other people who have been fighting for tenants' rights for years ... I will not be lectured to by Senator Green. I am literally phoned up and said: "Oh, the people at Andium or Social said to ring you." This is their staff telling them: "Oh, well, Deputy Martin normally does cases of housing or social security. If we cannot get you, Deputy Southern or a few ..." and then I say: "Go to your Parish Deputy and we will see. We will work together", if it is not St. Helier. If it is St. Helier it is ... I never ask what district they live in. It is just stupid. This is no time to be forcing this through. We do not need it. It should not be brought. When P.P.C. (Privileges and Procedures Committee) went out to Ministers and ... only legislation that needs to be brought urgently bring it. This should have been the first one that ... it could have waited. But this is very interesting. It really should be listened again to what Senator Andrew Green said. He has now made up a new reason

why we need a regulator to regulate interest rates and the way they set up housing trusts in 1997, 1998 and 1999. They were stupid then but they cannot regulate them now.

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

I have not looked forward to this morning at all. I always knew this debate was going to be difficult for me. I have said previously in this House that as Minister for planning I consider I have done quite well if everybody I deal with is equally unhappy. I am going to do my best to do that in this Assembly this morning because I think I am about to make myself unpopular across the whole House and I will not be able to do right doing wrong. I am going to vote in favour of the Minister's proposition this morning but I am not particularly going to speak in favour of it because she knows that I am not 100 per cent convinced. I am comforted, however, and only slightly comforted, that it is a principles only debate and the detail, if it goes through, will have to come back to us in this Assembly. I am grateful for the support that I have been given around the Assembly for the (Rented Dwellings) Law which we so rightly brought in quite recently. It is a really good piece of legislation and the detail I am really trying hard to bring back to this Assembly before the elections and if there is anybody listening across the road in Morier House, our hardworking officers over there, can I please say to them; any extra effort they can put in to allowing me to get this back to the Assembly before the election would be very greatly appreciated by all of us. But that law is going to put minimum standards in place for everybody but Andium, who we have spoken about already, are doing better than that. They are building to better home standards. They are exceeding those better home standards. I am also comforted by the objectively assessed Housing Needs Survey, which has recently been announced. I have to say to Members that I have been waiting for ages for this to come along. I have been looking for this work, desperately looking for this work, for the last couple of years. I cannot be judge, jury and executioner and I need somebody to come to me, as Minister for Planning, and say: "We need more sites. We need more houses." If that comes on my desk I am really ready to get on and solve that problem because I know behind me people have said yesterday that supply is not everything but supply is so important to the whole problem that we have on this Island with housing and building more is the quickest and easiest way to solve many of these problems. I am not sure that the argument and the need for a commissioner has been made and I cannot in my heart find myself to say that I am convinced. I worry that what we might be doing here is looking to replace the Minister or, indeed, the Strategic Housing Unit. I have read so many papers recently and many of them have used the word "commissioner". I worry one of these days we will be proposing a commissioner for commissioners, there will be so many of them around. We are a small Island, should we not allow the new systems, those good new systems that we have working at the moment, should we not allow them to bed in and review the situation in a more considered and proportionate way in the next session of Government?

1.1.12 Senator I.J. Gorst:

Regulation to the left. Regulation to the right. Some is blue. Some is red, we have heard. Regulation light. I think I, like the Minister, sense the way that this debate has been going not only this morning but yesterday afternoon. Those that do not think this regulation goes far enough; well, I am not going to ... I see they are no longer in the Assembly. They are not going to vote for this proposal and those who feel that regulation is not necessary are not either. Perhaps the Minister today is a victim of her own success because speaker after speaker have said that some of the proposals that the Minister for the Environment has brought forward, other pieces of work that are due to come forward and the Scrutiny Panel itself are suggesting that we should let the work that has already been agreed and in progress settle in and see if that is working before the regulation. The reason I stand is because it was not always like this. It is not that many years ago that Member after Member in this Assembly stood and bitterly complained about the state of social housing in our community. Senator Green said there were 250 million reasons why we should support this proposal but I am sensing that because of all the good work that has been done, because of the good work of Andium and the work

of support that the Minister has given them, there is a sense that things are going ... okay, there has been some criticism of the 90 per cent rent.

[10:30]

I accept that. There is a sense that because things are improving that then that is a trajectory which cannot stop and that we will not revert back to the old ways. So that is a risk. Members, by rejecting this will be taking a risk that we will go back to where we were and that is perfectly ... they are shaking their heads but those Members who have sat in this Assembly have seen the state of housing. They have seen the conditions. They have seen the under-investment. I am not criticising them who... some who were suggesting that I might be but it is a risk that it reverts and I would not want it to revert. There has also been an argument running that because they are a wholly owned body of the States this Assembly will be competent in ensuring that there is no aversion to those historic conditions. If we think about care homes, we know there that regulation had to be deferred because the care homes that were overseen and in States ownership were not meeting the standards in the private sector, so we just have to be careful that we do not take the good progress that has been made for granted. The proposal of the Minister is a way of us ensuring that that good progress is not taken for granted. It would be easy for the Minister to pull the proposal, as Deputy Labey suggested. She is not that sort of Minister. She has put a lot of work into this. She can see the benefits. It is disappointing, I know, for her - as it is for me today - that many Members are not, because they are looking at the good work and therefore thinking regulation is not necessary, but she can see the benefits of this proposal and I have got no doubt at all that she will do anything other than stick to her guns today. If the Assembly says no, this is not the right proposal, equally, for the remainder of this term, she will continue to work with Andium and continue to make sure that the positive progress that has been made continues to be made. I do not think we should take that good progress for granted. This is a proposal that means that we will not need to, because when we look elsewhere, things in States control without regulation are not things that we can be proud of. Let us just look at the care sector in that regard.

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

For Deputy Labey, I will be very brief. I shall not be supporting the proposition and I am not going to go into the reasons, because they have already been elaborated by the Scrutiny Panel and many Members. I agree with the arguments against supporting the proposition. However, I do want to take issue with what Senator Green said. For the benefit of people who are in this Assembly who do not know the history of why housing was in such a mess, it was because the Council of Ministers of the day insisted ... and we are at the age of Senator Le Main, who I do note in the paper is highly critical of Housing and said: "We must build more housing" and everything else. He paid into the Treasury the money that was supposed to be used for the maintenance of the properties and building new ones. So the failure was the failure of the then Council of Ministers. I might add, it was also the failure of the States, because States Members did not oppose it and fight it and fight for social housing and more housing for people. I do not believe we need a regulator. We need an effective States, so when proposals like that come forward, we will vote them down. Just bear in mind the £250 million that had to be borrowed was because of the failure of the then Council of Ministers and successive Councils of Ministers in failing to invest in that housing stock. Again, just one other comment I will make - and it was made, I think, by the Constable of St. John - and that is building more houses is not the only solution. Even if we build more houses, unless we have an effective population policy, we will be constantly chasing the new targets. We need to get population under control first, meet the demand that we have got, without adding to the demand. It will be a never-ending cycle otherwise, so as I have said, I will not be supporting this proposition.

1.1.14 Deputy K.C. Lewis of St. Saviour:

I will not rehearse everything that has been said; it has all been put very well indeed. Unfortunately I cannot support this proposition, but it is evident from some of the speeches made earlier that not all the Council of Ministers are really in favour of this, but they are bound by collective responsibility. I would ask the Chief Minister through the Chair, Sir, under Standing Order 21(3)(a) whether he would release the Council of Ministers and Assistant Minister from collective responsibility so they can vote with their conscience.

The Deputy Bailiff:

21(3)(a) you recite? I do not think that is a matter that is for the Chair in any way at all, Deputy. It is a matter entirely for the Chief Minister. The notification relating to collective responsibility has been given and it is entirely a matter for the Chief Minister, not a matter for the Chair, to ask for anything. Yes, so had you finished your speech? Very well. Senator Ozouf.

1.1.15 Senator P.F.C. Ozouf:

I thank you for allowing me to just attend to a personal medical matter this morning. I know that this debate is winding up and I have not heard all of the contributions in the last hour or so, so perhaps I am unfettered and unshackled by that, but I want to say that I think it would be a matter of huge regret if this Assembly did not approve what has been before the Assembly this morning. I amended it. I thought we had a constructive way forward and the additional contribution I would wish to make was that regulation does have its role, oversight has its role, as I think was very clearly articulated this morning by the very helpful and positive contribution that the new Commissioner for Children has had, making observations about improvements and championing what is important in relation to social housing and social housing tenants' issues. We are not approving the law. What we are doing here is approving the principle of having an independent person overseeing and championing what are the rights of social housing providers. If it is done properly ... and it will be up to a future Assembly to agree the detail, how, what and all the detail and the oversight, but it cannot be right that after all that has happened in relation to social housing, all of the problems that have happened with social housing over so many years, the appalling circumstances in which many people have lived, the lack of investment and all those other things, I do not in any way undermine the issues of supply, but there are issues that need to be held to account. The providers of social housing, yes, we have got Andium, so perhaps there is a lighter approach that can happen with Andium because of the arrangements, that they are owned by the States through the shareholder function. That can be reflected in the legislation that comes forward, but there are other social housing providers that do need an appropriate oversight, which the Minister does not have. If Members are concerned about improving the lives of individuals and they are improving the lives, as we have done so - and the decisive action, the positive action that can happen, for example, in the area of children, where there is clearly an issue - if Members do not think there is an issue in relation to some issues of social housing providers, then they will vote against it, but if they think that there is an issue which can be improved by the appointment of a proportionate, pragmatic and properly-appointed ... we are not approving the detail here, we are approving the principle, and the principle must be right. There is years of inaction on social housing that has been massively improved in years, but an improvement has to be made. What message are we going to send out, that we do not want oversight of social housing in any way? That must be wrong, and to simply suggest that this is the Minister's responsibility, why then is there one rule for children and one rule for social housing? These issues do need an independent overseer and I support the Minister's fundamental approach in relation to social housing. I hope Members will think about that. We are not approving the detail, we are approving the principle and the principle has to be right. I hope Members will support the Minister and the Council of Ministers.

The Deputy Bailiff:

Does any Member wish to speak on the proposition? If no other Member wishes to speak, I call on the Minister for Housing to respond.

1.1.16 Deputy A.E. Pryke of Trinity:

I will try and sum up, and I thank Members for all their contributions, because I think despite it all, despite what the end result is going to be, I would like to think that we have had a good debate on housing and all the issues, both in the private sector and in the social housing sector. I will try and answer most of the questions, but I shall be quite high level. Going back to this, this is an in-principle debate, as was requested by this Assembly back quite a few years ago. The actual detail, if this is approved, will come back to this Assembly. Social housing, it has been mentioned that it has been underfunded for many years and the reason that we put the £250 million is to really make it decent homes for all tenants. We all should have a good roof over our heads. I will come back to that. I will just literally do a little bit on the private sector. The private sector, yes, there are issues, we know that there are issues and that is why it is important the minimum standards law is in place. It is going to be working. Rent Safe, that Environmental Health was in Health and Social Services before. When we tried to bring that minimum standards law back in in - I do not know - 2010, we were laughed out of it, because it was a Snoopers' Charter, because interestingly enough, here States Members think it is the best thing since sliced bread. I agree with them, but I wish we had done it earlier. The minimum standards covers everything, all sectors, so if there are issues, we will know. If they are reported on, we will know about it. But this regulation is more than that, it is raising the level, it is going up a level to make sure that social regulation for social housing providers has (a) the right people; (b) look after the bond, have care of the bond and that they use it correctly; (c) also support tenants who are on income support; (d) on top of that, we give them the extra incentive to do what they should be doing by accessing them to rezoned land. Also we give them a guarantee if they need to go out and borrow for private borrowing. On top of that, they are exempt from tax, they do not pay tax because they are a non-profit organisation. We need to understand that we need to make sure that the social housing trusts ... yes, they are doing a good job. I am very pleased with that. Andium are doing a good job, the other social housing trusts are doing a good job, but this regulation is not just for today, next year, the following years, it is to ensure that they will - as we want good housing tenants, social housing tenants and that they can live in good accommodation - be well-regulated, well-governed, good finance, that they are not going to go bust or belly-up, and I hope that is a good word to use, into the future.

Deputy J.A. Martin:

Can I raise a point of order, please?

The Deputy Bailiff:

A point of order? Yes, of course.

Deputy J.A. Martin:

I think it is, Sir. The Minister is summing up. She is introducing a completely new subject that was not in her opening speech, was not spoken about and now she is introducing a regulation that is not in the proposition either about finance. I was always told you should not introduce a subject in your summing-up speech. I am sorry, Sir, if I am wrong.

The Deputy Bailiff:

No, it is not a question of being right or wrong. Certainly if we were in a court of law, that would be an unacceptable way to proceed, because there would not have been the opportunity for argument on the points that are then being raised.

[10:45]

But this is a political speech and it is open to a politician to range fairly far and wide, provided that it is within the reference points of the proposition in the first place. I think it is a matter to be dealt with on a political basis and the Assembly will place what weight on it it chooses or does not choose, so if you would like to continue.

Deputy J.A. Martin:

I apologise then, Sir.

The Deputy Bailiff:

No, not at all.

Deputy J.A. Martin:

I am in the wrong room.

The Deputy of Trinity:

I will try and clarify. We want the regulator at least to make sure that the social housing trusts are well-governed, that they have got good financial controls in place, and I said that right at the beginning of my opening speech. It was mentioned about Parishes. Parishes are not included because social housing providers are classed underneath the Social Security (Jersey) Law for social housing providers and they do not come into that. If they wanted to come in to that, that would be fine, but they would have to apply into that. Regarding the 90 per cent rent policy, yes, up to 90 per cent. It was set by this Assembly and, if anything, what I have said many a time is that now, perhaps in the next year, perhaps the following year, it does need to be reviewed. Only 37 per cent of Andium tenants pay up to 90 per cent rents, so we need to be able to review it and we need to ensure that there is enough clients paying that so the review will mean something. This a co-regulation. It is not a light touch, but it is working with the trusts and for the regulator. I am passionate now about it. Perhaps initially I did change my mind. I think the Scrutiny Panel said I did change my mind, because after seeing the Grenfell Tower, which was a terrible disaster, which should never, ever have happened, we need to ensure that cases ... if that housing trust also failed in their duty that we could take them over and allocate something to make sure that they do not fail. But also what the Children's Commissioner has said regarding children, we need to ensure that we have good standards of housing across all sectors, but especially with our social housing, because our social housing, they have to house, we ask them to house ... I cannot direct Andium to house the most vulnerable, but these most vulnerable have to be housed and Andium and the other trusts work very closely with other agencies to provide the support that these vulnerable clients need. I could go on, but I think everyone has probably made up their mind. Just think carefully, it is those 5 principles really that this in-principle debate is about. I have mentioned them many times over the last - it seems like - 24 hours or so, so please bear that in mind. Andium are doing a good job today and I hope they will continue always to do a good job, but staff and things change. We need to ensure that the money that we have invested in them, the income support, the access to rezoned land, good finance, good governance is there for the future, for the future generations. I make the proposition.

The Deputy of Grouville:

Can we have the appel, please, Sir?

The Deputy Bailiff:

The appel is called for. I invite Members to return to their seats and ask the Greffier to open the voting.

POUR: 15

Senator P.F. Routier
Senator P.F.C. Ozouf

CONTRE: 29

Senator S.C. Ferguson
Connétable of St. Helier

ABSTAIN: 1

Deputy J.A.N. Le Fondré (L)

Senator A.J.H. Maclean	Connétable of St. Clement
Senator I.J. Gorst	Connétable of St. Mary
Senator L.J. Farnham	Connétable of St. Ouen
Senator A.K.F. Green	Connétable of St. Martin
Connétable of St. Peter	Connétable of St. Saviour
Connétable of St. Lawrence	Connétable of Grouville
Connétable of St. Brelade	Connétable of St. John
Deputy of Trinity	Connétable of Trinity
Deputy E.J. Noel (L)	Deputy J.A. Martin (H)
Deputy of St. Martin	Deputy G.P. Southern (H)
Deputy R.G. Bryans (H)	Deputy of Grouville
Deputy of St. Peter	Deputy J.A. Hilton (H)
Deputy G.J. Truscott (B)	Deputy K.C. Lewis (S)
	Deputy M. Tadier (B)
	Deputy of St. John
	Deputy M.R. Higgins (H)
	Deputy R.J. Rondel (H)
	Deputy S.Y. Mézec (H)
	Deputy A.D. Lewis (H)
	Deputy of St. Ouen
	Deputy R. Labey (H)
	Deputy S.M. Wickenden (H)
	Deputy S.M. Bree (C)
	Deputy M.J. Norton (B)
	Deputy T.A. McDonald (S)
	Deputy of St. Mary
	Deputy P.D. McLinton (S)

2. States Employment Board: living wage 2017 (P.122/2017)

The Deputy Bailiff:

The next item is the States Employment Board: living wage 2017 - P.122/2017 - lodged by Deputy Southern and I ask the Greffier to read the proposition.

The Greffier of the States:

The States are asked to decide whether they are of the opinion - (a) to request the Chairman of the States Employment Board to - (1) seek accreditation for the States of Jersey as a living wage employer; (2) ensure that all directly-employed States of Jersey staff are paid at least the Jersey living wage by 1st June 2018; (3) ensure that all subcontractors or agency employees engaged to deliver services for and on premises owned by the States of Jersey are paid at least the Jersey living wage; (b) to request the Minister for Treasury and Resources, a shareholder representative, to urge those in corporate bodies in which the States of Jersey is a sole shareholder to seek accreditation as living wage employers; and (c) to request the Minister for Treasury and Resources to take steps to ensure that the wage rates offered by contractors to the States of Jersey are taken into consideration in the evaluation of tenders for goods and services issued by States of Jersey departments and other States bodies for which procurement activities are overseen by his department.

2.1 Deputy G.P. Southern:

It gives me tremendous pleasure to speak today on this proposition and I will start with the comments from the Council of Ministers, which says: "It is entirely consistent with our approach for the States of Jersey to seek accreditation for the Jersey living wage, as established by Caritas. For this reason, Ministers will be supporting the proposition" for which support I am grateful. Before I start, I do not intend to be that long, if I can help it, over this, with the support of Ministers. There is no reason

why I should be, but I would like to say a few words. The first words are words of thanks to 2 Deputies, Deputy Andrew Lewis and Deputy Mézec, who have been largely responsible, because they have sat on the steering group of Caritas to steer this through to this stage, and I am grateful for the efforts that they put in over time. Indeed, the question is we have got to this position - what is that position? We are, I hope, today going to adopt the living wage, and the living wage, according to the U.K. (United Kingdom) Living Wage Commission, is: "A living wage is an hourly wage, defined as the minimum amount of money needed to enjoy a basic but socially acceptable standard of living" and that is what I would call a civilised mark. It is important to note that the living wage is a voluntary higher rate of base pay in operation in the U.K. and elsewhere; I hope here. It provides a benchmark for responsible employers who choose to pay their employees a rate that meets the basic cost of living. That is the definition. It is important to note that it is voluntary. Nobody is being compelled to adopt the living wage, nobody has to and there is no timescale. For some businesses whose business model relies on a lower wage, they may never adopt the living wage, but for many it is possible and what is happening here is the States of Jersey, I hope, is leading the way to encourage other employers to do likewise. As the Council of Ministers says, indeed, the public sector should lead the way as a good employer, which is why the Council of Ministers are proud that we already pay public sector employees at least the Jersey living wage of £9.75. When I heard the Chief Minister last July at the Caritas annual meeting state that he was in favour of adopting the living wage for the States, I was tremendously impressed. I immediately rushed home and wrote what I thought was the appropriate paragraphs needed to seek and get that accreditation and that is what I bring forward to you today. Just a brief word on accreditation: in Jersey, the charitable body, Caritas, has been licensed by the Living Wage Foundation in the U.K. to set the living wage for Jersey, in consultation with the Foundation. Caritas has pegged that rate at the London rate of £9.75, to save having to do years of calculations to get a figure for Jersey. The ability to pay all of your employees the living wage is an easy one, because in fact we already do just that. What is more difficult sometimes is to accept that we ought to pay our contracted workers, working alongside our employees, the living wage where possible. The Ministers say: "In doing this, some practical issues may arise, but Ministers are confident that these are issues that can be sensibly considered and addressed, as they have been by other organisations elsewhere who have signed up to the living wage as part of the process of seeking accreditation." Again, nothing need happen overnight. This is not overnight we are going to adopt this and it is going to be compulsory. It is voluntary and it will not happen overnight, so where we have subcontractors' workers doing States business, what will happen is that expressing the intention to move to the living wage will be sufficient to acquire accreditation; one waits for that contract to run out of time in order to renegotiate. Again, things will happen, given the commitment, down the line. Part (b) of my proposition goes further. The Treasury and Resources Department has approached, say the Ministers, a number of States-owned bodies. They do already pay their employees at least the Jersey living wage and we will ask them to consider in more depth their own position regarding contractors and accreditation. The Council of Ministers therefore support part (b), which is the bit where we are saying where we are the owners of a business, we should be moving towards, if necessary, the living wage. Then finally in part (c) of my proposition, the procurement team, they say, will consider how best to incorporate into procurement procedures adoption of a living wage, while still ensuring that tendering drivers deliver best value for the taxpayer in terms of cost and service. The Ministers have decided that they do wish to seek accreditation and that they will have a package which covers all aspects of employment through the States of Jersey in order to achieve that accreditation. Just to remind people about the living wage; the living wage, through lots of research, has made significant differences to the low paid in the U.K. and elsewhere, but also has benefits for businesses themselves. There is endless research showing how productivity is raised when you adopt the living wage, how your recruitment and retention rates stay better so that your training bill goes down, that you achieve loyalty from your staff and very often a better quality of service. Where an employee feels valued by being paid the living wage, then they give better service.

So there are all sorts of advantages. It is a win-win, I believe, not only for the employee but for the employer. I think despite the fact that take-up in Jersey for some reason by the private sector has been remarkably slow, with leadership from the top, from us, I believe we can change the culture in Jersey so that the minimum wage gets replaced in the long term by a living wage, where people have that respect and that ability to benefit.

[11:00]

When we do that, I think what we will find, in particular for us as employers, is that our contributions to things like income support starts to reduce. There is a marked actual financial benefit to us from improving the wages of our workers. I maintain the proposition and I will answer any questions.

The Deputy Bailiff:

Is the proposition seconded? [**Seconded**] Does any Member wish to speak on the proposition?

2.1.1 Senator I.J. Gorst:

I did want to speak straight after Deputy Southern, because there are some days in this Assembly that we do quite literally make history, and if we approve this proposition today, this will be one of those days. I say that because of course we know that in the U.K. local authorities have sought accreditation and been given accreditation; we know that the Governments of Wales and Scotland have sought and been given accreditation. But we will be making history, because the national Government in the United Kingdom has not and yet, in effect, that is exactly what we are. That will of course cause some unintended areas that we have already been speaking to the Living Wage Foundation about, particularly around our Back to Work schemes, and so much so are we making history that that particular area is an area they have not had to consider before. They are now going away and considering that particular issue and they will liaise with Caritas Jersey, as Deputy Southern said, the authority here to accredit the living wage. I too, like Deputy Southern, would like to thank - and I will come on to Deputy Southern in a minute - Deputy Andrew Lewis, who I think even before the election, but certainly post the election, started talking about this issue in a way which was challenging. I think he probably holds a different view to me about minimum wage and the way that we should speed that up as well, but he really has been responsible for raising this up the political agenda. I have had a number of meetings with him over a number of years about how important it would be for us to take these steps, together with others in our community who consider these to be important steps, for all the reasons that Deputy Southern has said. I do think he should not be shy in recognising that his actions have really helped us along the road to what I hope is a positive decision that we are going to make today. I also want to praise the mover of the proposition as well. He was right to remind the Assembly that a year ago I confirmed that we were paying all our directly-employed staff the equivalent or greater than the Caritas living wage and where they had set that and that I would be undertaking work to see if we could seek accreditation. Last week I referred to his proposition as chivvying us along, but perhaps I was a little unfair to him, because he as well has championed these issues for a long time. The work to understand what seeking accreditation would involve has taken longer than I would have wanted and it is fair to say that not everyone was aligned when I made that announcement and said that we would seek the accreditation, so he can be, I think, today justifiably proud of the fact that his lodging this proposition has helped to reach agreement, to do the work that understands the costs involved and to encourage all of the Council of Ministers to support this seeking of accreditation. It is not often that those on the right and those on the left are in agreement for the better of what we hope will ultimately be a rolling momentum to see increased wages in our community, but today is one of those days and that is why it is another historic day. It is not about necessarily any one of us saying it was us, but it is about the fact that we have worked together across that divide and I think that shows Jersey as well at its best, so he should be justifiably proud of that as well. There has been, I noticed, in the media a little bit of confusion about us seeking this accreditation, particularly from some business representatives, who have been concerned about

hours worked, concerned about people being made unemployed. Those concerns I think have been translated from the statutory minimum wage debates and are perhaps, some would argue, relevant to that debate because it is a statutory minimum. They are not relevant to this debate, which is about a voluntary seeking of accreditation. I do think - and I accept the argument - that we, in the States, should be setting an example in this regard. If Members approve this today, that is exactly what they will be doing. I have been contacted by a member of the public who said there is also a responsibility for those who are being paid at the Caritas living wage to do a fair day's work. Of course there is, because it is a contract, a fair day's work for a fair day's pay. That is what we are trying to achieve and that is, I think, what we believe is right across this Assembly and it is where we are finding ourselves in agreement today. The employer has a responsibility to pay a fair wage and the employee has a responsibility to do a fair day of work. Deputy Southern did not necessarily say this in his opening remarks, but I am sure he will focus on it in his closing remarks. I really do hope that those firms, those companies, those employers in our community - who have been in Jersey perhaps slower on the uptake than we might have hoped and expected, when their parent companies in the U.K. or elsewhere or their companies that they are related to in the U.K. have voluntarily signed up to the living wage in the U.K. - I hope that the decision today will mean that they feel emboldened to move forward in the same way that their parent companies have and they have elsewhere. I know some of those companies and their brands take their corporate social responsibilities seriously, they take their place in our community seriously and I think that while their brand is recognised as paying the living wage in the U.K., it would be a very positive move for them as well to sign up here to the Jersey Caritas living wage. I think that that would again enhance their reputation in our community, which I already - and I hope as an Assembly - respect. Those Members who were able to attend a briefing by the representative of the Living Wage Foundation will know that seeking this accreditation and getting our contractors on to the living wage level is not an instant process. It takes up to 2 to 3 years. Nor is it necessarily a straightforward process and some Ministers were extremely concerned about the complexity of that process, but they felt that it was really worthwhile trying to achieve it in the end. Some perhaps moved over to Deputy Lewis's view of the world and said that we should simply increase the minimum wage up to the Caritas living wage as well. I do not support that view. This is a voluntary scheme. We should be setting the lead and so I have no hesitation whatsoever in supporting Deputy Southern's proposal today. Rather more than that, I thank him for lodging this proposition. As I have said, I thank again Deputy Lewis as well and I hope that all Members will give it today their unanimous support.

2.1.2 Deputy G.J. Truscott of St. Brelade:

I also would like to add to congratulations to Deputy Southern, Deputy Mézec and Deputy Lewis for the good work that they have put into this particular proposal. I would like to add my support to the move, which will help many low-income families who are already in work. At the same time, I am very pleased to hear of the firm commitment from the Chief Minister with regard to the people who do not yet have a job and who receive help through the range of Back to Work services provided by the Social Security Department. I have been responsible for these services over the past 3 years and I am very proud of the significant success we have had in reducing the overall level of unemployment. This has been achieved by providing a range of services to match the needs of different clients. It is very important that the department is able to maintain its flexibility in supporting clients through different types of work schemes and I look forward to a positive commitment from the Living Wage Foundation and Caritas to accept the principle and incorporate this into the accreditation process. Job well done, Deputies.

2.1.3 Deputy E.J. Noel of St. Lawrence:

I am fully supportive of this proposition of signing up to the living wage, and indeed, this proposition, in my opinion, does not quite go far enough, but I will come back to that later. There are going to be some very tricky practical hurdles to jump over to make this work in a fair way in terms of how we

deal with subcontractors, how we select them, how we enforce what is paid to those employees of the subcontractors working on States services. The proposal in front of Members is compelling and deserves our full support, but there are, as I said, some practical challenges like equal pay for equal work that require further consideration before fully implementing what is being proposed. But these challenges can be addressed, providing we are given time to do so. The S.E.B. (States Employment Board) are streamlining the pay scales in the workforce modernisation in order to be an equal pay for equal work employer, so surely, if you take this underlying principle of these proposals, then likewise all of our subcontractors should also be equal pay for equal work employers. That will be a challenge where you have the same employee working on States subcontracts versus when they work on private sector assignments at possibly a lower rate of pay or a subcontractor that splits their workforce between those individuals that work solely on States contracts versus those who work solely on private sector jobs. As I said, some practical considerations, but they are not insurmountable. Similarly, Andium will be caught under part (b) under the “urge” part of States-owned entities, but we should also include the other social housing bodies under the “urge” in respect of their subcontractors. Therefore housing trusts like Les Vaux, like Jersey Homes Trust, they too should be urged, as they receive support from the States, to ensure that their subcontractors comply.

[11:15]

There are other considerations that perhaps have not been taken into account and we need to consider the long-term care funding contributions and payment over to the private residential and nursing homes, as a substantial amount of their income comes from the long-term care fund. Although not strictly States subcontractors, they quack and they waddle and they may have employees or subcontractors that do not currently receive a living wage. I am fully supportive for all Islanders receiving a living wage. The proposals before the States today are a step in the right direction and those Members responsible for that have been duly thanked, but surely in the longer term the solution is to step rise the minimum wage to bring it in line with the living wage - I share Deputy Andrew Lewis’s opinion on this - a step change perhaps over a 5-year period at 50 pence per hour per year to bridge the gap between what is currently the minimum wage and what is the Caritas living wage. For the avoidance of doubt, I include all sectors of our economy in that, including, for example, agriculture. If agriculture requires a States subsidy or subsidies to balance their books and to safeguard our countryside, then let us pay a suitable subsidy, but let us not hide it by allowing them to pay below the living wage. Let us make any subsidies transparent and not partially hidden via income support, where perhaps we currently do provide subsidies, but they are effectively hidden. Let all Members today take the first step of many and signal to the next Assembly, and indeed to the next Council of Ministers, to seriously consider ultimately moving towards a minimum wage which is a living wage.

2.1.4 Deputy M.R. Higgins:

I will be brief because the former speaker took a lot of the things I wanted to mention. First of all, I am fully supportive of the living wage. I always have been. I know there are other Members in the States here who equally feel strongly about it. I do have the concern, as the Deputy mentioned, about subcontractors who are only paying their workers doing States contracts the living wage and not paying others. It should be across the board to all and that should be a consideration of the contract, but as the Deputy, speaking to the Assembly, stole most of my thunder, I will sit down at this point, and just say I shall be supporting the proposition.

2.1.5 Deputy M. Tadier:

There are different ways of obtaining change, clearly, and what we have heard today is that for some this does not go far enough. We have heard that from Deputy Noel, who knows about subcontracting in his department and about the risks of poverty wages versus paying people an affordable and living wage. Of course we have just had a debate which has, among other things, focused on what one

might term living rent. The concept of living rent is something that will become more apparent, which is being discussed elsewhere, because it is the counterpart to the living wage, of course. It is not what we are focusing on today, but the 2 are intrinsically linked. We do hear murmurs - and sometimes they are more than murmurs - from some of the business community, bosses who might say: "We do not want to see our wages bills go up too much, because it might affect the viability of our business." The first point to be said here is that is not what we are talking about today. This is about what kind of practice are we engaged in and what is acceptable for us as the States and the S.E.B. in terms of their employment practices. But also I would say to those who are concerned about the living wage that they do not need to be. If genuinely people want to control their own wage bills, then there is an impetus for those bosses to also lobby and make sure that the cost of living does not go up too much, that rents are affordable, because if we live in an Island where the cost of living is spiralling out of control, and we know the statistics have shown us that the most important spending that most people have is on housing, in whatever format that might be, then if we can control rents and keep rents down, we can also control the living wage. I think we will get to the point when you can argue ... this is very evolutionary, it is certainly not revolutionary, but it has nonetheless taken a lot of hard work from interested parties, my 2 colleagues and the others who have already been mentioned, and of course Caritas, both in Jersey and in the U.K., who have been campaigning for this. It is part of a worldwide movement, of course. We will look back on this at some point and say: "Can you remember that time when we did not even have living wage in Jersey or in the U.K.?" So really, Government would subsidise workers who were paying poverty wages, because poverty wages are surely the absence of a living wage; anything below is the poverty wage. What we are doing by this proposition is normalising the living wage. We are saying that is what we expect of ourselves, first and foremost, and that is the message that will be going out in the community. It is normal to pay the living wage; it is not normal to pay anything less than that. If you like, the opposite I suppose of normalising something is to stigmatise it, so the message will be going out that it is wrong to pay poverty wages. It is wrong for all sorts of reasons, of course. It is wrong for the human element of it, for the value of a hard day's work for a hard day's pay. I have put the word "hard" in there, but ... and I think that is the message going out. Now, of course we need to see this in the wider context. I am not going to be valedictory in this spirit of co-operation that has come up and I am not going to use it as an opportunity to kick the Council of Ministers, but we do know that the wider context is out there about how we value the staff that we employ, so when the Chief Minister does stand up and talk about a fair day's pay for a fair day's work, there will be lots of people out there in our public sector thinking about: "Am I being given a fair day's pay for a fair day's work?" I will leave it at that, but I am glad that today we are seeing progress on this. I certainly am one of those people, and there were differing opinions and clearly it needs to be treated delicately and with co-operation and consultation, but I think that the living wage should at some point in the near future be the minimum wage, there should not be any distinction, but of course we need to have that conversation. Where subsidies are needed for certain sectors, they need to be done explicitly and transparently, rather than through some kind of hidden subsidy, which is effectively what poverty wages are.

2.1.6 Senator S.C. Ferguson:

I do have a number of queries about this. Since when has it been the role of government to dictate business practices in detail? First they have started to dictate how we run our lives, then they dictate the terms of employment. Where is it going to finish? The economic impact assessment was written in 2015. Has any effort been made to update it? Has any effort been made to see what has happened in the countries and industries where the living wage has been imposed? Perhaps somebody from the Executive will enlighten us. It is yet another imposition by the Executive on industry. In fact, it treats industry as a magic money tree. If it is made statutory, how will it be policed and checked? A lot is said about the rates of pay for States employees. I have every confidence in our front line

workers, who are grossly unfairly treated. However, when the calculations of whether we are meeting the living wage and by how much are exceeding the level, has anyone included the present value of their inflation-proof pensions? What is the hourly rate if that is included? I am also concerned about the requirement to ensure that on premises subcontractors and agency workers are paid the living wage. As I understand it, agency wages are a matter between the worker and the agency organising the appointment and are higher than the S.o.J. (States of Jersey) rates. What difference will it make to the outsourcing by the Department for Infrastructure? How will it apply to Andium, J.T. (Jersey Telecom), Ports, S.o.J.D.C. (States of Jersey Development Company) and what about subcontractors to the subcontractors? Will they be required to follow suit? If they are owned outside of the Island, how will you make it apply to them? Where is the evidence that this works? The Advisory Council of the Living Wage Council does not include any chief executives, nor any representatives of small to medium size companies. Remember, 80 per cent of our companies are small companies and that is where jobs come from. What is the experience from other jurisdictions? There have been a number of studies to attempt to measure this and so far one notable study indicates that living wages raise the average wage level in cities, but they reduce the likelihood of employment for individuals in the bottom percentile of wage distribution and the young. There is a dichotomy in what Government is dictating at the moment. On the one hand, it is adding to the cost of business, when productivity has been falling at least since the year 2000, and it is adding to costs with the proposal of a living wage. They have been applying the living wage in Seattle, and what they have discovered is that unemployment has risen as workers are replaced by machines, so benefit demand rises and tax take will fall. It has found that regulations which restrict economic freedom tend to undermine business creation, particularly in the small business section, which makes it harder for young people and those in the low-paid sector to find jobs. In the agricultural industry, they will not be using people to pick crops, pick strawberries, dig potatoes and so on, they will bring in machinery and artificial intelligence operated machinery. That will reduce costs, but it will increase unemployment of people engaged in that sector, which is a continuation of what happened in 1930. In other words, if there is to be a living wage, it must be earned by delivering value to the consumer through productivity. As I have said, it has been falling steadily since the year 2000. It is no good increasing wages without an increase in productivity. As a capitalist, not a corporatist, I support a fair day's pay for a fair day's work, but please will the Deputy explain how my queries will be dealt with?

2.1.7 Deputy A.D. Lewis:

After that last speech, I could talk for hours on this, but I am not going to. This is a momentous day. I hope that my microphone is working, because I understand from the BBC it was not working earlier, but it is now. Thank you. This is a momentous day and I thank the Chief Minister for his salutations earlier and to my colleagues behind me, who have been instrumental in pushing this forward too. This is a great day and we should be celebrating it. I will make some comments about Senator Ferguson's remarks, but I will come to that later. I was not going to use this opportunity to discuss the minimum wage, but it is almost irresistible, but fortunately Deputy Noel did that for me, so I shall not go much further on that. But this is a great day and I want to savour it for those that have worked so hard to get this to where we are today and Members, who I hope will vote for this today as well. Last night I had a bit of insomnia, so I read a book. You can get it on Amazon for £23.95. It is written by Richard Anker, who is a research fellow on the political economy, University of Massachusetts, formerly of the International Labour Organization, a very eminent gentleman. The book is entitled *Living Wages Around the World: Manual for Measurement*. I just thought I would read to you briefly 2 short paragraphs from it, because it is really telling and it hopefully puts some context into what we are discussing today. He goes on to say: "Does someone in your family have a job, and if so, how much does it pay? For the overwhelming majority of the world's population, how one answers these 2 questions determines more than anything else what one's living standards will be. It follows that the fundamental determinant of a human's well-being in all countries throughout

the world is whether the people who come to work every day, regardless of their occupation, are paid at least a living wage for their efforts. It also follows that creating an abundance of living wage jobs must be the centrepiece of any policy agenda that is genuinely committed to raising living standards for working people and the poor in all countries of the world.” The Chief Minister made a statement back in the summer saying he was completely committed to raising living standards for everybody.

[11:30]

This is what this is about and what Richard Anker says in his excellent book, if you want to read it - it will not send you to sleep, it is a good read - it tells you why this is so important and how it has worked so well across the world, both the developed world and the developing world. In the developing world, governments are seeing this as a way of getting out of economic catastrophe, by increasing wages at the very bottom of the income spectrum, because those people, as I have said before, spend all the money in the economy and some of those economies need that spend. Some of those economies do not collect income tax. The only way they can receive taxation is through expenditure and they have very, very high rates of G.S.T. (Goods and Services Tax), which is immoral, in my mind, but it is the only way they can collect revenue and they get some of that back from those that get higher wages, so the money is recirculated into social good. There is a discussion point here which we will not have today, because we have achieved some of the objective, we have achieved Government recognising the need for moving this forward. It is so important for governments to do this, public sector organisations to do this, and so many have. Many universities across the U.K., for example, have done this, adopted the living wage. In the U.S. (United States), over 100 municipalities across the U.S. have legislated so that anybody that works for the government or government-related departments and areas controlled by government have to pay a living wage to their employees and to their contractors. That is in the legislation, just for that public sector, not for the wider community. The idea of that is that the rest of business in that country catches on to this and ends up subscribing to a living wage as well, so they are not told to do it, they are not legislating to do, as some of us would like to do with the minimum wage, but as a result, more and more are paying it. In the U.S., which is, you would think, not the example one would be using in this discussion, a large number, 61 per cent of S.M.E.s (small and medium enterprises) are committed to paying a living wage. It is happening in the most capitalist country in the world, which you would think would be perhaps a little harder on their lower-earning members of staff. That is not the case. Yes, I think Government could be braver here, but I think they are being very brave today, because when we started this debate, this discussion, 3 or 4 years ago, Government was very anti interfering at all with what effectively could have been the minimum wage. This assists greatly in moving that story on, so that minimum wage may, sometime in the future, become the living wage. I cannot not make some remark about Senator Ferguson’s comments, I am afraid, and I will give it to you in numbers, just to give some indication as to what is really happening around the world and surveys that have been done by living wage employers. In the U.K., 86 per cent ... the Deputy next to me just passed me an interesting headline: “Seattle’s higher minimum wage is working just fine.” That is a headline in one of the online newspapers. But in the U.K., 86 per cent say it improved the reputation of their business, those that signed up to the living wage; 75 per cent say it increased motivation and retention rates; 64 per cent say it has helped differentiate them from others in their industry; 58 per cent say it improved relations between managers and staff. This is what will happen between contractors and the States of Jersey. Interestingly enough, 93 per cent of university students say they would want to work for a living wage employer, not just because they will earn more money, because graduates start on a lot more than living wage, because they think it is the right and moral thing to do, in the same way many people only invest in companies that have ethical standards. This is one of them. Eighty per cent of consumers, when they have been surveyed recently in the U.K. - and a similar figure was given in the U.S. - agreed that pay should reflect living costs, 80 per cent. So people are on our side here, people agree, including small employers. There is an abundance of

evidence out there, if the Senator chooses to look, that says that if you pay people fairly at a wage they can live on, they are a lot more productive. The Chief Minister referred earlier to an email that he received, and I received it too, and my colleagues behind did as well, from a disgruntled constituent that felt this was not a particularly good idea. I replied, because I felt I just had to reply. He referred to a number of people that he had seen out the back of offices having a cigarette, workers that perhaps were not as engaged as they could be in a particular work environment with the customer. These people are not minimum wage members of staff. Most people have a great work ethic. There are a few in all societies that do not, but believe me, those on the lowest wages in our Island today, they work hard because they have to, because they work on an hourly rate. They have to do more hours, they have to take sometimes 2 jobs just to make ends meet. Those are not the people that gentleman was talking about in his email. People on zero-hours contracts have to do the hours to earn the money to survive in Jersey. We can have another debate about zero-hours contracts, I am sure that it will happen in the future. That is not for today, but having a living wage will resolve that. Having Government engage with the process of introducing a living wage for all of its staff, which it effectively already has done, but not its contractors, is such an important step forward in, as Deputy Tadier said - and I love this phrase - normalising the living wage as a concept, in the same way the minimum wage is across the developed world. That is where we need to aim to get to and I do hope that the Chief Minister to come in the future, the Council of Ministers of the future, will make it a policy commitment to, as Deputy Noel said, in measured steps, get to a wage that people can live on, whether that is 50 pence a year or whatever it might be, it needs to be got to in short order. Not too quickly, because as Senator Ferguson was trying to say, this can be damaging to businesses too. You do it slowly, and this is just one step in the way to achieving that, so I think it is - I know it is - a momentous day today and we should be proud and hopefully people will support this fully. It does increase productivity, it does increase commitment, it does increase motivation. It is so important. I have not found too many bits of evidence that say otherwise. There is a growing body across the world - and it is not just the developed world - that this is the right thing to do, both morally and also economically. I do hope that I and others can engage more with the Minister for Economic Development, Tourism, Sport and Culture about this issue, because yes, there is fear from some S.M.E.s in particular, but there is also a huge opportunity for them too in the way of increasing productivity. We have some of the lowest levels of productivity in the world in the U.K., and to a certain extent in Jersey. I would attribute some of that to low wages at the bottom of the income scale. That does not happen in other European countries. In Australia it does not happen at all, because they have the highest living wage in the world and have done for the longest in the world. There is a very good example, and there are plenty of others. But today is about celebrating, hopefully, some success here. I thank the Chief Minister and his colleagues for allowing this to be supported by the Council of Ministers, which it sounds like it is fairly unanimous, and today is our opportunity to put a message out to companies that perhaps are hesitating at the moment: "Is this really for us?" to say: "Sign up. Talk to Caritas, talk to the Living Wage Foundation in the U.K., talk to your partners in the U.K. that already are members of the Living Wage Foundation in the U.K. and make it a badge of honour for your company." In the same way their trade has been so successful in a similar way in Jersey, we hope the living wage will be the same. It is that badge of honour. I would like more companies to be wearing it. I am delighted that the States of Jersey hopefully after today will be doing that. It is a badge of honour to wear with pride as a responsible employer that not only pays its staff a living wage, but insists that its suppliers are also paid a living wage. The reason why people and companies, S.M.E.s and others, wish to bid for government work, not just here, but around the world, is usually because they get paid and they get paid well and the contract is a good one. Government contracts are well-sought after, but there is often a high level of procurement process to get to that. I want added-in to there today, which I hope will happen as a result of this: "You need to be a living wage employer to be approved as a contractor or to be able to tender for some government work." That is why 100 municipalities in the U.S. do it, so I hope that that is what we will do here

today and it becomes the norm among the public sector everywhere, which is gradually becoming the case. Jersey, if it does not do it, will be stepping behind, but at the moment we are going to be ahead, and ahead of the U.K. Other countries are there already, so this is a momentous opportunity, a momentous occasion and I hope Members are able to support it fully. Thank you to Deputy Southern for bringing the proposition. It is overdue and I am delighted that it is here today for people to consider, and I hope favourably, and I await with interest any further comments that people have to make.

2.1.8 Deputy S.Y. Mézec of St. Helier:

I wanted to start by quoting one of my political heroes, which is the American politician Bernie Sanders, who I think is well-known as a campaigner for progressive causes. He is the person who I reckon would have beat Donald Trump if the Democrats had had the good sense to nominate him instead of Hillary Clinton. He said: “If it is radical to think that someone working 40 hours a week should not be living in poverty, then yes, count me as a radical.” The reason I am quoting that is because I think that this debate so far has shown that he is wrong on that. It is not radical to believe in this principle. In fact, it is more and more mainstream and more people from across the political spectrum - the usual political divides - are getting behind this principle. It was Boris Johnson who spearheaded the living wage campaign when he was Mayor of London, so I think that is an important point to make, that there now seems to be a move towards this just being considered the norm, that workers ought to be paid enough to have a decent standard of living without having to claim benefits. The reason I have made this point I suppose is because of the contribution we have had from Senator Ferguson, who I suspect in her concerns will be in a very, very small minority today. The reason that her perspective on this I think has gone out of fashion is because of our experience with the history of low wages over the last 20 years. The U.K. Government introduced the minimum wage in 1999. I would have been a bit too young to remember that debate, but I have seen some clips on YouTube of the quite ferocious debates there were at the time. I remember watching a debate on Newsnight between John Prescott from the Labour Party and Michael Heseltine from the Conservative Party, where Michael Heseltine was claiming that the introduction of the minimum wage was going to cause mass redundancies and wreck the economy, and then you had John Prescott punching back - although it was metaphorically on that occasion - that Michael Heseltine was just an out of touch millionaire who would not pay his workers £2 an hour out of sheer greed, but of course the U.K. ignored the Opposition on that occasion and they did introduce the minimum wage. What happened? The sky did not fall in, the world continued to turn and in fact there were no mass redundancies, the economy grew and things got better because what we have had demonstrated over those years is exactly what Deputy Lewis said in his speech, that if you empower those lower earners by putting more money in their pockets, they do spend it in the local economy. It is good economically, but it is also good morally to have people in a better position to be independent like that, look after their own lives and have the dignity in work to know that they are valued as an employee. It is because of that experience that we have had over the last 20 years with the minimum wage that I am confident that those with Senator Ferguson’s perspective are in a minority here. Because of that experience over the last 20 years, I think that this should be a call for us all now to be more bold on this issue. There was one point that the Senator made in her speech about if you increase the costs of labour, then you will see more unemployment because they will resort to using technology instead. Is that not a good thing that we should be encouraging businesses to innovate with technology to make it so workers are better focused on the things that technology cannot achieve? That gives us an opportunity to look at retraining people when their skills become obsolete, to give their careers and their lives meaning in some other way and put them towards stuff that maybe focuses on more of a social good.

[11:45]

We know that we are struggling with recruitment in professions like carers, for example. That should be a great opportunity there to come together and say: “Right, let us look at where our workforce is

focused, use the benefits of technology and then have people put in other areas where they can be involved in something good there.” So this should be seen as an opportunity. I think we should be more bold on this in future and I think even though the living wage is meant to be a voluntary scheme, there is still a lot of work that needs to be done on the statutory minimum wage. I personally look forward to the day where they are seen as synonymous, where the minimum wage is a living wage, good enough to live on without having to claim benefits. When that day comes, as I think it will come, I think it will be down to the very hard work that many have put into this campaign over recent years, so I just want to use the final part of my remarks to pay tribute to Deputy Southern, who since before I met and knew Deputy Southern, I knew was somebody who worked very hard on behalf of the low paid in our society to try and improve their economic position. This, I think, is the culmination of many years of hard work that he has personally put into this. Deputy Lewis and his work on the Living Wage Advisory Board, which I am also a member of, I consider it a privilege to work with all of the people on that advisory board. I think Caritas, as a charity, do some absolutely fantastic work. I think at the last States sitting, certain religious organisations got a bit of a kicking, but I think Caritas is a good example of some of the fantastic work that people do in our community, motivated by their faith - it is something I would like to see more political engagement on in the future - and of course the volunteers on the Advisory Board, who are not involved with Caritas, we have got trade unions leaders on there, religious leaders and representatives from charities as well. So this is a really positive day for Jersey. I hope Members will pass this as close to unanimously as possible and take great comfort in the fact that this will contribute to making people’s lives better. That is ultimately what we are in this job for and I hope it also inspires us to be more bold in future so that one day the minimum wage and living wage will be synonymous.

The Deputy Bailiff:

Does any other Member wish to speak on the proposition? I call on Deputy Southern to respond.

2.1.9 Deputy G.P. Southern:

I am quite moved by what has been said today, but I will focus first of all on the Chief Minister’s words when he says: “Some days we make history” and I think this is one of those days and I believe that to be the case. I think this will make a significant difference to our economy and to our low paid on the Island. In fact, I am reminded of the days - it must be 4 years ago - when I tried to get the words “to create a fairer society” into the Strategic Plan. I lost that battle, but this is concrete evidence, it is concrete material that is creating a fairer society, so I might have lost the theory, but I think I am winning on the practicality. I thank Members who have spoken for their congratulations and their support; Deputy Truscott. Deputy Noel made an interesting point when he says: “What are we going to do with Andium or with the relationship over long-term care?” Yes, he brings up some significant areas of employment that need addressing, but as the Ministers say, they are confident that with those issues that they can address them, given the will. Then he says: “If we have to have a subsidy for agriculture, let us have that subsidy and not rely on topping up the minimum wage or low wages.” What I have got written down is: “My next proposition.” You should not loosely mention things to me. That is in fact policy from Reform Jersey and it may well be my next proposition. I may be able to lodge it as soon as I can. Senator Ferguson is always a challenge, **[Laughter]** especially when she uses emotive words like: “We are dictating to employers; we are imposing on employers.” I have a little whisper for her: no, we are not. We are encouraging, lobbying, urging and negotiating. That is what we are doing. There is no imposition here. This is a voluntary decision by companies: do they wish to enhance their reputation and does their economic model - their business model - work with the living wage? If the answer is yes, then we are saying: “Please, come on, seek accreditation.” But it is voluntary. As the Chief Minister reminded us, it does not happen overnight. Nothing is going to change tomorrow. Things will get negotiated through time and this is a safe way to go. How are we going to deal with that? Ministers will deal with it through negotiation. Caritas, through the Living Wage Foundation, will deal with individual issues.

As we have already pointed out, in our particular case, we have given them a new question to solve that they had not thought of before, but we will make progress on that. Finally, Senator Ferguson said: “I do believe in a fair day’s wage for a fair day’s work.” I have to say to her that this is the fair day’s pay. As Deputy Lewis reminded us, there is a multiplier effect. If you raise the wages of those at the bottom, and that is what we are doing, then what you do is that increased wage will get spent, it will pay tax, it will reduce supplementation, it will reduce the Income Support bill. That is what will happen, so in many, many ways, the economy is likely to pick up as that money, that extra money, gets spent. That is the reality of how things work in terms of low pay. A final word I will have here, which is to personally thank those involved with Caritas for their push and their commitment, **[Approbation]** to deliver what must be seen as a social good on this Island. I thank them most heartedly and I call for the appel, please.

The Deputy Bailiff:

The appel is called for. I invite Members to return to their seats. I ask the Greffier to open the voting.

POUR: 42	CONTRE: 0	ABSTAIN: 1
Senator P.F. Routier		Senator S.C. Ferguson
Senator P.F.C. Ozouf		
Senator A.J.H. Maclean		
Senator I.J. Gorst		
Senator L.J. Farnham		
Senator A.K.F. Green		
Connétable of St. Helier		
Connétable of St. Peter		
Connétable of St. Lawrence		
Connétable of St. Mary		
Connétable of St. Ouen		
Connétable of St. Brelade		
Connétable of St. Martin		
Connétable of St. Saviour		
Connétable of Grouville		
Connétable of St. John		
Connétable of Trinity		
Deputy J.A. Martin (H)		
Deputy G.P. Southern (H)		
Deputy of Grouville		
Deputy J.A. Hilton (H)		
Deputy of Trinity		
Deputy K.C. Lewis (S)		
Deputy M. Tadier (B)		
Deputy E.J. Noel (L)		
Deputy of St. John		
Deputy M.R. Higgins (H)		
Deputy of St. Martin		
Deputy R.G. Bryans (H)		
Deputy of St. Peter		
Deputy R.J. Rondel (H)		
Deputy S.Y. Mézec (H)		
Deputy A.D. Lewis (H)		
Deputy of St. Ouen		
Deputy R. Labey (H)		
Deputy S.M. Wickenden (H)		
Deputy S.M. Bree (C)		

Deputy M.J. Norton (B)				
Deputy T.A. McDonald (S)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy P.D. McLinton (S)				

3. Hospital catering department: cancel relocation to an offsite location - petition (P.124/2017)

The Deputy Bailiff:

Before we move on to the next item, just to announce the lodging of the Committee of Inquiry: actions taken by the Royal National Lifeboat Institution (R.N.L.I.) and the Jersey Government which led to the removal of the All Weather Lifeboat, lodged by Senator Ferguson. We now come on to the next item of Public Business, which is the Hospital catering department: cancel relocation to an offsite location - petition, lodged by Senator Ferguson, and I ask the Greffier to read the proposition.

The Greffier of the States:

The States are asked to decide whether they are of the opinion to cancel the relocation of the hospital catering department to an offsite location.

3.1 Senator S.C. Ferguson:

There has been some criticism of the petitioners on this, and the criticism has also said that the industrial park had been there long before the houses in the estate were built. Can we get this straight? There was a woollen mill there, Dronfield, set up in 1961. The houses were built in 1973. In 1982, the factory closed. Planning applications were then submitted to convert the site into a light industrial park in the 1983/84 period. The first application was refused and the buildings were required to be moved back from the houses. Even so, they were not moved back that much. The St. Peter Technical Park opened in 1984 as a light industrial technical park. A Freedom of Information request of 22nd January 2018 has demonstrated quite clearly that the original preferred site for the catering unit was one of 2 sites in Rue des Prés and that was back in March 2017. Now, the residents have got quite a number of concerns about this. They are concerned about parking, because staff numbers have been confirmed at 40, and provisional parking spaces allocated to the unit are 19, according to the Jersey Future Hospital report on planning dated 20th December 2017, although an earlier planning statement of 13th October 2017 states there will be 14 bike spaces, 4 motorbike spaces and 12 car spaces. Whichever is correct, there are clearly not enough parking spaces for the amount of staff. The original brief required 20 to 25 spaces. In fact, in order to provide an external standby generator and an internal J.E.C. (Jersey Electricity Company) transformer, the number of spaces has now been reduced. As a side note from my point of view, I would be interested as to the sound-proofing of the transformer. Transformers have a similarity to Pooh Bear, they hum, and at night, when sound travels better, the hum will be much louder, but has any reassurance been given to the neighbours? No. Other tenants, whose businesses have grown, are currently using the allocated spaces. The residents are extremely concerned that the surrounding estates will be used like they are at Rue des Prés, as it has become... particularly as St. Peter is too small for the volume of traffic. Delivery of raw food is fulfilled by 20 suppliers, as stated in the Freedom of Information site selection document. Currently, the Future Hospital team estimate 10 to 12 deliveries daily, but they do have 20 suppliers, so it could well be higher. This will mean that there will be more vehicles using an already bursting-at-the-seams technical park and exiting on to an extremely busy main road. Food collection will be at least 7 times daily, not 3, as the Future Hospital team have led planning to believe. The 3 collections, as stated in the Future Hospital report dated 20th December 2017, those collections are purely for the delivery of food to the general hospital. There will be at least another 4 to deliver food to the other H.S.S.D. (Health and Social Services Department) sites. The catering document also states that the

first delivery will be at 9.30 a.m. However, the catering manager has already advised that the first one is destined to depart just after 8.00 a.m. Staff hours are from 8.00 a.m. until 5.00 p.m., and yet the residents have been told that staff will be arriving from 7.00 a.m.

[12:00]

Therefore not only will the residents be disturbed by staff arriving, car doors banging, people chatting and the noise of the first vehicle being loaded by trolleys on metal ramps prior to 8.00 a.m. and then throughout each day, residents will be disturbed by the trolley noise while vehicles are being loaded and also when empty trolleys are being returned. The Jersey Future Hospital report dated 20th December 2017 did not mention that it was proposed that Meals on Wheels would be using the site. In actual fact, there would have been 8 volunteers, plus 5 to 6 cars, collecting and returning hot boxes daily and 2 parking spaces were allocated to the Meals on Wheels. Cars collecting the food would have done so on a queuing basis. What has become clear since then is that Meals and Wheels will be staying at Overdale because the kitchen at the new premises is not big enough to accommodate coping with the Meals on Wheels service and the parking would not either. The rubbish bin store with food waste, they are concerned that would attract vermin, rats, seagulls, cockroaches and flies and extra bin collections and recycling vehicles will be required, probably daily, depending on how much waste is produced. Again, this is not documented in the Future Hospital report. Therefore even more vehicles and even more noise and a lot of the vehicles have, for the sake of health and safety, have beepers for when they reverse. Now, anyone who has lived next door to a building site knows how incredibly infuriating that beeping is. It can almost drive you to drink, or mad, yes, thank you, Minister. What about smells from the cooking processes and food waste in the bins will encroach on the residents and will they be able to sit out in their gardens and have their windows open and enjoy the tranquillity of their gardens? There has been no health impact assessment, which covers the area around the kitchen unit. I understand this is a requirement in the U.K. but Planning have not imposed that as a condition over here. There will be 2 kitchen extractor fans fitted and louvers are being fitted to serve the air-conditioning and refrigeration equipment, so there is a concern about continuous 24/7 noise and from the fans especially at night. Now, the original site selection scored high when the scores were high if it was a bad unit and low for a preferable unit or a preferable site. Even one of the catering managers said, if it was a blank canvas, he would not relocate it to a residential area. I have had experience locally with extractor fans and air-conditioning units. The distance from the residential properties was not dissimilar to the distance in this case and there was a constant noise and smell, which has taken a considerable time, it is pretty well sorted now, but it has taken for ever. Interestingly, members of the catering staff have said that they are in a hurry to get the whole catering side set up while they can access the contingency funds and while there is money in the contingency funds. Because after the Town Hall meeting with Chris McCarthy, residents spoke with States Members who were under the impression that the kitchen construction and relocation were not included in the £466 million budget. The funding of the 21-year lease equates to approximately £2.6 million, not inclusive of the rent increase every 3 years, so it is probably nearer £3.6 million in current pound values and that does not include obviously the cost of the work that is being done. This is all being done before the building and location of the hospital has been passed by Planning. An anonymous whistle-blower put a note through residents' doors and that is the only reason many residents became aware of the catering relocation. It was the residents who fought to have a meeting with the Future Hospital team, which contradicts the Department for Infrastructure that there had been considerable engagement with local residents to alleviate concerns about the operation of the unit and explain the wider aspects of the production and delivery of food for the hospital. In fact the first written correspondence residents got from the Future Hospital office was the letter on 4th December 2017, the day prior to the planning application closing. I am told by somebody who did attend the October meeting - I do not quite know how they found out about it, but anyway they got there - and they said it was more a "this is what we are doing" meeting rather than

“how can we make it more palatable for you, the residents” meeting. The building was a warehouse despatching cosmetics, *et cetera*, and now it is being converted to be an industrial kitchen. Is that not a change of use? If you had a cosmetic shop in town and wanted to change it to a restaurant or a takeaway, surely planning would have to be applied for a change of use. This is a change of use as kitchens have to be installed. There have been comments that the petition has been signed by the general public across Jersey but surely, say the residents, everyone’s signature should be equal, irrespective of which Parish they reside in. As residents of Jersey we all have a right to voice our concerns and the catering affects every person who requires medical attention at the hospital. Therefore, to dismiss the petition as it does not solely bear signatures of St. Peter residents is ridiculous. We are all taxpayers and this petition should make the Minister realise that more people are concerned about the relocation of the catering unit than those whom it would only affect if they were inpatients at the hospital. The Technical Park is currently bursting at the seams and the one-way system is being abused by the majority of the tenants on a daily basis. Road markings have been repainted, more signs erected, but vehicles are constantly ignoring both and driving any which way they like. The exit is on to an extremely busy main road and is an accident waiting to happen. The Future Hospital report implies that their vehicles will have no impact, but when you add up just how many extra vehicles will be using the park it definitely will have an effect on us, the residents and the entire surrounding area. Those were the thoughts of the residents who live around the St. Peter light industrial estate. I must say, the whole way this has been handled does not give me any confidence in the Future Hospital Project Team. As I have said already, according to the Freedom of Information request about the selection of this site for the catering unit, St. Peter was the highest-scoring unit of those being considered. Traffic within the park is totally uncontrolled, there is no observance of the one-way system, and there is a constant traffic noise. I have already mentioned the beeping. Add to that the lack of parking facilities with the additions of the catering department and we shall have the same problems we have with Rue des Prés. It must also be remembered that most of the residents are retired and therefore will be home all day. Where is the concern for them? The lack of communication has been appalling. The other thing that I heard the other day, and what people have omitted to tell us, is that all the dirty plates apparently, the Minister can contradict me if I am not right, but I am told that dirty plates will be sent back from each location to be cleaned ready for the next meals at the St. Peter facility. So I really cannot contemplate this, but I will be very happy if the Minister will come out with a statement and say whether this is true or not because, frankly, it does not sound very health and safety. But we shall see. I do wonder why we are doing a significant project to provide a catering system, which was invented 30 years ago. There are new systems, which provide food, which is more nutritious, and in terms of retained vitamins and improved texture. Have we reviewed the methods? Will the catering unit be returned to the hospital site once all the sort of building and so on carries on? I cannot see it. The lease that has been signed is for 21 years. Because the States are poor at planning, the local residents are doomed to suffer the constant disturbance of traffic, the insane beeping of reversing trucks, the noise of air-conditioning and fans and the dreaded hum of the transformer. Because of the actions of the Ministers who could have brought comments, they have to reply to a petition within 8 weeks, they could have brought the comments earlier and they have ignored the feelings of the public and they have attempted to reduce this proposition to absurdity. Perhaps I can ask the Assembly to treat this as a vote of censure of the Ministers and their project teams in their appalling treatment of the public.

Senator P.F.C. Ozouf:

A point of order, Sir. Can I make a point of order?

The Deputy Bailiff:

I was about to say to the Senator it is impossible to treat this matter as a vote of censure.

Senator P.F.C. Ozouf:

Thank you, Sir, that is the ruling I wished to have.

The Deputy Bailiff:

It is a vote on adoption or not adopting the proposition and it is that simple, Senator.

Senator S.C. Ferguson:

Yes, Sir. Obviously, as the Deputy Bailiff says, it does not apply, then I will withdraw it, but I will put the seed into people's minds. Despite the petition, despite the condition, the concerns of the residents, the Ministers have proceeded willy-nilly with this project and it is a late addition to the original hospital project and it is so late it is relying on the contingency funds provided to pay for it. I ask the States to support the benighted residents of St. Peter.

The Deputy Bailiff:

Is the proposition seconded? [**Seconded**]

Connétable J. Gallichan of St. Mary:

At the root of the proposition, and the Senator referred to it several times, there is a planning application, which is live. I have just checked the register and there are sufficient complaints that it would come to the Planning Applications Committee, so I will declare an interest I think and withdraw. I think the other committee members would probably like to do the same.

Deputy R. Labey:

Likewise, Sir.

The Deputy Bailiff:

Very well.

Deputy R. Labey:

If we disappear we might become inquorate.

The Deputy Bailiff:

Yes, if everyone goes now we are no longer quorate I do not think.

Senator P.F. Routier:

Can I join the committee, Sir? [**Laughter**]

The Deputy Bailiff:

So let us see where we are when those people have left. Meanwhile, Senator Ozouf, you might not know, but your phone has earned you a ...

[12:15]

Senator P.F.C. Ozouf:

Yes, I apologise, I was going to (a) start by apologising and saying that I will pay the fine for an inadvertent phone that I left here and I apologise to the Assembly and to you, Sir. I have just heard the most extraordinary ...

The Deputy Bailiff:

Just a moment, let us make sure we are ... 25. Yes, is this a point of order?

Senator P.F.C. Ozouf:

No, it is not, it is a contribution. I was going to ...

The Deputy Bailiff:

You are not the first to give an indication ...

Senator P.F.C. Ozouf:

Fine, I apologise.

3.1.1 Senator A.K.F. Green:

I will try to answer the questions the Senator asked and I know the Senator is well-meaning in bringing this forward but I have to say that I was totally confused by some of what she said and I hope to help her with correcting some of the facts, or things that she thought were fact, but are not true. But before going into that, I would like to start by looking at the proposition and the petition that it is intended to reflect. There is, in my view, a complete lack of clarity, there is an inconsistency given in the reasons for the desire to stop the relocation of the hospital catering department to an offsite location, an inconsistency between the petition and the proposition that we have in front of us. The reason given for the petition cites that hospital food should be cooked onsite so it can be served to patients promptly and full of valuable nutrition to aid the patients' recovery, and just hold that in mind because I will come back to that later. But there is no reference to this in the report accompanying the proposition, in fact the report is primarily about the proposed location, and maybe that is really what the Senator is talking about. The reason is not given in the petition as to what I think might be the real reasons behind the proposition. I have to say that I was disappointed when the proposition was lodged by the Senator at the time when this Assembly was debating and agreeing the preferred hospital scheme as set out in P.107. The relocation of the hospital catering department to free-up space on the planned future hospital site was always, contrary to what the Senator says, part of the proposals. Indeed, I would go on to say... and I know a bit about this because I was the officer that introduced changes to the hospital, I would go on to say that it should never have been in the centre of a general hospital and perhaps I had as much influence on that at the time as I have on some things here some days. But the offsite catering unit has always been an integral part of the new hospital. The Senator was right, we did look at Rue des Prés, and Rue des Prés I think had some attractions, many of our suppliers are there already with their wholesale setups, but we were not able to enter into a contract on the site of Rue des Prés, so then you look around for other alternative sites. A permanent - and it is permanent, it is not intended to be a temporary move - a permanent centralised offsite production unit for the hospital and other health-related catering has long been a sensible and desirable thing to do. In fact, as I said, it should have been done right from the start. It is a common feature of most hospitals. So let us be clear, all units such as Overdale, Clinique Pinel, Sandybrook, as well as the numerous day centres throughout Health, have for 30 years received their meals from a central production unit, but that central production unit is currently based in the General Hospital. Contrary to what the Senator implied, although she might not have said it, each site has a kitchen, what is known as a satellite kitchen, a kitchen that prepares salads and garnishes as well as organising the reheating and, I am pleased to say, Senator, the washing-up facilities. We learned a long time ago that moving dirty plates about, not only is it unhygienic, it is counterproductive. That is why we wash-up on the wards, even in the General Hospital. So there is no intention of bringing the 2,500 dirty plates - nor was there ever - back to the central production unit. Contrary to that urban myth, there is no movement of dirty crockery or for that matter waste product from any of our receiving units. Members might not be surprised to hear that I would like to say a few words about the food preparation known as Cook-Chill and the Senator implied that we should be looking at others and I know that she likes, because I have heard her talk about it before, Sous-Vide system, that is posh boil in the bag, but Sous-Vide system is not licensed for hospital use in the U.K. But I would like to talk about the system we have because it is a good system, it is a proven system, and they seem to be concerned about this, but it is the same system that many of us use every day, well not every day, I hope we do not use it every day, but many of us go to Marks & Spencers, you go and get that meal,

that 'pierce and ping', as I call it, pierce the top and put it in the microwave. That is Cook-Chill. So it is a proven system, many hospitals use it and many retailers and wholesalers are providing it. We have been doing it in Jersey successfully since 1987 and, as I have implied, I know about this, I was the officer employed by the then committee to put it in place, having been seen as one of the U.K. experts in Cook-Chill system. In fact the organiser of the very first - not the prime organiser, I was not the chairman - one of the committee members of the very, very first conference on Cook-Chill systems in the United Kingdom. Let us just look at what it is, in essence the food, once cooked, and therefore when it is at its best nutritionally and visually, is then chilled and stored in a chilled condition until later it is transported in a refrigerated van to the satellite kitchen where, when required, it is reheated on the ward or where the patients are located. To help Members further I would like to remind them of the method that Cook-Chill replaced and not a lot of people understand this but it is important, this is why it is such a good system. The old system of catering required the loading of trolleys with hot food. In the case of the General Hospital, and I did not check it today, it was in my time about 12 trolleys, if I recall correctly. They all need to leave the kitchen about 12 Noon because of the drug regimes and everything; everybody has to eat at lunch time. If you are going to load 12 trolleys with approximately 30 meals per trolley in it, you have to start loading them up at 10.00 a.m.; you have to start putting hot food into a trolley at 10.00 a.m., which means by the time the patients are getting around to receiving it, it could be up to 2½ hours old. Perhaps I could ask Members to consider their methods of food preparation at home. We have a general election coming up. Those seeking election will be out and about at the hustings, out and about knocking on doors, and will have all sorts of different hours and meal times possibly to their family. After a long evening of canvassing, would they want a meal that was, with the best will in the world, kept hot in an oven for 2 hours or more, which is by then dried out with grey beans and of questionable nutritional value, and perhaps even questionable identity, or would they prefer a hot meal that, when it was at its best, was refrigerated and microwaved when they got home? I know which one I would prefer. That is the whole principle of how we cater for our patients in the hospital. It is a meal that has maintained its aesthetic appeal but, more importantly, its nutritional value and flavour. Moving away from the merits of Cook-Chill, which I can talk about directly for some time, I would like to talk about the proposed location. Maintaining the catering department on site would mean that a programme of departmental relocations needed to create an efficient construction of the new hospital with minimal disruption would not be possible. Leaving the catering where it is, where it should never have been in the first place, on the main site increases the mass of the hospital and makes the issues to be addressed in response to the refusal of the planning even more difficult. So why St. Peter? I referred to Rue des Prés because the Senator had talked about that, but why St. Peter? Well the 2 units at St. Peter's Technical Park offer an ideal location to accommodate the relocated facilities. The Technical Park has long performed an important function for businesses based there. It is a light industrial use, as the Senator said, and a commercial kitchen would fit well with that type of description and it fits well with the activities associated with the catering functions that we want to put there. Food for the hospital and the wider Health estate is prepared 2 days in advance on using that Cook-Chill system and it is distributed to order the day before consumption, except for the weekends when it is delivered to order 2 to 3 days before. Under the Cook-Chill system, under the law you are allowed to have 5 days provided you can guarantee the temperature at which the food was stored. You have got 5 days from production to the day of consumption, so you can easily see why, on Friday, Saturday and Sunday's meals go out as well. The food for the weekend, as I have alluded to, is made during the week and delivered for the weekend to the unit. So the unit is operating Monday to Friday, that is as it is now. The unit will operate differently to now in terms of its hours of opening, it will operate from 8.00 a.m. to 5.00 p.m. Monday to Friday. This is far from the early mornings and late evenings and the 7 days a week operation portrayed by Senator Ferguson. She is right, there will be some 40 staff working there if you had every member of staff in at the same time. I understand though that the previous occupier of the unit did have 60 staff working there at its peak. To give an idea of the

business focuses on the site that is already there, there is a vehicle repair business, a manufacturer of windows and doors, a builder's merchant, a flooring supplier, as well as a household storage facility and online retailers. These existing tenants' operations range from 6.30 a.m. in the morning to 8.00 p.m. Monday to Friday and some are Saturday morning as well. We are talking 8.00 a.m. in the morning for us, Monday to Friday. Forklifts are used by a number of units but are not used by our facility, never have been, never will be. The noise that the Senator refers to in term of trolleys moving about, if there is such a noise it is happening in the middle of a busy hospital full of sick people and they do not even notice that it is going on. It is not a noisy operation. But I can understand the concern of the residents about noise, noise from the fans and the smells, and the Senator very kindly and very openly admitted she had problems with a neighbour premises, but also said that they are now solved. We intend to prevent that from ever happening by putting good design in, working with Environmental Health, to ensure that we have the right type of system in there to prevent any smells and noise coming out. I have had some experience of that as well on the receiving end, I can tell you, so I know how important it is that we get this right. There will be no noise from activities within the building. The vehicle movement noise will be no greater than in the past from the previous tenant there. Yes, we do have a number of suppliers, not all suppliers deliver every day and a number of contractors come via a main contractor, so if you like, 2 or 3 contractors' items are delivered by the main contractor. To support the planning application for the site, an assessment of potential noise impact from the plant was required and it indicated, subject to the works that we have agreed to carry out, the noise will be below existing noise levels. Cooking smells will be confined within the building, as I have said, and the plant will ensure that we have good-quality air coming out of the building. In moving to the facility... because while I know I have been very firm about what I believe with this move, I do want my department to be a good neighbour. I would want them to work with the Parish Deputy, to work with the Constable, in tackling any issue, any concerns that might arise. We would work actively with the managing agents to establish a tenants group, including local residents, because we want to be that good neighbour. Not in my notes, but the Senator made reference to rats and cockroaches and flies.

[12:30]

We do not have them in the General Hospital because we have good waste control; we have good pest control systems to ensure that we are given warning if there is any sign of rodents. That is what good caterers, good professional caterers, do. It is not just about producing food, it is about the environment in which we produce it and, come to that, the environment in which we serve it. On the basis that I have spoken, and I could go on and on and on, the proposition is totally incorrect in practically every aspect it raises and I ask Members to reject the proposition.

Senator P.F.C. Ozouf:

I was going to ask for moving on to our next item, but I think you will not accept it because not enough Members have spoken.

The Deputy Bailiff:

No, generally speaking, I would expect 10 Members to speak.

Senator P.F.C. Ozouf:

Fine, it was just I was going to ...

The Deputy Bailiff:

We have only had one so far.

Senator P.F.C. Ozouf:

No, as there is a planning decision, I was going to ... well I will not progress that.

3.1.2 Deputy K.C. Lewis:

My question will probably need to be answered by either the Minister for Health and Social Services or Minister for Infrastructure. Should this proposition be passed, what would be the ramifications regarding the lease that has been signed? Is there a get-out clause or are we committed for the next 25 years to lease this building and are there any alternative sites?

3.1.3 The Connétable of St. Peter:

This proposition brought by Senator Ferguson potentially puts me in a difficult place, a place where some will believe that I must support the ratepayers of St. Peter and at the same time, albeit in my role as Assistant Minister for Health and Social Services, defend the Health and Social Services position. However, this is not the case, as both the proposition and the petition, in my mind, are wholly flawed. Firstly, what the proposition before us asks us to do is “to cancel the relocation of the hospital catering department to an offsite location”. What the proposition does not tell us is why this Assembly of political representatives of the people of Jersey should intervene in an operational matter based on a report accompanying it without any evidence of properly-researched hard facts, figures or solid unbiased evidence. What we get instead is an extremely short report of some 6 sentences containing fear, uncertainty and doubt, based on assumption, conjecture and pure unbridled supposition. I am saddened to have to respond with such strong comments but consider this proposition to be an affront to the role of this Assembly as it fails to represent any research, evidence or facts, for Members to be able to form a well-informed judgment upon. Instead it is full of misinformation, presumption and speculation, all of which could have been clarified had the mover of this proposition taken any time to consult with the department since the Ministerial Decision of the Minister for Infrastructure dated 3rd June 2017, which was made available to States Members should they wish to invoke the 18-day rule. I will now address the 6 sentences of the report. Sentence 1. The Senator has already made comments on this and the petition on sentence 1 says: “The petitioners live in the vicinity of St. Peter’s Technical Park.” Incorrect, Sir, not so. The petition before Members contains 263 signatures, however only 12 properties are within the 50-metre radius considered appropriate for third-party appeals and only 7 signatories living in those properties have signed the petition. A further 22 signatories live within half a kilometre radius of the site. And additional 72 signatories live across the wider Parish of St. Peter from Beaumont in the south to the St. Mary’s boundary in the north. In fact 256 of the 263 signatories to this petition do not live within the radius considered appropriate for a third-party planning appeal. Furthermore, 191 of those 263 do not even live in the Parish of St. Peter. So I ask myself, is this first sentence based on fact, fiction or just a failure to properly research and verify the information provided by the petition as a significant majority of the petitioners do not live in the vicinity of St. Peter’s Technical Park as stated in the first sentence. Sentence 2: “In fact, the majority of the area alongside and behind the Technical Park is residential.” This, Sir, is correct. However, and I will update Senator Ferguson’s information, the Technical Park has been in commercial use for more than 60 years, originally being an auction site, Dronfield; then the Courtaulds Knitting Factory; and now St. Peter’s Light Industrial Technical Park. This commercial site pre-dates both residential developments, Ville du Bocage constructed in 1973 and La Grande Pèce in 1978, both of which almost fully encompass 3 sides of the Technical Park with St. Peter’s main road on the fourth. Sentence 3: “The noise and disturbance from delivery lorries and other vehicles attending the particular sheds from early in the morning until the evening, 7 days a week, means that there will be little respite for the neighbours from the noise and disturbance.” Not so again, the catering production unit will be open from 7.00 a.m. to allow early morning staff to arrive to start warming the ovens. Production does not start until 8.00 a.m. in the morning and finishes at 5.00 p.m. Monday to Friday, not morning until the evening 7 days a week, as stated in Senator Ferguson’s report. The outgoing chilled delivery vehicle commences loading at 8.00 a.m. with departure expected to be around 9.30 a.m. from St. Peter to the General Hospital and Overdale Hospital. A second delivery will run from St. Peter around 11.35 a.m. in the morning

heading east of the Island to service Willows, Hollies, Clinique Pinel, Orchard House, Le Geyt, Sandy Brook and all other health centres. Sentences 4 and 5: “The proposal to move the catering department to St. Peter was a *fait accompli* as far as the neighbours were concerned. It has to be asked, is this fair?” Once again, the proposer fails to acknowledge the Ministerial Decision of the Minister for Infrastructure dated 3rd July 2017. This clearly sets out the proposed intention to lease units 9 and 10, St. Peter’s Technical Park, for the Health and Social Services Catering Department and in accordance with Standing Order 168(1)(a) provides Members with a 15-day period within States Members could make a representation to Jersey Property Holdings. No such representation was made by, for, or on behalf of, the petitioners. Furthermore, an application to Planning, P/2017/1522, was submitted on the 6th of November 2017 and publicly advertised on 14th November 2017 to cover internal alterations and minor external provisions. Indeed, several of the petitioners have submitted comments to this application. Therefore, I must conclude the decision to relocate the Health and Social Services Catering to St. Peter’s Technical Park was neither a *fait accompli* and, given the planning responses by neighbours, is entirely fair. Sentence 6: “Is this really the correct way to provide meals for ‘Meals on Wheels’, the Hospital, and a number of care homes?” My answer is a resounding yes, as the Minister for Health and Social Services has stated, this method of meal production and delivery has been in operation since 1987. I am pleased to see the Senator’s inference in this sentence, which appears to approve of the current quality of food delivered to patients using the current method since 1987. However, yet again, Senator Ferguson makes her own assumption in that changes will be made to the superb Meals on Wheels operation that supports many needy and vulnerable people. This is not the case. The Meals on Wheels operation will continue as it has done and will continue into the future delivering cooked chilled nutritious meals as it has done for many years via selfless volunteers and prepared by highly-qualified chefs, one of whom has a Michelin Star in the kitchens at the hospital and in St. Peter, when it finally gets there. In this penultimate paragraph the report states: “The petitioners ask the States to reconsider the imposition of this noisy and disturbing system on the neighbourhood, particularly as it will be operating 7 days a week.” From my foregoing responses containing comments of fact, all of which can be substantiated in the documentation submitted to the Planning Department containing document E501, new catering facility planning statement, which was submitted to the Planning Department. This statement sets out the requirements of the Island Plan, policies SP1, built-up area boundary; EIW1, protected industrial site; and NR1, water pollution and safeguard area. To put Members’ minds at ease on the claims of noise, I can confirm that an acoustic survey has indicated that the noise from the plant to be installed will not have any effect on the surrounding properties. The suitable and standard attenuation, the noise generated will not be audible over background noise at any time, including overnight. This acoustic survey will be submitted to Planning in support of the application and also will be publicly available. On the subject of smell, Environmental Health have been consulted and are content to raise no objection subject to a suitable condition that requires odour control measures to be put in place, which they will be. Essentially this means that there do not appear to be any apparent concerns subject to proper and expected controls. Most importantly for the nearby residents, in both points Environmental Health are clear they could still take action if there is a nuisance, but on the basis of the proposed activities and steps that are being taken they do not anticipate any harm to enjoyment of local amenity caused by H.S.S.D. catering operations in the Technical Park at St. Peter. In regard to the petition supporting this proposition, P.124/2017, I will not take up any more of Members’ time as my previous comments apply especially around the complete lack of factual evidence equally apply. In conclusion, in my role as representative of the Parish of St. Peter in this Assembly, I would like to assure all ratepayers of my continuing support and especially in this matter of the Technical Park. Over the years I have been in office I have dealt with requirements for an avian guard to take away nesting seagulls from the flat roofs of any of the units up there to avoid the early morning noise from seagulls. I have intervened when there was a period of time where some boy racers used to race around the perimeter of the Technical Park by having sleeping policemen

installed. When the boys stopped racing the residents wanted the sleeping policemen taken out because the heavy vehicles crashed down over them, so I asked them to take them out again and they did so. Food waste containment from a meat wholesaler was on the lower part of the site. I required them to contain that within a sealed bin to avoid birds going in there and also in the summer months they had their doors open for ventilation and a loud radio playing at around 6.00 a.m. in the morning; I intervened and had that stopped there again. Also, with the 60 staff from the previous operator of units 9 and 10, I intervened when they were arriving at 10.00 p.m. at night and slamming their car doors with car radios going and standing outside having their cigarette breaks. I had that stopped to help the neighbours as well. I have intervened on general housekeeping and good maintenance. The Parish of St. Peter looks after its residents at all times. Only several weeks ago I had an email at 11.30 a.m. in the morning on a Sunday morning complaining because somebody was power-washing on the site. I went around to intervene and I went back to the complainant, I emailed them back 35 minutes later on a Sunday morning and they still have not acknowledged my email and my intervention on their behalf, and yet they have moved this petition. Most significantly, of all of this, on 25th October last year I hosted a meeting in the Parish Hall with the nearby residents, 18 of whom attended including the movers of the petition, plus 2 others from outside the Parish. Also present were officers from Health and Social Service Department, Planning Department and Property Holdings, to apprise residents of the scope of the proposed works, the conditions set within the documentation submitted to the Planning Department, as I specified earlier. However, it appears that the factual evidence contained in the documentary evidence supplied to the Planning Department was further amplified at that meeting. At the end of the day, this is not about food, it is about the kitchens being in that site in the Parish of St. Peter and the petition was moved by an anonymous letter that was sent to the nearby residents. The person who wrote that letter to create fear, uncertainty and doubt, could not even put their name to it because they knew the facts behind would not support their petition. I ask Members to consider very carefully the facts, which I have presented to them this morning, when they make their judgment based on facts, not on hearsay. I would like to point out there are 19 car-parking spaces dedicated to that unit, which no other people can park on. I am advised by the hospital staff that not many of them own cars; they will be catching the bus. There is a bus stop less than 50 metres from the unit for them to arrive at work on. There are ample facilities there to cater for that staff and, bearing in mind more staff were able to occupy those spaces happily with the previous operator.

[12:45]

LUNCHEON ADJOURNMENT PROPOSED

The Deputy Bailiff:

Very well. I see Deputy Noel and the Deputy of St. Peter, so we are at the time when it is my obligation to ask the Assembly whether it wishes to continue or whether it wishes to adjourn.

Senator P.F. Routier:

As there are 2 speakers, and I doubt the Senator will want to respond fully, I propose the adjournment.

The Deputy Bailiff:

The adjournment is proposed; that States will stand adjourned until 2.15 p.m.

LUNCHEON ADJOURNMENT

[14:15]

The Deputy Bailiff:

Yes, we resume the debate on P.124. Deputy Noel.

3.1.4 Deputy E.J. Noel:

I am pleased to go after the Constable of St. Peter who spoke prior to the lunch break as his speech was extremely informative and I can confer with the data that he provided the Assembly. Further, the reasons for moving the facility offsite have been explained fully by the Minister for Health and Social Services. I do not have his expertise in the provision of catering services, but I am persuaded by the arguments now as I was when I signed the Ministerial Decision to lease the St. Peter site back in July of last year. Members will know that I signed the Ministerial Decision to lease the commercial units on 3rd July 2017 and, as Members are fully aware, such decisions to lease in properties are presented to the Assembly in the form of a report. The decision was published in the States as a report R.82/2017 on 4th July of last year in accordance with States Standing Order 168. Members will also be aware that Standing Order 168 requires 15 working days to pass before the Decision can be enacted. The purpose of this period is to provide sufficient time for Members to contact me or my officers with any queries regarding such transactions. This is a well-established process and is understood by every States Member, including Senator Ferguson. I am fully satisfied that I have complied with the process and that Members have had a reasonable opportunity to raise with me or my officers' concerns during that 15-day period following the Decision. To my knowledge, no such concerns were indeed raised. Officers, as you would have expected, completed the documentation with the landlord in good faith. Members can further be assured that there has been considerable engagement with the local residents to alleviate concerns about the operation of the units by Health and Social Services to explain the wider aspects of the production and delivery of food for the hospital and Members have already heard that facility will only be working 5 days a week from 8.00 a.m. in the morning until 5.00 p.m. in the evening. Concerns at those meetings have been addressed and, while we cannot satisfy absolutely every concern, I have no doubt that the public would endeavour to be a good neighbour. I was therefore surprised to see that this proposition was lodged in December, 5 months after the decision, and was made under, I am sure it was coincidental that it was during the debate of P.107/2017 on the hospital site and the outline business case. Notwithstanding the timing of the Senator's proposition, I did give it due consideration when instructing officers to proceed in the conclusion of acquiring the leasehold of those premises. The proposition contains a public petition and I respect the right of the public concerns to be raised through this medium. The Assembly needs to take such demonstrations of public feeling seriously and give it due consideration. I cannot take a view on the veracity of the petition unless I know something about the petitioners, particularly when the matter is one of a localised importance. Members will see that, from the report accompanying the proposition, it states that the petitioners live in the vicinity of the St. Peter's Technical Park. Now, the Constable of St. Peter has already explained quite eloquently that the vast majority, well over 180 of the 263 signatures on that petition, do not live in the vicinity of the Technical Park, and in fact I believe it is less than a dozen or so that do. That is not to say that those signing the petition are not entitled to their opinion. This is a perfectly proper and valid process to make one's voice heard. But that voice has to be credible. With Senator Ferguson's proposition and the attached petition, when read together, I found it to be a confused document. The proposition asks the States, and I quote: "To cancel the relocation of the hospital catering department to an offsite location." This is in fact consistent with the petition, which states: "Hospital food should be cooked onsite so that it can be served to patients promptly and full of valuable nutrition to aid patients' recovery." The Minister for Health and Social Services has already stated that the Cook-Chill process, which has been in operation for more than 3 decades, I think it started in 1987, is a continuation and on an offsite enables nutritious food to continually be served promptly so that the opinion of the petitioners has already been addressed in full and has never been in doubt. Patients will continue to receive, as they do today, exactly what the petitioners wish them to receive. The accompanying report, however, is concerned with the proposed location in St. Peter and not the offsite relocation or the continuation of the Cook-Chill process. Frankly, I do not believe that the Senator has properly represented the petition in her proposition. In summary, I have reviewed the petition as a document in its own right and have, in the context of the proposition and the

accompanying report, reached the conclusion that there was no persuasive argument in either the proposition and its accompanying report or indeed Senator Ferguson's opening remarks. I refer here, the Senator made a big issue about the noise created by the catering facility. So if you take her logic it is okay for that noise to remain in a hospital environment but it is not okay for that noise to go on in an industrial site. I find that argument somewhat confusing. There is a demonstrable need to relocate the catering facilities offsite and that has not changed since my Ministerial Decision was taken back in July. The States approved the outline business case in December 2017 and the preferred option, in fact all options, required the catering to be provided offsite. The location of the site in St. Peter is suitable for the provision of this service. The units are capable of accommodating the Cook-Chill process, which complies with the existing light industrial planning use, and therefore a revised planning application for change of use is not required. Negotiations with the landlord and their agents have been undertaken in good faith following the Ministerial Decision. Acceptable commercial terms have been agreed with the landlord. For all these reasons, I instructed the completion of the lease to be progressed and presented to the Royal Court. To answer the query from Deputy Kevin Lewis, the terms of that leases are binding. We cannot simply hold up important work and risk the reputation of Government in the market place, and that was the reason why we proceeded with completing the leases. I believe that Members should unanimously reject this proposition, it does not do the petitioners any justice, they signed a petition to ensure that those Islanders that use our hospital get the appropriate food at the appropriate standard. That is not going to change. I wish that the Senator had not brought this proposition and I would have asked her earlier to withdraw it as the Constable of St. Peter did, but we are where we are and I hope Members will not support the Senator in this instance but vote against her proposition.

3.1.5 Deputy K.L. Moore of St. Peter:

I can reassure Members that I will be brief, but simply as the Parish Deputy I thought it was necessary to stand and reassure Members any further, if I can. We have already heard the facts that have been established I think in relation to this petition today and I think Members will all be aware how difficult it can be for neighbours and particularly when light industry is involved. I am sure Members have found in their own Parishes that this can sometimes cause disquiet and concern among residents and they have probably been involved in similar situations, so I am sure they have some sympathy. I myself have also represented these residents over different potential tenants on the same site and I absolutely understand their concerns about the activities that go on and ensuring that good neighbourliness is observed and I have sought reassurances from the managing agent to that effect and they have been keen to work with the tenants of the site. So I hope that gives some further reassurance and, as I think the Constable has identified clearly, when issues in particular do arise then we have found that it has been possible to negotiate and raise these issues with tenants and the managing agents and seek that good neighbourliness is restored and I do not think that this petition will assist any further.

The Deputy Bailiff:

Does any other Member wish to speak on the proposition? I call on Senator Ferguson to answer.

3.1.6 Senator S.C. Ferguson:

I think the big question that everybody has had has been what will the Minister and the Assistant Minister and the Parish Deputy do with regard to the noise and disturbance and I am very pleased to have their assurances from all 3 of them that they will make sure that the problems and the disquiet of the people, the residents, will be dealt with and listened to. I would point out to Senator Green in fact that the previous occupants of the units that are being occupied by the kitchen were dealing with cosmetics and I think, when you are moving cosmetics around, they are not as heavy as trolleys of 300 meals or whatever, but anyway. I have not had an answer to the change of use; perhaps the Minister for the Environment would be kind enough to tell me afterwards why it was not necessary

to have a change of use. As I say, I am very pleased with the assurances. I would point out to the Connétable that this is not a third-party appeal; therefore the 50-metre does not apply. Something like this does involve everybody in the Island. As far as the anonymous letter goes, given the States' record, are you really surprised? I think really I would sum it up by saying the petition is an indication of the unrest felt by Islanders with regard to the whole business of siting of the hospital. The Minister for ... I am sorry, Sir, there is a sort of undercurrent, I find it a bit sort of ...

The Deputy Bailiff:

Yes, I am sorry if you are distracted, in which case could I ask Members to keep the background noise again down.

Senator S.C. Ferguson:

Or can they whisper more quietly?

The Deputy Bailiff:

If that is what it takes.

Senator S.C. Ferguson:

I am interested in why the Minister for Infrastructure did not choose or did not pick the Rue des Prés site or sites, there were 2 of them. Were those due to delays in departmental decision? Were those the factors in losing the leases? I wonder. But basically, yes, I am glad to have the assurances, both on record and in Hansard, that they will make sure that they are good neighbours and that there should not be any disturbance and so on and I would ask the Assembly to support the general public who, as I say, have great disquiet. I ask for the appel.

The Deputy Bailiff:

The appel is called for. I invite Members to return to their seats.

[14:30]

I ask the Greffier to open the voting.

POUR: 6		CONTRE: 27		ABSTAIN: 0
Senator S.C. Ferguson		Senator P.F. Routier		
Connétable of St. John		Senator A.J.H. Maclean		
Deputy J.A. Martin (H)		Senator I.J. Gorst		
Deputy J.A.N. Le Fondré (L)		Senator A.K.F. Green		
Deputy M.R. Higgins (H)		Connétable of St. Clement		
Deputy S.M. Bree (C)		Connétable of St. Peter		
		Connétable of St. Lawrence		
		Connétable of St. Ouen		
		Connétable of St. Brelade		
		Connétable of St. Martin		
		Connétable of St. Saviour		
		Connétable of Grouville		
		Deputy J.A. Hilton (H)		
		Deputy of Trinity		
		Deputy K.C. Lewis (S)		
		Deputy E.J. Noel (L)		
		Deputy of St. John		
		Deputy of St. Martin		
		Deputy R.G. Bryans (H)		
		Deputy of St. Peter		
		Deputy S.Y. Mézec (H)		

		Deputy A.D. Lewis (H)		
		Deputy of St. Ouen		
		Deputy M.J. Norton (B)		
		Deputy T.A. McDonald (S)		
		Deputy of St. Mary		
		Deputy P.D. McLinton (S)		

4. Jersey Financial Services Commission: re-appointment of Commissioner (P.125/2017)

The Deputy Bailiff:

Very well, the next item is the Jersey Financial Services Commission: re-appointment of Commissioner, P.125, lodged by the Chief Minister. It is a matter in camera so pursuant to Standing Order 82 I direct that all strangers withdraw from the precincts of the Assembly. I ask the Greffier to read the proposition.

The Greffier of the States:

The States are asked to decide whether they are of opinion in pursuance of Article 3 of the Financial Services Commission (Jersey) Law 1998, to re-appoint Mr. John Harris as a commissioner of the Jersey Financial Services Commission with effect from 1st March 2018 for a period of 5 years.

[Debate proceeded in camera]

The Deputy Bailiff:

In accordance with Standing Orders 82, the vote on this matter must take place in public, so I invite all strangers back into the Assembly. There is normally at least one gentleman from the BBC. Apparently it is necessary to wait for the webcast to come back on because that is the way the public sees us now. Very well, those in favour of adopting the proposition kindly show? **[Interruption]** The appel is called for. I invite Members to return to their seats. I ask the Greffier to open the voting.

POUR: 40		CONTRE: 0		ABSTAIN: 0
Senator P.F. Routier				
Senator A.J.H. Maclean				
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator A.K.F. Green				
Senator S.C. Ferguson				
Connétable of St. Clement				
Connétable of St. Peter				
Connétable of St. Lawrence				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Deputy J.A. Martin (H)				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy K.C. Lewis (S)				

Deputy M. Tadier (B)				
Deputy E.J. Noel (L)				
Deputy of St. John				
Deputy M.R. Higgins (H)				
Deputy of St. Martin				
Deputy R.G. Bryans (H)				
Deputy of St. Peter				
Deputy S.Y. Mézec (H)				
Deputy A.D. Lewis (H)				
Deputy of St. Ouen				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy S.M. Bree (C)				
Deputy M.J. Norton (B)				
Deputy T.A. McDonald (S)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy P.D. McLinton (S)				

5. Draft Consumer Protection (Unfair Practices) (Jersey) Law 201- (P.130/2017)

The Deputy Bailiff:

The next item of Public Business is the Draft Consumer Protection (Unfair Practices) (Jersey) Law - P.130/2017 - lodged by the Minister for Economic Development, Tourism, Sport and Culture, and I ask the Greffier to read the citation.

The Greffier of the States:

A Law to confer protection on consumers against unfair commercial practices; to create offences of contravening the prohibitions against such practices, and to impose penalties for those offences; to confer powers to investigate instances of alleged unfair commercial practices, and to require undertakings to restrict such practices; and for connected purposes. The States, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law.

Senator L.J. Farnham:

Deputy Norton will be acting rapporteur for this item.

5.1 Deputy M.J. Norton of St. Brelade (Assistant Minister for Economic Development - rapporteur):

As the Assistant Minister for Economic Development, with specific responsibility for consumer protection, I am delighted to be the rapporteur for this eagerly-awaited and, may I say, essential new Consumer Protection Law. In the words of just 3 key organisations within our community on this subject, (1) consumers deserve the valuable protection this law will bring; (2) businesses who operate in a fair and transparent manner will be afforded the surety of competing on a level playing field; and (3) the principles on which this law is based seem to be entirely appropriate and serve to enshrine what we consider to be good standard practice for the benefit of consumers and businesses alike. I would like at this point just to thank some Members who have given of their time most generously in the scrutinising of the draft of this law; in particular I would like to extend my gratitude to the Deputy of St. Ouen and Senator Bailhache, who were instrumental about bringing the change in the introduction of this protection from regulation to primary legislation. I would also like to thank the Residential Properties Transactions and Economic Affairs Scrutiny Panels who have both received briefings and shown genuine interest in what this protection has to offer to all consumers. Finally I

would like to extend my thanks also to the Deputy of St. John who engaged with myself and with the Director of Consumer Affairs and Trading Standards to fully familiarise herself with this draft law. Let me start by giving Members a little bit of background into this legislation. When first implemented in the U.K. it was said to be the biggest shakeup of consumer protection in 4 decades, since the introduction of the Trades Description Act back in 1968. So to coin some words earlier today from the Chief Minister about this being a historic day, it is for another piece of legislation as well, this is extremely important. It repeals 23 laws, simplifies and modernises the U.K. Consumer Protection Framework. It is now well established in the U.K. It is established because it is utilised by Trading Standards Authorities throughout the U.K., it is harmonised across the entire European Community, and it seeks to prevent business practices that are unfair to consumers. In short, these are consumer laws, which are enjoyed by 500 million consumers across Europe and the U.K. but not here in Jersey. So what does this law mean for Jersey? Public consultation resulted in unanimous support with 2 main themes being identified and maintained. Firstly, local businesses wanted regulation that would be uniform throughout the E.U. (European Union), as I have just mentioned, so it was easier for them to market and sell their goods and services throughout other jurisdictions, complying with one single set of rules. We have therefore not departed from the principles contained within the Unfair Commercial Practices Directive. This is particularly important in respect of the 31 banned practices. There is also the added benefit to give consumers greater confidence to buy from Jersey, providing a high common standard of consumer protection. Jersey is and must be seen to be a good place to do business. Our colleagues in Guernsey have also consulted and are looking to implement similar controls in due course. Secondly, we did not want to introduce burdens on businesses who we know trade fairly. This law will achieve this. It is not prescriptive in telling businesses what to do. If traders treat customers fairly, provide accurate and timely information, and exercise professional diligence, there is nothing they need do or change as a result of the implementation of this law. How does this law protect consumers? It will for the first time introduce a list of 31 banned practices. These practices are unfair in all circumstances. Members will have had time to examine these and I therefore do not propose going through all 31 banned practices, but I would say any attempt to modify that list would depart from the fundamental principle of one common set of rules. Suffice to say some of these practices, which I have provided examples for, are being carried out here in Jersey, and this law will give Trading Standards the tools to bring these practices to an end. This is modern legislation fit for purpose and to address the future emerging unfair commercial practices. It works by introducing a number of important principles where businesses deal with customers. From a business perspective, traders should exercise professional diligence towards consumers in their field of activity. They should not mislead consumers by their actions or omitting information. They should provide information, which is clear, unambiguous, intelligible and timely, and they must not act in an aggressive manner. From a consumer's perspective, they should be empowered to make informed decisions, having confidence to rely on the information traders provide. Protection should be afforded at all stages of the engagement, from advertising and promotions through to sales and after-sales services. Consumers should never be subjected to aggressive practices and they should not be targeted, the targeted and vulnerable targeted groups in our community should also be given additional protection due to age, physical or mental infirmity or credulity. Trading Standards will be authorised to enforce this law as part of their wider consumer portfolio. Traders allegedly found in breach of this law may be reported to the Attorney General for consideration of instigating criminal proceedings. If found guilty, the court could impose a fine of £10,000. Alternatively, they may be asked to enter into an undertaking to cease and desist the unfair commercial practice. This is seen as a quick and efficient alternative to bringing businesses into compliance. However, failure to comply can still result in a referral to the Attorney General. The Jersey Consumer Council and the Citizens Advice have fully endorsed this new law. The Council said this law will bring much-needed relief to consumers, honest traders and Trading Standards as the regulators. The Jersey Consumer Council is always championing transparency and

what E.D.T.S.C. (Economic Development, Tourism, Sport and Culture) proposes will underpin this most important principle.

[14:45]

The J.C.C. (Jersey Consumer Council) works closely with Trading Standards, referring individual cases to the team, and we know the huge efforts and frustrations they go through trying to resolve complaints. There are cases where they just do not have the powers. This law will put this right. We are also pleased to see that there is a sensible alternative to prosecution, which allows businesses to provide undertakings to stop any unfair practice immediately. The Chief Executive Officer of the Jersey Consumer Council went on to say: “Consumers deserve valuable protection, this law will bring it and we give it our full support.” The chief officer of Citizens Advice said: “I believe this legislation will be a great leap forward in terms of providing consumers with the level of protection that the U.K. and E.U. consumers have enjoyed for many years. Equally, businesses who operate in a fair and transparent manner will be afforded the surety of competing on a level playing field.” Trading Standards have been in discussion with a wide variety of business sectors in preparation for this. This includes telco providers, large and small retailers, online sellers, trade association representatives, including the Jersey Estate Agents Association, the Retail Development Group, as it was then, and the Jersey Chamber of Commerce. I will finish with a quote from a letter received from the Jersey Chamber of Commerce: “Following informative and constructive discussions, the consensus of opinion and, indeed, from previous discussions on the subject, Chamber members welcome, support and endorse as well as embrace the proposals and principles contained within this proposition, which seem to represent good practice. They will serve to bring Jersey into line with standard consumer expectations.” The Chamber then go on to say that: “While invariably well intentioned, often new legislation serves to create an additional and sometimes inordinate administrative or financial burden on business owners. However, this particular proposition receives our wholehearted support since the Consumer Protection Law and the principles upon which they are based seem to be entirely appropriate and serve to enshrine what we consider good practice and benefit for consumers and businesses alike.” So, this is indeed high praise from many sectors of our community. I would like to go on record to express my thanks and praise to the Director of Consumer Affairs and Trading Standards and, indeed, her predecessor with whom I started this work back in 2014 and 2015. They have both worked tirelessly on this. **[Approval]** With the support of the Assembly today, this will be a good day for consumers. It will be good news for businesses who trade fairly and it will be bad news for those who do not. I commend these principles to the Assembly.

The Deputy Bailiff:

Are the principles seconded? **[Seconded]**

5.1.1 The Connétable of St. John:

I congratulate the Assistant Minister and the Minister for bringing forward this vital legislation. Back in the 1980s I lobbied States Members to bring in precisely such consumer protection, but unfortunately it never took place. But it is here and hopefully it will be approved today. Just on a lighter note, I am very pleased to see I think it is Article 5 or number 5 in their protections: you must not lure a consumer into believing that they can buy a product at a price. There were 2 grocery stores on the opposite side of the road and one put up a sign: “Butter, special offer 50p a pound” to which the other one retaliated: “Butter, 45p a pound.” The first grocery store retaliated saying: “Butter, 40p a pound” and the second grocer retaliated: “35p a pound.” The first grocer, being extremely upset, marched across the road and said: “How on earth can you sell butter at 35p a pound?” He said: “I do not, I am always out of stock but at least it gets the customers in here.” These sorts of sharp practices must stop and I am glad that at long last we have a proposition that is going to start to stop these practices. I do have one issue. Modern ways of living these days, much purchasing is taking place over the internet. I would be interested to hear from the Assistant Minister just how he wishes to

tackle that rather thorny problem. Otherwise, I urge Members to support this. It is very, very long overdue and I am very grateful to the Assistant Minister for bringing it forward.

5.1.2 Deputy M.R. Higgins:

Just very briefly, I welcome the legislation. It has been long overdue. Could the Assistant Minister tell us why it has taken so long to catch up with the U.K. and Europe? If you were doing it in 2014 and we are now 2018, it seems an awful long time for a piece of legislation that has been well recognised and established.

5.1.3 The Deputy of St. Mary:

I have been the beneficiary of 2 of the presentations to which the Assistant Minister referred and I congratulate him and the Minister for bringing this to the States. My understanding is that it is anticipated that this legislation might act as a catalyst for the formation of various trade associations who will then bring forward codes of conduct which their members could then advise their members of. Would the Assistant Minister please comment on that in his summing up and confirm whether that is his understanding of the situation from his consultations?

5.1.4 Deputy T. A. Vallois of St. John:

I would just like to put on record my thanks to the Assistant Minister and his officer because they have been extremely helpful. Consumer protection, funnily enough, when I first came into the States was one of the first things I remember picking up in terms of a consultation that went out in 2009. I was very interested in it, so I took the opportunity to read through the latest proposition on the table. I thank the Assistant Minister and the department for doing the work, but I would like to ask: in all the answers to the questions that I asked it referred to pricing practices, which I think is referred to in the proposition on page 9 about misleading actions. Then it refers to traders having a responsibility for ensuring that their pricing practices do not mislead consumers and potentially breach the law. I do not know whether the Assistant Minister could explain how it will work or what it will mean in terms of traders charging U.K. V.A.T. (Value Added Tax) and our application of G.S.T. in Jersey and what that means for the consumer and their ability to challenge businesses that are using that practice in Jersey, if they are at all.

5.1.5 Deputy S.Y. Mézec:

Just very briefly to congratulate the Assistant Minister and his team on all of their hard work on this. I would just like to seek clarification from him in his summing up if he could confirm whether this is red tape or blue tape.

5.1.6 Deputy G.J. Truscott:

I should declare I am actually a local business owner and my son runs our family firm. We have been in business for some 25 years. I do not feel I am conflicted here because I really do feel this is producing a level playing field, but could I perhaps have your ...

The Deputy Bailiff:

No, I do not think you have any conflict. This is an interest you share with a large number of people being interested in running businesses.

Deputy G.J. Truscott:

I would just like to endorse what Deputy Norton and his team have done here. I think it is an excellent piece of work and it does produce a level playing field, which I think in retail it is so tough out there. You are competing with the internet, and I do want to follow on from the Constable of St. John's question. We need protection from the internet as well, and I do not mean from local providers that

have an online presence. I am talking about providers from the U.K. A level playing field, absolutely. I absolutely endorse this and well done, Deputy Norton.

5.1.7 Deputy M. Tadier:

One issue which I am not sure would in practice be captured by this is the practice that we may have all been ... I am not going to say lured in by but have seen. Nowadays, of course, you get constant sales. It is not just sales at a certain period of the year. Such is the market that shops are always having to compete for business. Let us say it is a 70 per cent discount, so you see the big poster which says: "70 per cent discount" and it may have: "Up to 70 per cent discount" but the "up to" for some reason is in really small letters. I have never seen a massive "up to" with a "70 per cent" in the corner, for obvious reasons. You go in, similarly, and you look at the clothes rail, and let us imagine it is a clothes shop. You cannot find any single product on there which is discounted at 70 per cent. I am not sure if there ever were any that were 70 per cent discounted or if they just sold like hotcakes, obviously. Now, you could argue that this would be captured by banned practice number 5, which says you must not lure a customer into believing that they can buy a product at a price when you already know that you cannot supply that product. It says that you know that you cannot supply that product. Of course, they probably would not know that because they do it in good faith saying: "When I started a month ago, when the sale started, there were at least 2 dresses on here among the 100 that were at 70 per cent. The rest were at 10 per cent discount. They have gone, but I do not check these things every day. I am too busy battling Government red tape to count dresses on my clothes rail." Then the next part of 5 says: "... or have limited availability and you have not made the customer aware of this." Well, clearly in any sale like that you probably would have limited availability. That is the nature of a sale, especially a clearance sale. I do not know in reality whether this is going to solve that kind of problem. If you read the interpretation of that, somebody comes and makes a complaint to Trading Standards and says: "I looked on this rail. There were no clothes at 70 per cent. There were not even any at 50 per cent. The best discount I could get is 30 per cent, and that is a misleading proposal." It seems to me that there should be some kind of rule around about how many products. So if you have a sale on and you are advertising a particular discount, there should be a minimum number of items that you are selling and there should also perhaps be an average. It should not just be taken about what the one item out of 100 that you are selling is discounted at. It should be about what the general sale price of those groups of items are. So, I wait to see whether this is going to make any real difference and whether it is red tape or blue tape, but it is nice to see that this Government is bringing regulation into place on small businesses, and it is not red tape but it is just proportionate regulation, which will make a difference. I suppose the other question for the Minister is: is it going to bring down prices? Is V.A.T. still going to be charged in Jersey under this? That seems to be one of the biggest cons that exists in Jersey. It has been raised for years. Deputy Higgins raised it. Senator Ozouf said he would solve it, like he would solve all of Jersey's problems. We are still waiting. Will people still be able to charge V.A.T. and, if not, why is this not going to be solved by this proposition?

5.1.8 Deputy R.J. Renouf of St. Ouen:

I also congratulate the Assistant Minister and Minister on bringing in this legislation, putting it before us today for discussion, and I am grateful to the Assistant Minister, who asked me to review an early draft. I was pleased to be able to provide some comments as somebody who had some limited practice in law in that area, not that the legal profession generally got involved a great deal with consumer disputes because generally the value of the items did not justify that, except perhaps sometimes some new cars that were bought and that went wrong and it is a substantial enough purchase for somebody to go and see their lawyer. But in any many respects these issues were resolved through Trading Standards or Citizens Advice and I think we must give credit to those 2 organisations for fighting for the consumer the best they could. But they were fighting really with one arm tied behind their back because our legislation was not up to date. So, try as they might, and

they got results when they could, but we have known for a long time that we could do better in the area of consumer legislation, and we are now if we are able to pass this law. But it is an example again of Jersey having to play catch-up in an area of social legislation when jurisdictions all around us have this body of law in place. So, I am sure the legal profession would welcome this law, not because they expect to be dealing with cases, not at all, but because it provides clarity when questions arise. Previously, the legal profession would have had to address an issue on the basis of general contract law with the fundamental principle of *caveat emptor*, very little protection upfront for the consumer.

[15:00]

But now there will be greater clarity as a result of this law and the clarity will also come from the body of case law which has been built up in Europe and in the United Kingdom, and the legislation in those jurisdictions being on a very similar basis we will be able to make use of that case law. So, it will be a great step forward for consumers in the Island and I can only welcome it and would urge the Assembly Members to approve the proposition.

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

I think this could be a good day to be remembered with the living wage proposition that we passed earlier, and if we can get the Consumer Protection Law in it is going to be a good day, and we do not have many of them sometimes. I would like to congratulate the Assistant Minister, his team and pretty much everyone that has been involved in getting this to where it is today. It is much needed. Deputy Tadier commented that the biggest misinformation was V.A.T. I want to ask the Assistant Minister: does this protect us from the travel agencies that tell us that we can travel to Canada for £399 but when you get there you also have to realise that you have to get off the Island first. It is Island life and we are all very lucky to live on an Island as beautiful as we have here today, but does this mean that travel agents will have to tell us what the actual price is rather than the price from the U.K. to where you want to go, rather than from Jersey to where we want to go?

5.1.10 Deputy A.D. Lewis:

Just briefly, Members will be aware that a group of us are currently reviewing the Property Law and one of the things that has come up a great many times ... the Deputy of St. Ouen is involved with this, the Constable of St. Martin and the Deputy of St. Mary. We are about to publish a report into elements that stray into consumer protection in terms of property transactions, so I would like the Assistant Minister to perhaps elaborate on where that might affect people's rights as a property purchaser or seller because this is the biggest transaction that any consumer is ever likely to make in their life. So, I think it is an extremely important part of protection. Now, in the report that we are about to present we will be making some recommendations for the Chief Minister to consider which skates around the area of consumer protection, but I do not see a lot in here that is specifically about that type of transaction because it is, like I say, a very, very big transaction, perhaps the biggest any of us will ever make. So, I wondered in the future is this law likely to go a bit further to cover that area or does the Assistant Minister feel that there is sufficient within this legislation that would more than assist the process of buying and selling property, albeit there may need to be some changes to conveyancing law as well, which is being looked at and recommendations will be coming forward very shortly?

The Deputy Bailiff:

Does any other Member wish to speak on the principles? I call on Deputy Norton to respond.

5.1.11 Deputy M.J. Norton:

Thank you to everybody who has commented and asked questions. I will start with the Constable of St. John and his slippery story of butter. I appreciate your comments and, yes, that is exactly one of

those practices where you can advertise computers for £200 and you go there and they are no longer available at that price. It is something that has happened to many people, I am sure, at one time or another because they never had any in the first place. It is about them never having them in the first place. If they, of course, have sold out, that is another thing, but they have to prove that they did have some and they did make those sales. Sales records will be able to show that. I think a degree of common sense has to come in on some of that, but I thank him for his comments. With regard to the internet, this does cover the internet as well. This does cover it. Distance selling also covers some of it, but the idea that being able to cover the E.U. and the U.K. were you to buy something from the U.K. from any trader, were you to buy something from the E.U., it is where that transaction took place. Trading Standards are very well versed in talking to their counterparts throughout the E.U. and throughout the U.K. and that is where the offence would have been committed, should there have been an offence, and this law will enable that to be covered off. Deputy Higgins asked why it has taken so long and it is an extremely good question and one I am delighted to give a little bit of an answer to, if I may. I will try my best to paraphrase this and not keep you too long, but the E.U. Directive came in ... in fact, I will try to read it from the timeline I have so I do not get any errors in here. The E.U. Directive came out in 2005 and became law in the U.K. in 2008. We implemented an ambitious but deliverable portfolio of consumer protection legislation back in 2006, the Consumer Safety (Jersey) Law, in 2007 the Distance Selling Law, in 2008 the Price Marking Controls, in 2009 the Supply of Goods and Services (Jersey) Law. In 2009 to 2016 there were laws associated with the regulation of protection for children from the supply of cigarette lighters, refill canisters, e-cigarettes and associated products. In 2011, the new law on intellectual property rights, enabling Trading Standards to stamp out the supply of R4 cards, among many other things. So, where were we in the middle of all of this? We did try very, very hard to get drafting time at one point. From 2010 to 2011, before my time, we went out to consultation on the new consumer protection laws. We continually failed to bid to get law drafting time at some of that time. In 2014 law drafting instructions were given to the Law Draftsman's Office. In October 2015 we lodged the E.U. legislation, what the U.K. now uses, for the Consumer Protection (Unfair Practices) (Jersey) Regs 201-. In January of 2016 the Council of Ministers withdrew that in favour of primary legislation and some of that was due to Senator Bailhache and to the Deputy of St. Ouen and others who had expressed concern about that being an E.U. Directive and wanting it in primary law, and rightly so. So, from January 2016 when we withdrew that, this was then rewritten into primary law. That was then lodged in 2017, December of 2017, and that is what we are debating today. So, there is the timeline for you that gives you some idea, and you can imagine, if you like, some of the frustration that that has had with Trading Standards over 2 Directors trying to bring this forward. It has been since 2008 onwards. In terms of this being blue tape or red tape, I could say it is white tape. I would certainly say it is transparent tape. To use a trade word, it is Sellotape. You can see right through it. You know exactly what it is and it makes everything transparent for traders and it makes everything transparent for consumers. It is a level playing field. It does cover online, as I have suggested, and we will be encouraging and supporting codes of practice that show us what good looks like under due diligence. There are many codes of practice that have been used that formed the E.U. Directive and the U.K. Directive. When we talk about the U.K. and us matching the U.K., can I just say we are not catching up with the U.K. on this. They may have the E.U. Directive but, of course, following Brexit there will be the Great Repeal Bill and when that happens they will be moving from the E.U. Directive to their own legislation, what we are already doing today. So, in actual fact, they will be following us, which is rather nice. Let me see if I have missed out on anything. Deputy Tadier is absolutely right about the "up to." The "up to" is covered and, in fact, it is covered in some ways under the pricing practice, and so is V.A.T. for that matter. This does not address V.A.T. as the price is actually the price. If anyone claims they are charging you V.A.T. then they are breaking the law because there is no V.A.T. here. If they choose to sell something at £100 and not £85 or £83, 17 per cent, or £80, that is up to them to charge what they charge. They cannot charge it and say: "This

includes V.A.T.” because we do not have V.A.T. They are just simply choosing to charge something at £100 when they could have charged it at £80. So, I do take the point. It is a difficult one because it is V.A.T., where we see it as the V.A.T. equivalent, but it is simply someone charging the price. The price is the price, whatever the trader decides they want to make their competitive price. I do not particularly like it more than anyone else likes it because that is the price they charge in the U.K., but that is up to the trader. If they want to be uncompetitive, there is little we can do to price control them on that. Were they to advertise this as V.A.T. then we would have some concerns. Just because they charge it including V.A.T. in the U.K. does not mean we can have any action on it. It does not cover that, so I hope that answers that question. If they are making a claim about being V.A.T.-free and they are charging the same price as they charge in the U.K., then we do have to because they are then misleading. The guide on pricing practices addresses the “up to” claim in shop windows. It is more likely that they would be caught under the misleading or omissions part of this law, but again that is going to depend entirely on whether there were any goods that were ever for sale at 70 per cent less. Now, if they cannot prove that they ever sold anything 70 per cent less from their sales records, then they are clearly luring people in under false pretences. If, on the other hand, they did have a whole rail of whatever it was at 70 per cent and they have sold out, then that is another issue. Should they be continuing to advertise up to 70 per cent off if they have nothing left, that will be down to Trading Standards to say: “You are being unreasonable now. You only have one of these in and that was unfair.” But it does give Trading Standards the teeth to be able to go into these premises and say: “We have laws.” Up until now this has been persuasion: “Please do not do this.” Have they had people come back to them and say: “Why not? There is no law in Jersey”? Yes, they have. Trading Standards deal with 1,000 complaints per year. These are complaints and enquiries about consumerism: 1,000. So, they are well versed in dealing with this and unfortunately, as somebody has already said, they have their arm tied behind their back. If I have not mentioned somebody there, I do apologise. I am trying to get through. Deputy Truscott was absolutely right, it is a level playing field, and I thank him for his comments as well. With the codes of conduct, I think we have answered that with the Deputy of St. Mary as well. I do hope that this is the beginning. Members can be reassured if there are changes to E.U. legislation or there are changes to the new U.K. legislation which we are matching, then we can always come back to the States and bring amendments to this so that we can continue to match. But we have needed to catch up for some time and that is where we are now. I hope I have answered Members’ questions. I thank them very much indeed for their comments. Sorry, yes, there was a question from Deputy Lewis of St. Helier with regard to estate agents. Yes, we are looking to encourage and look at other areas that we can extend this out to, and that refers to very much where we can come back to the States in the future. This is about getting what we need to have right now under way and then looking at additions to that when we can get there. With regard to flights, I think there has to be clear advertising as there is in the United Kingdom and if travel agents are using advertising from the United Kingdom but not saying it is from the United Kingdom, then I am sure the officers from Trading Standards will be having a word with them about their advertising. Because it covers advertising, it covers sales and it covers after sales as well. I maintain the proposition and I call for the appel.

Deputy M. Tadier:

As a point of clarification, it may be a question for the Attorney General given that I think the rapporteur may have said something incorrect and it is just to clarify. He said that if a business says that no V.A.T. is charged here but they do charge V.A.T. they would not be allowed to do that, but it seems to contradict what he said previously that the price is the price. So, for example, a U.K. high street chain which also has a presence in Jersey could legitimately say: “No V.A.T. charged here” but charge exactly the same price as the U.K. because they are simply charging the same price as the U.K., no V.A.T. but 20 per cent extra for shipping. Is that not the case that you can legitimately

claim to not charge V.A.T., and they presumably do that for marketing purposes for tourists, but essentially V.A.T. does not exist in Jersey?

The Deputy Bailiff:

Is that a question that you are asking the Attorney or would you like the rapporteur to ...?

Deputy M. Tadier:

It is probably to the Attorney General, I think.

The Deputy Bailiff:

Attorney, are you able to assist?

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

The Deputy, of course, is right that V.A.T. cannot be charged in Jersey as there is no such tax in this Island. In relation to a claim that V.A.T. had been taken away when it had not, then that would be a misleading commercial practice under Article 4 because there would have been false information under Article 4(2) in respect of an element listed at 4(3), and 4(3)(e) refers to the price or the manner in which the price is calculated. But if there were circumstances in which a trader claimed to remove V.A.T. but nonetheless said that there were additional costs which came to about the same sum, that would be a matter which would need to be examined with care to see if the representation made was, in fact, misleading or not.

[15:15]

Deputy M. Tadier:

Just a further question: if, of course, they do not say V.A.T. has been removed, they just say no V.A.T. charged here, there is nothing really that Trading Standards can do because it is simply a tax that does not exist in Jersey and they are stating a truism under the law?

The Attorney General:

Yes, that is correct.

The Deputy Bailiff:

Very well, the appel has been called for. I invite Members to return to their seats. I ask the Greffier to open the voting.

POUR: 44		CONTRE: 0		ABSTAIN: 0
Senator P.F. Routier				
Senator A.J.H. Maclean				
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator P.M. Bailhache				
Senator A.K.F. Green				
Senator S.C. Ferguson				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Peter				
Connétable of St. Lawrence				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. Saviour				

Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Deputy J.A. Martin (H)				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy E.J. Noel (L)				
Deputy of St. John				
Deputy M.R. Higgins (H)				
Deputy of St. Martin				
Deputy R.G. Bryans (H)				
Deputy of St. Peter				
Deputy R.J. Rondel (H)				
Deputy S.Y. Mézec (H)				
Deputy A.D. Lewis (H)				
Deputy of St. Ouen				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy S.M. Bree (C)				
Deputy M.J. Norton (B)				
Deputy T.A. McDonald (S)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy P.D. McLinton (S)				

The Deputy Bailiff:

Deputy Brée, does your Economic Affairs Scrutiny Panel wish to call this in?

Deputy S.M. Brée (Chairman, Economic Affairs Scrutiny Panel):

No, we do not.

The Deputy Bailiff:

Deputy Norton, how do you wish to deal with the Articles?

Deputy M.J. Norton:

I would like to take them *en bloc*, please, if I may.

The Deputy Bailiff:

Very well. So, you are proposing the Articles *en bloc* and presumably will answer any questions?

Deputy M.J. Norton:

I am happy to if I can.

The Deputy Bailiff:

The Articles are proposed *en bloc*. Are they seconded? **[Seconded]** Does any Member wish to speak on any of the Articles? If no Member wishes to speak, all those in favour of adopting the Articles *en bloc* kindly show. Those against? The Articles are adopted. Do you wish to deal with the matter in Third Reading?

5.2 Deputy M.J. Norton:

Yes, please, *en bloc*.

The Deputy Bailiff:

Is the statute seconded? [**Seconded**] Does any Member wish to speak in Third Reading?

5.2.1 Senator L.J. Farnham:

Can I just add my thanks to Deputy Norton and thanks to the officers of the department, but also I would like to specifically thank Deputy Norton who has worked incredibly hard on this. [**Approbation**] I think that the comprehensive nature of the way he dealt with the very good questions just demonstrates the grasp and the knowledge he has of the subject.

The Deputy Bailiff:

Does any other Member wish to speak in Third Reading? Deputy, do you wish to respond to that?

5.2.2 Deputy M.J. Norton:

I would rather not, if you do not mind, but thank you very much indeed. Again, I reiterate my thanks to the officers who really have been the *tour de force* behind this. Thank you very much to all Members.

The Deputy Bailiff:

The appel is called for. On the assumption all Members are back in their seats, I ask the Greffier to open the voting.

POUR: 42		CONTRE: 0		ABSTAIN: 0
Senator P.F. Routier				
Senator A.J.H. Maclean				
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator P.M. Bailhache				
Senator A.K.F. Green				
Senator S.C. Ferguson				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Peter				
Connétable of St. Lawrence				
Connétable of St. Ouen				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. Saviour				
Connétable of Grouville				
Connétable of St. John				
Connétable of Trinity				
Deputy J.A. Martin (H)				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy of St. John				
Deputy M.R. Higgins (H)				

Deputy of St. Martin				
Deputy R.G. Bryans (H)				
Deputy of St. Peter				
Deputy R.J. Rondel (H)				
Deputy S.Y. Mézec (H)				
Deputy A.D. Lewis (H)				
Deputy of St. Ouen				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy S.M. Bree (C)				
Deputy M.J. Norton (B)				
Deputy T.A. McDonald (S)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy P.D. McLinton (S)				

Deputy M. Tadier:

Can I just add thanks to the Deputy and say it would be good to have something similar for all politicians and candidates in the election? It would have made more sense had I said it during my speech but ...

The Deputy Bailiff:

Yes, I think the essence of comedy is timing. **[Laughter]**

Deputy M. Tadier:

Touché.

6. Draft Machinery of Government (Miscellaneous Amendments) (Jersey) Law 201-(P.1/2018)

The Deputy Bailiff:

We now come on to the Draft Machinery of Government (Miscellaneous Amendments) (Jersey) Law 201- and it is brought by the Chief Minister. I ask the Greffier to read the citation.

The Greffier of the States:

A Law to amend further the Public Finances (Jersey) Law 2005, the States of Jersey Law 2005 and related legislation. The States, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law.

6.1 Senator I.J. Gorst (The Chief Minister):

Politics can be a tricky business. There is the to and fro of political debate. There is dealing with issues, and from time to time there is playing the person, and that all goes with anyone who puts themselves forward for political office. With that sometimes comes confusion. Where does the job of a politician, a Member of this Assembly, a Minister and the Civil Service start and stop and where does the role of officials start and stop? We have seen I think, particularly during 2017, some very difficult reports, which have drawn that question into sharp relief: the Innovation Fund work that the Comptroller and Auditor General undertook, and then the review into ministerial government in that regard, and then, of course, later in the year the Inquiry report. Where does one start; where does one stop? How does the machinery of government deliver one Government running efficiently and effectively for Islanders which is responsible to Ministers and to this Assembly? In a word, how do

we remove the silo mentality and structure which frustrates Members day in and day out in their representation of their constituents? I find it frustrating. Maybe I come home from work and my wife says that her friend was talking to her about the problems in health. Another might have referred to the problems that they were encountering in education. Islanders that contact me and say they have gone to one department and they have been told it is not their responsibility, it is the responsibility of another department. The office that I am honoured to act in currently obviously, as you would expect, has a number of correspondents on a daily basis. Those particular cases and questions might get referred out to departments for an opinion or for an answer. It might be that the official in the department provides the answer. It might be that the Minister provides the answer. That takes, as a general observation, far too long. Some departments answer straight away, within 24 hours, and they can be despatched to the constituent. Others take weeks if not months. But even I this week on return from holiday was disappointed, I will say, to receive a response from one department in answer to an Islander's legitimate and heartfelt questions, but in that draft answer of information the reply had come from that department to the Chief Minister that it was not their responsibility and that I should go and ask somebody else in a different department. That was the answer to the question A. Question B they provided a bit of an answer. Question C they provided a bit of an answer. Question D, yet again, was: "We do not know the answer to this and we are not sure who will." It is not good enough. I am tired and fed up of saying it is not good enough. It is letting Islanders down. It is a Government. It is an institution which is focused upon itself and serving its own ends and not focusing upon Islanders that we are here to serve, and those employed by this Assembly, for that is what they are, are in an institution that has forgotten its *raison d'être*, and that is to serve Islanders. We should not hear emanating from any department: "It is not my responsibility." We are called to serve, we are employed to serve, and there should be an appropriate separation between policy and strategy and delivery. I do not always look at social media, but this morning someone kindly posted on Twitter what was I doing changing the responsibility for Children's Services to the chief executive officer; could I not do the job? Could I not do the job that Islanders were paying me for? This is at the heart of some of the confusion, that operational matters should be undertaken by officials and this Assembly and Islanders should hold them to account. The problem is no one is sure who is accountable for what or who is responsible for what. It is not good enough. This is why I bring forward these proposals to create a proper accountability structure and to remove the silos from Government. I know that for some change is a challenge. I know that some would like the Care Inquiry to have been simply about historic abuse, and that it was, but it was also about how Government is failing Islanders and the way we are structured. That was also the confusion at the heart of the innovation review. Who was responsible for what where? How were they held to account? I understand Scrutiny's concern about this change. I am obviously a little disappointed that their view was that if we went ahead with the principles we should kick the principles out. I would ask them, and I look to the chairman of that panel, to consider they may in their work have areas of the principles because many Members have come to me and said they are not sure about this Article or they would like to see an amendment, they are not sure about this one and they would like to see an amendment and a refinement for this one. That is what that process between now and us then coming back to debate the Articles should be and is all about. Today, I want and I hope that Members will see that this is about removing the silo mentality, creating an accountability structure to deliver services efficiently and effectively for Islanders, and holding officials rightly to account. We can only hold those officials to account if we give them the authority to deliver those services in a joined-up and effective and efficient way.

[15:30]

I know that within these core principles of removing the silo mentality and creating a proper accountability structure I put in one or 2 other things as well, which I think has got some Members terribly excited. That is whether the next Chief Minister should have the ability to carry out a

reshuffle. I happen to think they should, but if Members think they should not and that is their stumbling block, then when we come to the Article that will be the time to vote against that particular Article. It might be that as we go through this Scrutiny process and Scrutiny come forward with good, solid reasons why that particular element should not be taken forward at this time, I will listen. I will absolutely listen. The collective responsibility up until recently, it seems to me, that there has been a fixation about this single element, whereas to my mind this is one of the smaller parts of these proposals, but it will, by removing the collective responsibility, enhance that accountability, it will allow government to work together but publicly say where they disagree with the Council of Ministers and why. It will allow Ministers to come to this Assembly and say: "You know what? The Council of Ministers have not given me a big enough budget to deliver on the priorities of the Assembly and I need more staff to do this or the other." I find it frustrating that Member after Member of this Assembly and members of the public say that Government is not functioning well on their behalf and that we are not running as efficiently, that we have got duplication, that we are being told one thing by the right hand and another thing by the left hand. But when it comes to making these difficult changes, we sometimes struggle to do that. So in moving the principles today, I do ask that Members support that principle of creating and removing, creating a proper accountability structure where officials are accountable for delivery of what this Assembly and Ministers want, and Government works across functions and not in a silo mentality where somebody else is responsible and is nothing to do with that. Members that want to stand for election and suggest that there are more efficiencies that can be delivered in government, that money can be saved in some areas of government, that we are too top heavy with management, they need to vote for this principle. Because if we keep the current silo mentality, they will not be able with a straight face to say that they want to see the culture changed, that they want to see efficiencies driven forward, unless they are prepared to make some difficult decisions. The day for the debate on whether this Article about the principal accounting officer, the Article about the single government, the Article about reshuffling, the Article about collective responsibility, the Article about transfers, that is for the time when we get to the Articles because I know that Scrutiny rightly want to do their work. I am looking forward to attending upon them next week and having a robust debate, as we have had. I have spent 3 years being criticised by them: "Why are you not changing the culture quicker, Chief Minister? Why did you not take an extra £30 million out of the departmental budgets on the M.T.F.P. (Medium Term Financial Plan) because of all the duplication?" I ask them to remember that because they are the right questions that a proper accountability structure, a proper structure of government will allow for. But today is the principle: do we want to remove silo working? Do we want to have a proper accountability structure for officials or do we want the confusion, the duplication, the waste to continue? I know which I want. I think that my good colleagues and friends on the Scrutiny Panel want the same by agreeing the principles today and then working on the Articles together and refining them and amending them if that is appropriate in a month's time, I think that will serve our Island well. Now is the time to change the machinery of government, not after the next election and leave it for another year where new people who are elected can say: "Well, let us just see how it settles then. Oh, it is not quite that bad, they are a good person. We know that they are going to run their department well." That is not the time to do it. Now is the time before an election so that every candidate can stand before the public and say: "We think that we have made improvements that are going to speed up decisions, improve accountability, rationalise and drive efficiencies." I think that is what Islanders want and that is why I present these principles to the Assembly. Thank you.

[Approbation]

The Deputy Bailiff:

Very well, are the principles seconded? **[Seconded]** Does any Member wish to speak on the principles?

6.1.1 Deputy M. Tadier:

The expression “a sledgehammer to crack a nut” is used and has been used by some people. If we look at that nut, the idea is this sense that the nut is government and everything that is associated with it, it is already broken. That is what we are being told by the Chief Minister and that mistakes like the Innovation Fund ... and that is only one that he has talked about; of course there are a whole litany of mistakes which the Chief Minister could have spoken about that come under his administration in the last 6 years. Apparently, it is not their fault, it is just because the system is not quite right, and we need to change it. Well I am afraid that does not wash for me and it does not wash for most members of the public, I suspect. Whether it comes to things like a failed immigration policy that they are very good at talking about, and they have been for the last few years, especially at election time, that they are completely unable for whatever reason to deliver or whether it is to tackle and find solutions to the very real problems that we have talked about only in the last few days in this Island to do with housing, to do with the cost of living, to do with ... let us look at education, health. The Health Department, is it a structural problem that we have not got a hospital? We still do not know after 4 years, 4 years down the line from having a Minister for Health and Social Services who said: “I will sort things out in 100 days.” We do not even know really in our heart of hearts whether the hospital is even going to go on that site. We do not know how long it is going to take to build and we do not know how much money it is going to cost. We do not know where the new health tax for the running of the hospital is going to come from, we do not know what it is going to look like. Is that a structural problem to do with the fact that we have not got it quite right and that we need to, oh, maybe talk about whether or not we have collective responsibility or give more power to a Chief Executive. Or is it the fact that this Council of Ministers in their current format have been completely incompetent? Is it that they have been politically ineffective, they have been politically incompetent, they have been politically divided and that they are now politically moribund only a couple of months away from an election? I suggest that it is the latter, not the former, and they are trying to distract, quite rightly. There has been some great political acrobatics and buck passing in the last year over the Innovation Fund. “Was it his fault? Was it his fault? Who is to blame?” The Chief Minister asks his friend and ally to step aside to take the blame. He is not very happy about it because he thinks it is the other Minister’s fault or it is his fault, but it was just a systemic fault. It is the Assembly’s fault because they are the ones that agreed the principles that were set up and the checks and balances around that fund were not quite right. The public are looking at it and they have got unparliamentary words for this which we cannot say in this Assembly. We might call it a “mess-up”, they might use other anatomically-charged words and phrases. That is the reality out there and that is what they are thinking. This esoteric argument that we are having today is really another way I think people out there are saying: “What on earth are they talking about? It is just because the current lot are incompetent, they do not know what they are doing?” The Chief Minister may be well intentioned. I met someone last night, and when he heard I was a politician ... I did not tell him, somebody introduced me as a politician. Thank you very much for that, having a nice night out at the Arts Centre: “This guy is a politician.” He says: “Oh, I know a joke about politicians. It is like: ‘What is the difference between a politician and a second-hand car salesman?’” He says: “At least the second-hand car salesman knows when he is lying.” That is obviously the joke I should have said earlier which is why I said I think we need a code of conduct for States Members about misleading our product placement, *et cetera*. Can you back up the product you are trying to sell? Can politicians back up what they are selling to the electorate and will they deliver on it? I think the Chief Minister is genuine in this. I think he genuinely believes that the fault does not lie with him or his Council of Ministers. I think he believes it is a structural problem. I have some sympathy for the Chief Minister. He wanted a system, he knows we exist in a non-party political system for the main, yet he wants to have the best of both worlds. He wants to be able to have a Council of Ministers which basically deliver his policy for him, but he wants the privilege in the Jersey way to remain an independent. He wants all of the Council of Ministers, whether they are Senators or Deputies with the occasional Constable thrown in as an Assistant Minister, to be able to say: “I am an independent,

but we will all work in the best interests of Jersey.” That is the fundamental problem, of course, which he will not yet recognise. Maybe he will form his party ... the clock is ticking. I think we have only got a couple of months now until nomination night, so the public can have that full disclosure and know what they are buying, put a brand on your politics and know what will be delivered. The way I see it is quite simple, whether it is in Jersey or elsewhere, the Civil Service are there to do the bidding of the politicians, and it is the politicians who must set the political direction. They say: “This is what we want to achieve, go away and do that, please.” The problem is, for decades that has never happened because we have not had any real political direction. The only political direction has been: keep business ticking along, keep the money pouring in, we cannot spend it fast enough. But unfortunately in the last 5 to 10 years, there has been a complete game-changer with that. That is why people look back with rose-tinted glasses at the committee system saying: “Oh, it was much better in the good old days when they were not paid, when they used to sit around, they used to scrutinise decisions and then they used to have votes of no confidence in each other.” Then somebody else was re-elected and it was still probably the same few people doing the work. In fact, it was really the Civil Service running the show again in the absence of any political direction. The real broken system is that the public out there have no way of connecting and structuring the Assembly, let alone the Government that they want to see. So they can have their 4 votes plus 8 for Senator if they live in St. Helier Nos. 3 and 4. If they live in one of the “dark” Parishes, as I call them, they might get one seat for election which they do not get a say on and then of course they can vote for 8 Senators. They have got no idea who is going to make up that Government and even less idea about the policy direction that they get. Does the person who stands up and says: “I support the elderly, I support health, I support education” these kind of anodyne motherhood and apple pie meaningless statements, and then might as well just roll the dice and see what you get in here. Who has done the best deal before and during the elections to secure their friends in the dark halls of power, the corridors of power? That is how the current system works. If the Chief Minister is serious about fixing it, of course there might be some things that need to be tweaked, of course the silo mentality needs to change. I think what is interesting here, and it will be interesting to hear the debate that goes on, the problem is the Chief Minister wanted to enforce collective responsibility in law in Standing Orders. That is something that should be done by the Chief Minister in the Council of Ministers. Reform Jersey, for example, or any other party that comes out in the future, we do not need to enforce our discipline in Standing Orders, we do it ourselves. We have conversations. We say: “What are the policies we want to pursue? What do you think is going to work? What are the things that are a priority?” and the Council of Ministers should be working in the same way.

[15:45]

You give the Chief Minister the power. That is the position I have come around to now, is that we need to give the Chief Minister, whoever he or she will be in the future, the power to pick a team around him, say: “These are my people” and as long as they have got the acceptance of the Assembly they carry on and they deliver the policy. He or she is the one that we hold to account. If the Council of Ministers does not deliver, he is ultimately accountable, he faces the vote of no confidence, and that is what I am concerned about. It is too easy of course to criticise civil servants. People say: “We have got these highly-paid civil servants who are politicised making the decisions” and that is because unfortunately they have needed to do that. They have needed to step into the political breach often and they have always been very professional, in my opinion. They always do not overstep the mark, but they are having to make political decisions because there is an absence and a void of political direction. That is the fundamental problem with our political system. I am not sure whether we are going to see any change. I am pretty sure if we had this new system 4 years ago, 8 years ago, we would still see the same mistakes being made because it is the same people at the board. They do not have the same political direction. When you have a coalition of centre-right, right and far-right, who are all squabbling among themselves and then playing the blame game, of course you are not

going to get anything meaningful. That is the real problem in Jersey. Give the public real choice, stand on a platform together, tell people what you want to do before an election, and then we can talk about what structural changes may need to be brought forward, but you simply cannot put all the ills and all the woes of the last 4 to 8 years at the fact that we do not quite have the right structure. No, it is time for this Council of Ministers to take stock of what they have done, to take responsibility, because certainly the public are going to want to have accountability and they will be doing so on 16th May.

Deputy S.M. Brée:

I seek your permission to invoke my right as a States Member under Standing Order 79 to propose a suspension of debate for purposes of scrutiny.

The Deputy Bailiff:

Standing Order 79 provides that any Member of the Assembly may propose without notice the debate on any proposition be suspended and the States request the relevant Scrutiny Panel to consider having the proposition referred to it. If the States agrees to the proposal, the debate is then suspended until the following meeting and at the next meeting the Presiding Officer asks the chairman of the relevant Scrutiny Panel whether or not he wishes to have the proposition referred to the panel. Very well, that seems to me any Member can propose without notice. That seems to be entirely in order and you are able to propose without notice, so you need to make the proposition now, Deputy, that the matter be referred to Scrutiny. If that proposition is seconded, there will be a debate on it in the normal way and the States will vote.

6.2 Draft Machinery of Government (Miscellaneous Amendments) (Jersey) Law 201-(P.1/2018) - Proposal under Standing Order 79 to refer to Scrutiny

6.2.1 Deputy S.M. Brée:

I sought your permission in the first instance to ensure that I adhered to Standing Orders. The purpose of my proposition is very clear. It is to suspend the debate for the purposes of scrutiny. That is all I am going to talk to in my proposition. I do not intend to talk to the rights or wrongs of what is being proposed but merely that Scrutiny has not been allowed by the Chief Minister to carry out its mandated function, a function mandated by this States Assembly to ensure that all Members are fully informed and versed on the implications of any changes to legislation that are brought forward by a Minister or the Council of Ministers. This proposition was lodged on 8th January. The Chairmen's Committee, on which I sit, met very shortly afterwards to decide: how are we going to handle this? Because it does cover quite a broad range of things and it did not naturally fit with any one particular Scrutiny Panel, even though it had been brought by the Chief Minister who normally would be scrutinised by the Corporate Services Scrutiny Panel. So it was decided by the Chairmen's Committee to establish a specific review panel for this draft legislation of which I am the chairman. So, we had looked at the draft law which the first we saw of it was on 8th January and on 25th January we wrote to the Chief Minister advising him, firstly, of the establishment of the review panel and, secondly, that initial readings of the draft law led us to have concerns about the implications that were going ahead. The Chief Minister wrote back relatively quickly saying that he was not going to allow us to have a deferral of the debate until 20th March, which is what we had requested. We are left in a very difficult situation where the States Assembly is being asked by the Chief Minister to debate what he calls the principles, but it is the Articles themselves, because we have not been allowed really to look at the implications of a whole range of things. Now, it must be understood that this particular draft legislation covers not only the creation of a principal accountable officer and subsequent accountable officers which the Chief Minister refers to as "breaking down the silos", it also refers to changes in the Public Finances Law which enables the Minister for Treasury and Resources to make budget transfers between departments without any recourse other than to the Chief

Minister and the principal accountable officer. It also talks about the way in which ministerial government will be transformed in a sense that the relationship between the Chief Minister and his Ministers and the Chief Minister, or Council of Ministers, and the States Assembly will be transformed. Irrespective of whether or not you agree with what the Chief Minister is proposing, if you support the role of Scrutiny in the ministerial government system that we have, I would urge you to support the suspension of this debate and a referral back to Scrutiny because of the fact that Scrutiny have not been allowed to carry out their role. There are many questions that have been asked to us, not only by States Members themselves, but many other people as well, as to what is the implication of this Article? What is the implication of that? Until we have had the opportunity to talk to the people involved in a public hearing situation, how can we report on what the implications are? The Chief Minister himself mentioned that the actual public hearing, the first public hearing of this scrutiny process, will be held on 1st March with the Chief Minister and the Chief Executive. Yet, here we are today with the Chief Minister asking this Assembly to vote on the principle. Now that seems to be circumnavigating the scrutiny process and that concerns me that Scrutiny is not being provided with the opportunity to scrutinise the principles and go: "Okay, what is the implication of this particular action, that particular action?" so that States Members, when you come to vote on this, will be fully informed of any possible implications or issues that may crop up. We are aware that there may need to be consequential changes to other legislation, and most certainly Standing Orders, as the Privileges and Procedures Committee has identified, should this particular draft legislation go ahead. So once again, surely, States Members would support Scrutiny in its desire to provide States Members with the relevant information that allows each and every one of us in this Assembly to make an informed decision, irrespective of your views on whether it is right or wrong of what is being proposed. Surely, the point here is: allow Scrutiny to carry out its mandated role and then debate the principles and the Articles with much more information at your fingertips. Therefore, this is why I am making this proposal. Thank you.

The Deputy Bailiff:

Is the proposition seconded? [**Seconded**] Does any Member wish to speak? The Deputy of St. John.

6.2.2 The Deputy of St. John:

I stand because, with all due respect to Deputy Brée, I really do wish some States Members would stop using Scrutiny as an excuse. Because the frustrating thing about this, this is legislation and surely Scrutiny want to hear other States Members' points of views on the principles of this, what is happening, so that they consider it alongside whether they scrutinise or not. I find this absolutely astonishing. It took 2 weeks to set up a review panel from the point of when this was lodged. The Corporate Services Scrutiny Panel would have been aware of this coming, the Care of Children Review Panel who were set up were aware of the strengthening of accountability and asked who was going to be dealing with this particular scrutiny of legislation. Because the Care of Children Review Panel, the reason why that was set up, was because we wanted to ensure that the relevant policies and legislation that was coming out of the Council of Ministers, if the relevant Scrutiny Panel could not scrutinise it, the Care of Children Review Panel would pick up that work because it was important that it was scrutinised. I am sorry, but could the proposer of moving this explain to me what it is he wants to scrutinise on the principles, why it is he does not want to listen to other States Members' views in an open, transparent, democratic debate in this States Assembly, and why it cannot be pulled by Scrutiny after the principles of the debate? I would just like to understand exactly why that is the case. There are issues with some of the Articles. I have issues with some of the Articles. I have raised them with the Chief Minister and I have spoken about it with other Members. The last 2 terms there have been successive reviews on machinery of government. There is a mountain of information out there about the problems we have with the way government works and the way government is structured. So I would like the proposer to explain to me, or answer those specific questions that I have, because I am just slightly frustrated, the position where I am doing various different Scrutiny

reviews as well. I am having to find the time to get the work done because we believe it is important and a priority. There is some legislation that has come forward to the States Assembly that has not had a Scrutiny report attached to it which I thought was important. But I am one person, I can only do so much, so I would just like to understand why. Why could it not wait until we have had the discussion on the principles and then for it to go to Scrutiny?

6.2.3 Deputy G.P. Southern:

No, no, no, no, no, no. I have been around for too long. [Approbation] [Laughter] But I am staying if I can. [Laughter] I have seen this before, time and time and time again from the lips of the likes of Senator Horsfall, Senator Walker, Senator Le Sueur. It is only principles and then when you see it again, it is fleshed-out, and you have signed up to things you did not ought to sign up to on the grounds that all we are debating is the principles. Sorry, time and time again I have seen Chief Ministers and the equivalent come back and say: “You voted on this. You accepted it, so we are going ahead.” No, no, I have seen it too many times, and I do not think that this particular Council of Ministers is any better than any previous Council of Ministers on that regard. The fact is, a discussion in this Chamber on the principles is meaningless until it is a vote. It is a vote on the principles, and as soon as you do that, the Chief Minister can come back and say: “You voted on this, you accepted it. Here we go.” These are, it seems to me, significant and major changes which may have all sorts of implications, it comes through.

[16:00]

We should not be fooled into taking an in-principle debate and that is okay because the like of it is that the next time you will see this it will be done and dusted, delivered on a plate, and there will be things in there that you will wish you had not voted for. But it sounded okay at the time but when you see it mapped out and the flesh put on the bones you go: “Oh, I do not want to touch it, that is horrid.” That is the reality. Do not be fooled, please, Chamber.

6.2.4 Senator P.F. Routier:

As the previous speaker has said that he has been around a long, long time and probably I have been around as long as him. Probably there will be the same amount of stamping of feet or perhaps I have been around too long. But he mentioned about the previous system of when Senator Horsfall was around, when Senator Le Sueur was around, when the principles were adopted, and the Articles came back, that was a different system completely then because now with the introduction of Scrutiny, and within Standing Orders, as we know, the process is that we have the opportunity to debate the principles. I share the Deputy of St. John’s frustration about what is being suggested now and not having the opportunity to hear everybody’s views about the direction that the principles are suggesting, and then Scrutiny has every right ... and which I expect them to do today, which I really think that is the right thing to happen, is for us to have a good debate about the principles. Let us have a good airing about that and then come to a conclusion about whether we think that is the general direction we should be heading. Then Scrutiny will have every opportunity to look at every Article under the sun and add more and alter it and we can get to a position where the Articles come back to this Assembly and are debated, and we get to a position where we can find a way forward. Just a brief mention about the general principles we are debating, there are times I have been in places in trying to change services where services have been established for a long, long time and they have been doing the same thing over and over again. It is all repeated because it is the way we do things all the time. It is a service I think about people with learning disabilities. There were people in my early days who were in St. Saviour’s Hospital who were receiving a service, but it was all revolved around the service providers. It was nothing about the client at all, and we had to change that completely, and that is what we need to do here. We need to focus on the people we are serving in our community, not on our existence, not on the civil servants’ existence, it is about providing services to people. That is what needs to change. As the Chief Minister said in his opening comments

about the way that services are provided when some departments are not talking to each other and sharing experiences and the public are writing to him to ask him: “Why can you not do such and such?” and he writes off to the department and he gets a non-answer saying: “Oh, it is another department’s responsibility.” That is just not good enough. We are failing people. So I urge Members to let us have a good debate on the principles of this and then Scrutiny can then call it in and look at all the Articles and change some of the Articles, and even bring new Articles. That is what should happen and that is why we have got the processes we have. That is what is in our Standing Orders. That is the way we should operate. I urge Members to reject this desire to stop the debate now and let us continue to have the principles debate and then for Scrutiny to scrutinise the Articles.

6.2.5 Deputy E.J. Noel:

I rise in response to Deputy Southern. He has maybe a shorter memory than I do, because only just over a year ago we had an in-principle debate where this Assembly agreed to bring in waste charges. That was not rubberstamped, that was not automatically slipped through the book. This Assembly decided that they wanted to defer those proposals that my department and I brought back to the Assembly last summer. I completely agree with my colleague on my right, the Deputy of St. John, it is appropriate that Members and Scrutiny Panel members hear the opinions of Members this afternoon and then make a decision whether or not to scrutinise. I am sure they will call it in if we do manage to debate the principles, and it is their right, just like my colleague Senator Routier just said, for them to look at the detail, for them to bring back changes, and they have the time to do that. I cannot support this moving on.

6.2.6 Deputy S.M. Wickenden:

Well, I know I am very young in this Parliament, in this Assembly. I have only been here for almost one term, but almost every report - almost every report - that I have seen come across, maybe from the C. and A.G. (Comptroller and Auditor General) or other places, the Innovation Review, has always talked about the need for the culture change in this organisation for us to move forward and provide the services that the people of Jersey expect us to provide. We have had I think the Fundamental Spending Review, the Comprehensive Spending Review, Public Sector Reform. We still have not managed to make those changes, and I am so happy that we are bringing forward something now that talks about creating, not departments, but a service-based organisation. A service-based organisation. It is absolutely right that we do it. It should not be siloed. The word “silo” comes in again in nearly all of those reports. I have spoken to many Members within this Assembly and I think everyone has got a view on changes that need to be made or that are being proposed. Let us hear what they are, let Scrutiny have an informed decision from this Assembly when they scrutinise it, and we can only do that in the principles. It is absolutely important that we all get to say what we feel about the Articles, about what we feel about the changes that need to be made. Do they go far enough? Do they not? Are we making changes for a future Assembly too early? Should it be their decision? We need to have this discussion around this Assembly before Scrutiny comes in because it will only strengthen Scrutiny’s report if they know what the feeling of the representatives of this Island are. **[Approbation]** I do have a question for the Deputy who has raised this which is, he sits on 2 panels right now: he is on the Corporate Services Scrutiny Panel and he is the chairman of the Economic Affairs Scrutiny Panel. Does he have capacity to look at this is one of my concerns. Currently in Corporate Services they have got a review outstanding since 8th August on External Relations policy and over 13 months ago on the Licensing Law. We have not seen the reports on that. It is months and months and months, but clearly is very, very busy otherwise we would have the reports now. Would the Deputy let me know that he has the capacity to review this, please? Thank you.

6.2.7 Deputy M. Tadier:

I have some sympathy with where my colleague the Deputy of St. John is coming from, but I come to a different conclusion when hearing the arguments, that the first point to make is that it is not as if the Scrutiny Panel has just popped up today out of the blue saying: “We want to scrutinise the principles.” They have had a conversation with the department and the Minister saying: “Look, we have got concerns, not just with the Articles, but with the principles and, therefore, we would like to scrutinise it.” Now, it might be a different argument if this had been on the table as a proposition since, let us say September, but it has not. It is called P.1/2018 which means it was lodged as the first item this year. We do not get back to sit until the middle of January and then of course there is a half-term break, which not everyone takes, but generally there is some disruption in the first 2 months of the calendar year. So we are told that this is such an urgent piece of work, which I am sure the Council of Ministers do prioritise it, but they prioritise it so much that they put it at the very end, scheduled for debate less than 2 months before the election starts. No chance for scrutiny, so even if it does get pulled in to look at it in between the principles and the Second Reading, it is not going to come back anyway. There will not be time for it to come back in the Second and Third Reading, so this Government cannot even get this through, because it is the Third Reading which is crucial of course. It is irrelevant whether we pass the principles today whether the Second Reading goes through perhaps with amendments and then it gets kicked out in the Third Reading, but this Council of Ministers cannot even guarantee that. So, that is where I will stand up to defend Scrutiny is because they are saying: “We want to look at the principles. We have asked nicely.” There is a problem here I think, is that Scrutiny can automatically call in something after the principles. This is not the case with this Scrutiny Panel but let us imagine you had a Scrutiny Panel which was politically motivated, and I think there was a strong argument that there was some of that in the gay marriage debate, the same-sex marriage, it was pulled in politically, but that is still their prerogative. That is a different issue. I think that had been around for a long time. These proposals as they are currently drafted, of course there has been a lot of talk around restructuring government and it is one of those problems you are never really going to solve. It is a bit like States composition, it is going to need some kind of miracle to really get it right and that is because, as I said before, there is a more fundamental issue with accountability and democracy, the ballot box and the choices, but I will not go into that again now. It is absolutely right that Scrutiny should say: “Look, we might want to look at the Articles and we can pull that in anyway but let us get the principles right.” We need to think about the process about whether there should be a formal mechanism for Scrutiny in the future to call in the principles. So, a ministerial proposition is lodged, within 2 weeks Scrutiny says: “We want to scrutinise the principles so you know it is clear.” They have got an absolute right to do that. Then there is a fixed period by which they must come back: 6 weeks, 8 weeks, 10 weeks, whatever it is. Then you cannot play games. It means games cannot be played and it means Scrutiny, if they have had the opportunity to scrutinise the principles, they have done it. If they did not want to, that is fine, and then they can still pull in the Articles after that. That is not what we have at the moment. There is also a question, as I said before, you cannot criticise a Scrutiny Panel for sometimes behaving politically, although they should be able to wear 2 hats because in a unicameral system, we are the ones who do the scrutiny. So politicians automatically, the ones who are not in Government, are the ones who have to do the scrutiny. That is of course a problem of not having a second Chamber. I am not advocating that we create a second Chamber, but of course we know that elsewhere it is different people who do the scrutiny to the primary legislators and that is perhaps something else for discussion at another time. But it is absolutely the right of Scrutiny morally to be able to call this in and make sure we get it right. Ministers cannot lodge late propositions in a term and then not expect to be scrutinised. You can stand up and praise Scrutiny when they do what you want if you are a Minister, but when they do what you do not like, you have also got to take the rough with the smooth, so absolutely we should support this reference back or delay, as it is.

6.2.8 Deputy M.R. Higgins:

I am sympathetic to the Scrutiny Panel view, but I also am sympathetic to the view of the Deputy of St. John. I wonder whether it is possible that we can give a steer to, let us say, the Government on the principles by turning this into an in-committee debate. So there is no vote at the end, so no one is going to be committed to accepting the particular principles, but the whole issue could be heard. I am just putting that forward as a possible way of dealing with a bit of an impasse we are going to have.

The Deputy Bailiff:

I am afraid I will have to give that some consideration under Standing Orders, Deputy, but it seems to me that, in any event, we must deal firstly with this particular proposition and not side-track ourselves with a sub-proposition. You could make the proposition afterwards, depending upon the result of this one, Deputy.

6.2.9 The Deputy of St. Mary:

Perhaps we could put this proposition by the chairman of the relevant panel into some context. The panel are not opposing the principles that are contained in the proposition by the Council of Ministers at all. All they seek is a deferral to the next sitting to discuss it simply so that in that debate Members can have the benefit of the panel's input into the principles. This is the fundamental point. Only this morning did we debate the social housing in Jersey. That is (a) to agree, in principle, to the introduction of regulation, (b) to agree, in principle, the proposed components of this regulatory framework. I suggest that in the course of that debate it was useful for Members to have the benefit of the comments of the review panel. If this debate were to continue now, there has been no scrutiny by the panel and that is the fundamental point, why can we not delay so that the whole Assembly has the benefit of further input from the panel after appropriate scrutiny of the principles? Thank you.

[16:15]

6.2.10 Deputy C.F. Labey of Grouville:

It is almost with trepidation that I stand up to criticise what Scrutiny are attempting to do here, because nobody wants to thwart Scrutiny in their job and what they have got to do and should do as part and parcel of government. However, I did welcome this in-principle debate. I had certain amounts of concern when I read the proposition, and I went through it with a fine-tooth comb, and I had concerns from a Jersey Overseas Aid point of view, as a States-aided independent body. So, I went along to the Chief Minister and I discussed them with him. There was an open door, there was a dialogue. The new executive officer was there, the chief executive officer, and I found that very, very refreshing being able to go there, discuss things, and we will see when there is flesh on the bones, how things pan out. But I feel to stop this in its tracks now will set us back. The Deputy of St. Mary just said all we need is a bit of delay; but a bit of delay, really? We have machinery of government, this vast machine. We have been crying out for it to be made fit for purpose, to be efficient, to be brought up to modern-day standards. For those of us who have ever worked in the private sector, we know how things should be working and then we come into the public sector and things are an awful lot different. The public are looking for an efficient machine. We have appointed somebody to take on this huge task. He has the manpower, he now needs the tools to do the job. So, are we seriously going to tie his hands behind his back before he has even started? Give him the tools, this is an in-principle debate, Scrutiny will then have a look at it, put flesh on the bones with the Council of Ministers, and hopefully the whole thing will come forward. It is up to this Assembly to throw out what they do not want or bring forward to discuss it in a reasonable way. But to stop this happening now on the in-principle, and then it will go to Scrutiny, and then we will have the elections and then we will start asking: "Why has anything not happened?" come autumn. So let us have a good debate on the in-principle, let Scrutiny work with the Chief Minister, do their work, and

bring it back here, but let us please not delay it now. Let us get on with it. Let us tool ourselves up and look forward to a very efficient machinery of government. Thank you.

6.2.11 The Connétable of St. John:

There will be no delay. What we are asking to do is to scrutinise the principles as well as the Articles and we can then have a fully-informed debate on 20th March. So, if I may make it quite clear, there will be no delay. This is probably the biggest piece of legislation that this Government has ever brought forward. Certainly it is going to have the most far-reaching consequences. While I welcome in many parts what is being proposed, I do feel that Scrutiny must play its part. When I was on Corporate Scrutiny, one question was repeatedly asked of the Chief Minister on almost every quarterly hearing and that is: does he support the role of Scrutiny? Yet, this has been lodged and we have not yet had a hearing with the Chief Minister. Such a major piece of legislation, I would have hoped that the Chief Minister would have had a presentation to all States Members so that at least all States Members could be fully aware of what is happening, but none of this has happened. All we are asking for is that we are given all the facts and details before we have a debate. Many people may have ideas which are misinformed or slightly off-cue and that does not lead to a constructive debate. We must have all the facts, warts and all, so that a constructive debate can take place. I am sorry that the Chief Minister on this occasion has not been co-operative with Scrutiny, has not come to meet us, there has not been a public hearing. **[Interruption]** You have not been to see us.

The Deputy Bailiff:

Through the Chair, please.

The Connétable of St. John:

So, I would urge Members to provide us with the opportunity to do the job of Scrutiny so that we can then inform this Assembly and the Assembly can take its decisions accordingly. I am not trying to create any delay, as I have made it clear there will be no delay. This will still go ahead on 20th March, but we need to scrutinise the principles as well as the Articles. Thank you.

6.2.12 Deputy P.D. McLinton of St. Saviour:

The people that we serve will be listening to this and what they will be hearing is that we are having a debate as to whether or not to have a debate, an in-principle debate to discuss the very issues which are about them. Again, I say the Parliament is eating itself. Again, it is going wrong, and the perception, what is happening here now, will be appalled out there. Please, could we move on and discuss the matters at hand about the people we serve and stop serving ourselves.

6.2.13 Connétable L. Norman of St. Clement:

I make no comment on the merit or otherwise of Deputy Brée's proposition, but the speech of the Constable of St. John scared me to pieces when he suggested that this might be moved to 20th March. Could I ask him and other Members to look at the agenda already for 20th March and whatever happens as a result of this debate, then please, please do not put it on 20th March because we just have not got room for it.

6.2.14 Deputy A.D. Lewis:

I was particularly moved by the Deputy of Grouville's words because they were absolutely spot-on, and I would urge Members to remember that. We are very, very good in this Assembly at putting off this type of change, whether it be electoral reform, government reform, public sector reform; we are not very good at it. Ministerial government came into being, I think, in 2006 and it has not been reviewed properly for 12 years. Any organisation would review its processes and its establishment well before that, so we are well behind the curve, so any further delay is not a good idea. Deputy McLinton just said anybody listening to this debate from the outside would think probably

Groundhog Day. How many times have we had this sort of debate putting off things that need to be done, particularly when it comes to reform of this Assembly? I went through a tortuous debate, as we all did, only a few months ago on electoral reform and we made no progress, and that is something which consistently comes back to haunt me when I talk to the public. They will be listening to this and hearing what they think is the same thing over again. I do not want that for this Assembly. It brings the Assembly into disrepute. There is a process. We already at the moment go from First to Second to Third Reading sometimes in one sitting. Not many parliaments do that, and that is not a good idea. We have an opportunity with the Scrutiny system we have to have this properly scrutinised at the appropriate time when there is something more fully produced to scrutinise. This is in principle. It is a very thin document. There are lots more that could be in there which may come out of this debate today, which I am sure Scrutiny will input into at a later date, and they will have opportunity then to scrutinise it. To delay and change the process we have established successfully, as Deputy Noel illustrated earlier, successfully establish that process and it has worked, and, unfortunately, the Minister got defeated on his proposal as a result of the Scrutiny report possibly. That is the system, we should stick to it, get on with it, and hope that the public have not heard too much of this debate today because they will be dismayed. I think we should get on with it and, I am sorry, Deputy Brée, as well-intentioned your intentions may be today, I am sorry, we need to move on to the in-principle debate. I would urge Members to defeat his proposition. Thank you.

6.2.15 The Connétable of St. Peter:

I am just reading the front page of the report and the thing that really strikes me in here, and if you do not mind, I would like to read from just part of the proposition: “The Final Report of the Independent Jersey Care Inquiry presented to the States Assembly in July 2017 points out a key failing, a failure to tackle a silo mentality among public-sector agencies. States departments and institutions have been characterised by territorialism and protectiveness rather than openness to pooling resources and learning. As a result, there has been a lack of a comprehensive strategy to secure the best interests of children in the Island.” What is happening here this afternoon seems to me to be exactly what this paragraph is saying we should not be doing: territorialism. I have to say, with all due respect to everyone concerned, I do feel there is an element of posturing here because Scrutiny could have made more approaches to work with the Chief Minister to get this through today.

6.2.16 Senator S.C. Ferguson:

I am not sure that everybody understands what Scrutiny is meant to do. If you read on the role of Scrutiny, Scrutiny ensures that the Assembly holds the executive branch of Government to account for its decision and actions. This helps improve government policies ...

The Deputy Bailiff:

Microphone. You do not have your microphone on, Senator.

Senator S.C. Ferguson:

Sorry, thank you. I think you probably can hear me without, but those in the country cannot. As I say, I am not sure that possibly the new Members who have not been in Scrutiny quite understand what Scrutiny is about. Scrutiny is about holding the Executive to account and also helping to improve government policies, legislation and the administration of public service, ensuring they are fit for purpose. A review is an objective examination of executive policies. Well this is exactly what we want to do with these policies. The policy changes in this projet are significant. They appear to be putting more power in the hands of the Chief Minister, but that is to be debated when we go into the details of the policies. I do wonder if it is more anglicisation which, as everybody knows, I do not like. I have no problem in the part of the policy giving more power to the chief executive because that was a problem very evident from earlier chief executives we have had when I first entered the States. It really does not make sense to say: “We do not need to look at the policies. This is a brilliant

policy.” One of the problems which nobody has addressed is the structure of the States. You will end up with a silo mentality because you are running it like the army ...

Deputy A.D. Lewis:

The Senator is straying into the main debate. We are talking about the Deputy’s proposal to call it in.

The Deputy Bailiff:

Well that is correct, of course, Deputy. The Senator would not be alone in straying into elements of the main debate, but it is a timely reminder that of course we are talking purely about whether there should be a reference to Scrutiny at this point.

Senator S.C. Ferguson:

Well these are all policy matters which do need attending to ...

Deputy E.J. Noel:

Would the Senator give way? I have a point of clarification from her.

The Deputy Bailiff:

You are asked for a point of clarification, will you give way for that, Senator?

Senator S.C. Ferguson:

Yes.

Deputy E.J. Noel:

The Senator keeps referring to this being a policy. I understood that this is a piece of legislation.

The Deputy Bailiff:

Yes.

Senator S.C. Ferguson:

I would just say that it is Scrutiny’s job to scrutinise policy and whether it is appropriate. Therefore, it is entirely appropriate for us to call in the whole projet so that we may scrutinise the policy as well as the legislation. I shall be supporting Deputy Brée.

[16:30]

6.2.17 Deputy J.A. Martin:

I have the advantage of sitting next to the proposer and I am literally trying to get my head around why it has to be called in at ... and it is not an in-principle debate, it is a debate on the principles of the law and the regulations as written. So, I can understand what I think the Deputy to my left is saying, that if we agree the principles that we are agreeing to every regulation and we are not. That is how I have understood. If we agree to this there is quite a bit in P.1, I think absolutely has got to be done and because we cannot keep having the same old excuses that we have not given the right tools to the people. In fact some of it now has completely turned around. I could even go further. The Minister can have his ... I do not care, but that is for the main debate. But I will listen to the proposer about Scrutiny. I fully understand where Scrutiny is, we have a set of draft law here, regulations, that will change the way we operate and if we agree ... my in-principle agreement is we have to change, absolutely. Then on the next process, if we agree in principle to this law that things have to change, you will then kindly ask the chairman of the Scrutiny Panel would he like to look at it. To me that is where we should be. I will hear what the Scrutiny Panel have to say but I just thought I would add my twopenn’orth because is an in-principle debate, it is the debate on the

principles of a law as written. But they can be changed if Scrutiny feel after they have called them in. Thank you.

6.2.18 Senator I.J. Gorst:

I said as I opened the in-principle debate that I was slightly disappointed with the panel's and the chairman's comment in his report to these proposals because I think, from the line of questioning that I have had over the last 3½ years that they support the principles of removing silo working, of delivering a government which works efficiently and effectively in interests of Islanders and that the culture of the public service has to change. I do not make that comment lightly. I make it from, one might say, the scars on the back or bitter experience because quarter in and quarter out they have asked me questions in that regard. They themselves will remember that they have brought an amendment to the Medium Term Financial Plan asking for extra savings to be delivered because there is too much duplication across government. They were their words and they are often first in a line of Members standing up to criticise Government and say it is not working in the interests of Islanders. There is a process, I recognise that the chairman is using this Standing Order to request it to be referred to Scrutiny now, but Standing Orders equally allow for after an in-principle debate on legislation that they have the automatic right to pull it in and do a review. I has been suggested that following that Standing Order is disrespectful to Scrutiny, is ignoring Scrutiny and that I have not appeared before the Scrutiny Panel. I have not. I have not appeared before this Scrutiny Panel and that disappoints me because I would have loved for us to have started this Scrutiny review with public hearings, with me appearing before them and receiving my ... well, it would not be quarterly beating in this case, but the verbal harassment that they rightly ... as the Senator said, it is their job to hold Ministers to account. I am looking forward to that experience next Thursday. But that is the first invitation I understand that I had to do so. But I would not want to mislead the Assembly in suggesting that they have not started their work, because they have started their work. Only, I think, last Friday at least probably 4 of my officials, including the chief executive officer, spent 2 hours with the Scrutiny Panel answering their questions, discussing their concerns. So, yes, of course, this was lodged at the beginning of January, it is the first P of 2018, it was lodged on 8th January. I look back on those dates and I am surprised with the weather and my stranding elsewhere that I was back on that date but, there we are, obviously I was. But let us not forget that on 20th November last year the Council of Ministers considered the policy principles of these machinery of government and strengthening government governance arrangements. By the end of that week, by the end of the week after the 20th - I am assuming that was a Wednesday - so we are talking by the 22nd I had written, including the copies of those principles for this change, to P.P.C., to the Chairmen's Committee and I am not sure but I think also P.A.C. (Public Accounts Committee) because of the Finance Law changes that were included. So I am finding it a little bit difficult with the accusation that I have not co-operated with Scrutiny or with Scrutiny Panels in this regard. I am used to unfair accusations but sometimes they are just that little bit too unfair. I think in this regard, bearing in mind that they had sight of the principles of these proposals as soon as 22nd November of last year. The Deputy is shaking his head. He knows that I wrote to the Chairmen's Committee on, at the latest, 22nd November, not his sub-panel because his sub-panel had obviously not been set up then. He is a member of the Chairmen's Committee in his role as chair of the Economic Affairs Scrutiny Panel. Rather than thinking I have been disrespectful to Scrutiny and that by not wanting this reference back to Scrutiny at this point is being disrespectful, I do not believe it is. I believe, as I said, right at the start that we should today have this debate on the principles. I am absolutely expecting that Scrutiny will bring some amendments, perhaps along the lines that I mentioned earlier. Some of the Articles Members might reject, perhaps, as I said, the ability for the Chief Minister to do a reshuffle. I fully expect that. That is absolutely the democratic right of this Assembly and of the Scrutiny Panel. But I say to Members again, let us have this principles debate, then let Scrutiny ... I have forgotten the word. I had not finished, no. Exercise their right under Standing Orders to pull in this piece of

legislation. I am a mild-mannered man. Sometimes people suggest that that is a weakness. It takes considerable effort to rile me but when I see an institution and an organisation, as I said in my opening remarks, that is letting Islanders down because of the way it is structured, despite having fantastic people working in it who want to do their best for Islands, when I see an institution like that letting Islanders down I cannot stand by and mildly say: “Let us take some more time. Let us not make decision today. Let us put it off because it will all come out in the wash.” That cannot be right. It cannot be right. I urge Members to allow the proper process of Scrutiny exercising their rights after we have debated the principles. Let us get rid of silo mentality where nobody is really responsible, there is an ineffective accountability framework and Islanders are being let down. I do not want to have to be emotional or melodramatic and point back to the Care Inquiry report and some of the really difficult things it said about the structure and some of the desperate effects that that structure is having on children right now. Right now. You, Sir, in your other role, in a place not far from here, have to make difficult decisions about some of those young people because our institution and our structure and our system of governance is letting them down. Let us not put off this change any longer than we need to.

The Deputy Bailiff:

It is a matter for Members, of course, 17 Members have spoken so far. Does any other Member wish to speak on this proposition?

6.2.19 The Deputy of St. Martin:

The Chief Minister knows that I am not 100 per cent content with his proposals but he also knows that I am a great fan of Scrutiny. I look back fondly on my 3 years of Scrutiny on the Chairmen’s Committee with the Deputy of St. John, my time chairing Economic Affairs and vice-chairing the Environment Department. I despair sometimes but it seems to me that Scrutiny have not followed the direction that we set when we were there and that they see themselves more often now as an opposition rather than a Scrutiny Panel. Surely, we all in this House want to do better and my time on Scrutiny was trying to work with the Executive to come up with policies and principles and regulations and Articles which were better. Work with the Executive and make it better so I plead for Members to say to Deputy Brée: “Work with the Chief Minister. Chief Minister, work with Deputy Brée on this.” Surely, we all want to do better, we want to move forward as fast as we possibly can and I just ask both sides to work together to move ahead today so on the 20th we can come back and make some changes for the better.

The Deputy Bailiff:

Does any other Member wish to speak on this proposition? I call on Deputy Brée to respond.

6.2.20 Deputy S.M. Brée:

Thank you very much to all Members who have spoken during this debate. I would like to stress again that my intention was not to discuss the principles of the law. My intention was merely to discuss the process of Scrutiny. It is quite interesting how it has become apparent that certain Members have very, very different views on what the role of Scrutiny is. I feel that to be a shame coming from certain people but I am not going to particularly pick up on any particular Member’s speech because I think that is wrong. Everybody is entitled to their own views. The only comment I would like to make is one particular speaker cast aspersions on my capacity as chairman of this panel to do the job and quoted 2 things: an External Relations Policy Review and a Licensing Law delay. All I would like to say is that I feel that that particular speaker should get his facts right before criticising anybody. If he looks the External Relations Policy Review comes under the Corporate Services Scrutiny Panel and we have suspended that and notified the department of such, and the reasons that the Licensing Law report is delayed is because the department who are lodging it have

changed their mind 4 times in the last 3 weeks as to exactly whether or not they want a Licensing Assembly or a Licensing Authority.

[16:45]

So it is not the panel's fault. But really what I would like to get back to is the fact that what we were asking originally, as a review panel, was that we wanted to delay the debate. All we were asking the Chief Minister to do is delay the debate until 20th March in order to give us time as a review panel to produce a meaningful report that could explain some of the areas where we may have concerns. It was not seeking to have an excuse to delay the debate. It was not seeking to, once again, as we have been accused of, talking about ourselves. This is a very, very important piece of draft legislation. It is not talking about ourselves, it is talking about draft legislation, the principles of which we will be asked to vote on that are going to amend significantly the way in which our Civil Service works, accountability works within the Civil Service, and ministerial government works. That vote will have implications on the next Assembly. All Scrutiny were asking was to delay the debate until 20th March. I understand the Connétable of St. Clement's concerns but I am afraid irrespective of what other work is on, surely it is more important to get a debate right than to worry about how much we have in the Order Paper that day. Now, the Chief Minister, as is his want, likes to - how can I put it - criticise if continually other people criticise him. He said in his speech "with their history". Well, I am afraid Chief Minister the review panel was only formed 3 weeks ago. We do not have a history. We have tried to arrange meetings with the Chief Minister and the earliest possible date we were given for a public hearing, by the Chief Minister, was 1st March. It has been suggested that we should have worked harder by one speaker and we should have tried harder. We should have spoken more. We tried. That is the point that I have brought this proposition, we have tried but in the timeframe allotted to this review panel we have been unable, despite our best efforts, to carry out our role of Scrutiny. I am very concerned that the Chief Minister has inferred that this particular review panel has not been co-operative. Co-operation works 2 ways, and I think that is something that possibly the Chief Minister needs to remember. However, I understand that obviously many Members feel that this debate should proceed. That is entirely their right but I would like just to stress one thing. Despite what both Deputy McLinton and Deputy Andrew Lewis feel, this is not an in-principle debate. We are debating the principles of the draft legislation. There is a big difference because what you will be asked to vote on is: "Do you in principle agree with these Articles?" Then it will be given to Scrutiny to review, which is part of Standing Orders and we will go away and we will come back with a report. But at that point in time a decision will have been made that in principle we agree with the direction that these Articles take us in. Personally, and I did not wish to speak about the principles themselves, I fully support the change in the accountability within the Civil Service. Personally I have issues with the other bits in it. But that is not the point. My personal view does not and will not - I can promise that to the Assembly - play any role in the review that the review panel carry out. All I was asking was that the Assembly allowed the scrutiny process to proceed until 20th March. I feel it a great shame that many Members here do not see that as being an appropriate function of Scrutiny. I would, however, urge most Members to consider if a delay until 20th March for Scrutiny to carry out its work is really asking that much. Well, I commend the proposition to the Assembly and would call for the appel.

The Deputy Bailiff:

The appel has been called for.

The Connétable of St. Brelade:

Before we do that, could I just ask the chairman if he would consider withdrawing a comment he made in his previous comments in regards to the Economic Development, Tourism, Sport and Culture changing its mind 4 times over the Licensing Law in recent times. He knows that not to be correct and I just ask that he withdraw that comment.

The Deputy Bailiff:

It seems to me that is what the Deputy has said and it clearly is a view that he holds, whether it is a correct view or an incorrect view is not for the Assembly at this point. Connétable, I think you have made the point, your voice is on the record.

The Connétable of St. Brelade:

It is misleading because it is untrue.

The Deputy Bailiff:

It may be that what you are suggesting is that he is has unintentionally misled the Assembly but, as I say, you have made that observation, unless the Deputy wishes to stand and make a correction, which he is entitled to do, but if he does not the matter has to rest there at this point. The appel has been called for. Members have had the opportunity of returning to their seats and I ask the Greffier to open the voting.

POUR: 15		CONTRE: 28		ABSTAIN: 0
Senator S.C. Ferguson		Senator P.F. Routier		
Connétable of St. Clement		Senator A.J.H. Maclean		
Connétable of St. Saviour		Senator I.J. Gorst		
Connétable of St. John		Senator L.J. Farnham		
Deputy G.P. Southern (H)		Senator P.M. Bailhache		
Deputy J.A. Hilton (H)		Senator A.K.F. Green		
Deputy K.C. Lewis (S)		Connétable of St. Helier		
Deputy M. Tadier (B)		Connétable of St. Peter		
Deputy M.R. Higgins (H)		Connétable of St. Mary		
Deputy S.Y. Mézec (H)		Connétable of St. Ouen		
Deputy of St. Ouen		Connétable of St. Brelade		
Deputy R. Labey (H)		Connétable of St. Martin		
Deputy S.M. Bree (C)		Connétable of Grouville		
Deputy T.A. McDonald (S)		Connétable of Trinity		
Deputy of St. Mary		Deputy J.A. Martin (H)		
		Deputy of Grouville		
		Deputy of Trinity		
		Deputy E.J. Noel (L)		
		Deputy of St. John		
		Deputy of St. Martin		
		Deputy R.G. Bryans (H)		
		Deputy of St. Peter		
		Deputy R.J. Rondel (H)		
		Deputy A.D. Lewis (H)		
		Deputy S.M. Wickenden (H)		
		Deputy M.J. Norton (B)		
		Deputy G.J. Truscott (B)		
		Deputy P.D. McLinton (S)		

6.3 Draft Machinery of Government (Miscellaneous Amendments) (Jersey) Law 201-(P.1/2018) - resumption

The Deputy Bailiff:

We now resume the debate on the principles of the draft law. Does any Member wish to speak? No Member wishes to speak?

6.3.1 The Deputy of St. Peter:

It may take me just a little while to fire up my device again but today is a very good day, in my view, to debate the principles of this proposition because it follows the excellent speech that was really well received today given by our new chief executive to the Chamber of Commerce. I really implore all Members to read the speech of the chief executive that is on gov.je. It was posted there today. What I wanted to share with Members, the reason I am looking at my device, is a tweet following that debate and a reaction by Caring Cooks which I think is an organisation, a charity, that all Members are familiar with. It reads: “#chamberlunch 300 children have not eaten breakfast before school and we must focus on life chances from an early age. Great to hear from our new C.E.O. at States of Jersey.” I think that is a good example of the response to the speech this lunchtime and what lies behind the anticipated direction that this proposition will take the States of Jersey in. I think we have all touched upon the desire to see change and particularly resonated, of course, with the Constable of St. Peter and his reminder of the purpose. This is part of our response to the Care Inquiry and how necessary that is. It is a great credit to the Chief Minister that he has brought this proposition and it is absolutely timely because I think it is right as experienced Members who have been in this Assembly for a term, for us to debate the future of the next Assembly at this time. We all agree, I think that change is necessary and a new direction is necessary. The Chief Minister has put in place, with the new chief executive and the work of the transition team who have been here contributing to the bones of this proposition, a blueprint for us to move forward and to better serve the public. I think it is only right and timely that we do this as an exiting Assembly rather than asking a new Assembly to consider it because the new Assembly ... the argument will be, I am quite sure, that there are not simply enough Members who have the experience to deliberate and to contribute to a debate that would happen at that time. So I commend this proposition to Members and I hope that they will show their support for it.

6.3.2 Deputy S.M. Wickenden:

About time. These changes long overdue. As I said in my previous speech, I am relatively new to the Assembly but everything that I have seen, every report and all my experiences says that we need to do things better. We need to be more service-orientated rather than department-orientated. I think one of the things about the committee system of old was that it was very silo based and if you wanted to do anything that crossed committees it was very, very lethargic, it was very slow. You find that kind of thing here. Why not have a Minister for Children but that is not just one department in that way, it is a service. It is a service-based department in some ways but it has to cross Health, Social Security, Education, Housing, it would cross all of those but when you get into the silos of the departments right now it creates friction or duplication or there are different priorities that are set that means that the actual subject matter does not get the priority it needs. This is exactly what we need to change. We need to be able to create things that are more dynamic and they move in the way the Islanders expect our services to. Of course you cannot do that in the current system without making sure we make changes within this Assembly and within the Government. So you cannot create a new service-based department if you do not have a Minister that it is accountable to. So I support the idea that we can be more dynamic, we can change it and we can do things in a better way that is more aligned with the services that we provide the Islanders in the right way. We have got the comments from P.P.C. I am concerned about the ability to do it by order so personally, myself, the idea of doing it under subordinate legislation and then waiting, if somebody has a problem, to bring a proposition to the Assembly to overturn a Ministerial Decision is not the right mechanism for this. I think it is the right idea but I do believe that this Assembly or the Assembly of the future should have the choice to debate it and decide it because we are the representatives of the Island. So if there was anything I wanted to give to Scrutiny to look at, certainly following the comments from P.P.C., that is the one area that I am concerned about. I know it will slow things down and I know we have waited long

enough but we are here to make those decisions as elected representatives of the Island together and I do believe that this should be a decision for the Assembly not a subordinate legislation. Thank you.

6.3.3 Senator L.J. Farnham:

We have a tendency to blame the system when quite often it is the people that are at fault. We have done it before and we are going to do it again in the future. We also have a tendency of getting the order of priorities wrong when it comes to reforming machinery of government, reforming electoral process, reforming the shape and structure of this Assembly. It has happened before. We have reformed the shape and structure of the Assembly which has perhaps forced the machinery of government or the electoral system in a way that is other than ideal because we have got the priority and the order wrong. Technically, and preferably in my opinion, we should be focusing on the structure of the Assembly and the electoral system before we move to the next stage of the machinery of government.

[17:00]

But, of course, I am not going to open that debate just now. I know why I am here in this Assembly. I think most Members do. We are here to serve and I am very clear about that. We are also an Assembly of independent politicians and we have a party, we are politicians of conviction and I am sure none of us want to be part of a high-level policy making group. That is one of the fears I have with what is proposed. We are here because we all individually and collectively want to make a difference. I do not just want to set policy. We want to make a difference, we want to make decisions in our Scrutiny Panels or our parties or our ministries, or whatever other committees we work on. So I am not sure how these propositions and these regulations will impact on the work this Assembly has been doing and the individual politicians have been doing for decades. That is something we have to look at and consider very carefully. However, I am going to support the principles with the understanding that I do not agree with all the regulations as currently set out and I am considering, with other Members, some amendments. I would urge other Members really to look closely at them and work with Scrutiny. I am sure Scrutiny will do a good job with this. There are some very interesting ramifications that we must not be too hasty about. That is it. There is lots to say but I just want to finish by saying this, I think we are all in agreement. We absolutely have to put this Island back on the road to greater political efficiency and accountability. The direction of travel we are heading in with these principles is right. I think they are a force for good but I appeal to Members to look very, very carefully at the detail and come back with amendments if they need to. If we all do that, if we all do the homework on this and give it the attention it deserves and it needs I think we could end up with something quite good.

6.3.4 The Deputy of St. John:

I am standing after listening to some Members as if this is something new. It is not. It is a long, long battle of the States Assembly ever since bringing in ministerial government of how and in what way we want to have a proper accountability framework, have a proper governance function and how that interacts together. The last debate on Deputy Brée's proposition, for Scrutiny to call it in, is a perfect example of why I think this does not go far enough. I have an issue if we are going to be shuffling Ministers that we are not changing Standing Orders to allow the flexibility in Scrutiny. The P.P.C. comment, I think this is vitally important. You do not have the ability to have the flexibility within Scrutiny to be able to pick up a review on a specific strategic item or a topic and you have the constraints of having a certain panel that has to scrutinise certain Ministers, although there is an ability to set up review panels. But I think there is a certain amount of bureaucracy within the scrutiny system that does not need to be there because they are not making the day-to-day power changes that Ministers are and they are doing a review and they are carrying out the appropriate criticism or constructive changes that need to be made and they can bring amendments forward to Minister's policy or legislation. I think that is really important to recognise because in a similar model which

we have only across the water in the U.K. their Select Committees cannot do that. We have the ability on Scrutiny to make those constructive changes. I think already in terms of shuffling the Ministers is a fundamental flaw with not changing Scrutiny alongside it. It is dangerous to do so because although the last speaker, Senator Farnham, mentioned how he would like a more politically efficient system, I have really bad news for any future Minister, if we want our system to work properly with accountability, openness and transparency, there has to be better functioning between the Government and Scrutiny, there has to be a better open and transparent way of criticising each other without making it personal and there has to be a way to work to provide functions and services for the public in the public good. Last term as chair of the Public Accounts Committee, it was vitally obvious the problems we had when we lost our chief executive at that time. There was a report done about compromise agreements. Last term and the term before that there have been machinery of government reviews. I unfortunately took part in both of them and promised that I would not take part in machinery of government this term. There were 2 years spent last term of Members of that sub-committee of the P.P.C. interviewing States Members, senior civil servants, submissions from the public asking them their views on machinery of government, ministerial government, scrutiny, how it does or does not work. There are reports that anyone can access online so we can see where there are issues and how we could possibly address them. The one issue that comes up in here, which I will be supporting, and as it is an in principle debate I would like to give my reasons why I think it is so important. The Chief Minister has chosen only to give a few examples of why changing the role of the principal accountable officer is important. There are so many incidences that have happened over the years before my time, right at the primary edge of ministerial government and ministerial government is in its infancy. I think the problem we have got is there are a lot of Members that do not want to continue with ministerial government but believe for some reason it is politically efficient. I get worried when people say “politically efficient” because that assumes that this Assembly will hand over lots of powers and legislation for Ministers to make lots and lots of orders and do things on a whim so there is not that openness and accountability there. The Scrutiny function goes hand-in-hand with ministerial government. If you do not want Scrutiny you will not have ministerial government and that is the way it should and absolutely must work. The principal accountable officer role, I believe, is an opportunity for us to see how things could possibly work better. The reason why I say that is because ... I mean, it is great that the new chief executive is here and I wish him good luck in all his endeavours, but a lot of people have turned around to me and said: “Oh, what do you think? This is promising. This is exciting, we have got a new chief executive.” I have probably been here too long, Senator Routier as well, but I have heard it time and time again, everyone pins their hopes on this one person that comes in at the top and pleads that we are going to change things dramatically and it is all going to be wonderful and it is all going to be efficient. Without changing this role, a lot of those things, I do not believe, can happen and will not because I have seen it first hand before. I would like to see the opportunity given to the new chief executive officer to be the principal accountable officer and I would like to see how it works, whether it works and ensuring that there is a proper accountability model around it. I just plead to Members, should scrutiny pull this in, which I hope they do after the in-principle debate, there are 2 reports that were done last term on the machinery of government, a lot of work was carried out by various Members on machinery of government and there are issues within there that I believe probably are still needed to be addressed. R.105/2013 was the final report and R.39/2013, which was the interim report from the sub-committee. It lays out a lot of the issues that previous Assemblies have come across and had to deal with. It is absolutely relevant to the legislation that is being put before us today and, like I say, I cannot agree to any form of shuffling Ministers without changes to the role of Scrutiny and how that functions and effectively works alongside an accountability structure for ministerial government. Thank you.

6.3.5 Deputy J.A. Martin:

I did want to make a few comments about Scrutiny. The Deputy of St. John, I think, has covered what I wanted to say and quite clearly it is in the P.P.C. comments. But I take a different view to the Deputy of St. John, I can work with looking at these new laws and regulations with Scrutiny and absolutely if we allow the Minister to move his Ministers around it should be done by order and it should be done quickly. We cannot have the situation we had last time and what happened over those 15, 16 months where E.D. (Economic Development) did not have this, something was moving ... well, let us know what happened. It was the Jersey Innovation Fund and you could not pin anybody down. Some Members said to me in the coffee room: "Oh, this is a bit much, you are giving a lot of responsibility to the principal accounting officer, on one hand, and maybe a Minister." I said: "Yes, but then you know who to go when it goes wrong." Let us hope it does not. I have faith, I want it to work but we cannot carry on with the system we had where there are too many corners and too many officers hiding behind: "It was not my fault, Guv, I was not there. Under the law I am not accountable." It is about being accountable. That covers that. I do fully agree with ... we have made the comment, hopefully working with the Scrutiny Panel there should be something. The Deputy of St. John, when she was a Deputy in St. Saviour, did, as she said, loads of work on this. We do not need to ... if we do not have rigid ministries we do not need to have rigid Scrutiny but we can have standing panels, we can call issues in, as the Deputy of St. John put it, issue-based scrutiny. But I want to see that before we go ... it will not stop this and it should be being done simultaneously. I just want to comment again on the collective responsibility because people will say: "Why did they make a big deal about having collective responsibility and now they are doing away with it?" It is quite clear it is not necessarily that, it will be for the next Council of Ministers to decide whether this Council wants to work under collective responsibility and it will be done through a ministerial code. That is fine because it might work for the next, we do not want to keep changing the law, it is a bit like the hokey-cokey, are you going to be in or out, are you collective or are you not? But I am making this point because the people here we ... and P.P.C.'s comment might not so we have to put it on each proposition, but we need to know who the next Council is and who is in that collective when they decide. That is fine, we put it in a code, whoever they are will make up their minds. I think just on the principal accounting officer and the comments from the Chairmen's Committee, there is a part on page 3, paragraph 6 which the panel's understanding is that ... and it was explained, I heard it on the radio.

[17:15]

They have concerns that even if a small amount of money is given to a company, a grant or a funded body from the States, that the principal accounting officer can look at how these monies are spent. I say absolutely right. It is not our money. I do not care if it is £1, £100 or thousands of pounds, if you do not look after your pennies and your pounds you are going to lose the thousands. So I have a different issue ... well, it is not an issue. I think there is not an issue, it is not our money. If we are not confident in the bodies, the amounts we are giving it and we should be looking, we should have the law and this does it. I think I will leave it there. I think I have covered everything I want to say. But, again, in principle, you can see basically where this is going and I said it in the other debate, the last debate, I have now really come around after all these years of fighting ministerial government, that you should have a slate. Have your slate, again, it goes back to the: who is responsible? There is your slate, this is my slate, Ministers, this is my slate and I want Assistant Ministers to work with them. We can vote in or out. If they go after 6 months, something really bad has gone wrong, they cannot use the excuse, well you foisted that Minister or Assistant Minister on me. It is going to come there, I can see where it is going and I will support it this time. I might not be here, I may not be here. But I can see where it is going and it is one of those things in political life, you do learn some things and after you keep looking at it and you keep seeing why it is not working because we did not adopt it all. We are slightly going a bit nearer there now and, as the Deputy of St. John said, it will either work all the way down but we cannot keep doing it like this. It has got to be seamless across,

know who you can hold to account for the Civil Service and the accounting money and know who chose their team and let them do it; they stand and fall on their own. I will leave it there. I have talked about the principles. We have got more work to do on the rates and what is in the law and I am willing to work as much as anybody else with Scrutiny and work to get something in there about Scrutiny at least.

6.3.6 Deputy A.D. Lewis:

I thought I was in a queue but I shall endeavour to fire away straightaway. I welcome this, particularly when I turn to page 5 and realise that there is a list there of a number of reports that I was very intrinsically involved with, as chairman of P.A.C. Time and time again these issues came up with the Comptroller and Auditor General and my committee. It was about accountability, it was about accounting officers working in silos and about not sharing information with other Accounting Officers because legally they did not have to. Sorry, but that is not good governance. It is not good management. It is not a good structure. That has been highlighted in so many reports that I am sure you have all read, just nod; some of them were quite long reports, some could even say they were a bit dry but they made the same points over and over again. At the same time, several reports came out when the Deputy of St. John was in the chair of P.A.C. saying the same things. This is not new. We have known about this for a long time. Senator Ferguson is saying the same thing, I believe, when she was also chairman of the P.A.C. It is an accounting issue that needs to be resolved. It is a danger to our very structure and fabric of our financial management not to fix it. The reporting structures are not as they should be. From that point of view, I am absolutely and totally supportive of the principles that are trying to be achieved here. When it comes to selecting the Council of Ministers though we do that on the floor of this Chamber when they are returned, those that there are, in the next Assembly. The Chief Minister puts forward his team and we vote on that team if there is another candidate to be considered or we accept the Chief Minister's proposal for his team. Under this principle, the following week that we sit, the Chief Minister could come back and change a Minister at the drop of a hat. I am not saying he should not have the ability to change his team. Any Cabinet anywhere in the world, any government system should have the ability to do that but I think there needs to be some kind of check and balance in there, so it cannot happen the following week. I am not suggesting it would and if it did I am sure there would be, hopefully, a very good reason for doing so. At the moment, effectively, what this Assembly has agreed to and, in some cases, has elected because there may well be a contested seat, although with the ballot, as it is now open, it is less likely to happen, Deputy Labey would know all about that but it is as it is, that could happen. You could have a change the following sitting if the Chief Minister chose to do that. I think there needs to be a check and balance in there to that effect, so that something we have agreed the previous sitting is not suddenly changed the following sitting, unless there is a very, very reason, so I have an issue with that. But the principles regarding structure, management and good governance round the financial management of this huge organisation called the States of Jersey with its £860 million budget is essential, absolutely essential. We need to get on with it, we need to do it. I am fully supportive of that, which is a very important part of this proposition or this in-principle proposition. The other thing that bugs me, has done for many years as an observer of politics and then being intrinsically involved, is the silo mentality of some departments; that is because of the ministerial law. Each department has its own law; that is just the way it is at the moment. That prevents a lot of interdepartmental working, even if those Ministers and accounting officers want to work in a certain collaborative way, is quite difficult for them. That is an unintended consequence of the current system that we have and we need to try and break that down and this goes some way to doing that and I welcome that. Because at the end of the day we might think the States of Jersey is very big, and it is, but we are sort of a very small place and we have, in my view, too many ministries; we have 11. I would like to see 6, I think that is possible and that is the sort of radical move that I want to see in the future. The Chief Minister is already doing some of that by creating a Chief Minister's

Department that some people do not like because there is more and more going on in that department. But that, I believe, I hope is the beginning of reducing the other ministries to nothing perhaps; 11 ministries for a tiny island is too many but that is a debate for another day. But at the moment it is difficult to achieve that with the system that we have, unless you break down the silos and this goes some way to achieving that. I welcome it and I also welcome much more information coming forward in the next debate that we have when it is more complete and Scrutiny have had their opportunity to look at it. I am not going to go over the old ground that we had a few moments ago about whether Scrutiny should do this now or later. The time is later, we will have a more full document to consider then. I hope some of what I said today and others have said will be included in the comments that Scrutiny, no doubt, will make in the future. I welcome this. It is quite a lot a little bit too late but better late than never. We need to move on. It is now nearly 13 years, I think, since ministerial government started. It is time to change it, move it on. It is an evolving process. Government Assemblies, organisations generally change and evolve and public sector moves a bit slower, that is because we consult widely and rightly so but that slows things down. But 13 years without much change, I think, is too long. This is that opportunity for that change. I would grab it, grab it now and move things on so that we can make the change and just function better as an Assembly, as a Government and as a public sector. This is what we need to do that and I think it has been well thought through but there is more detail to come and I am sure we will get it in the fullness of time. If we do not, I think the gentleman behind me will get very upset, so I am sure you do not want to do that to him and other members of Scrutiny. I am sure, in the fullness of time, there will be more here to look at and the detail that I have raised will be more fleshed out and others have raised as well. I welcome it and I would urge Members to vote for it.

6.3.7 Senator P.F. Routier:

Just picking up on a point that the previous speaker mentioned about the way Government evolves over a period of time. I had the joy of being part of the committee system many years ago and then we have moved to a ministerial system and it is now time to move on again and gradually you have to find new ways of working. In recent times I have been speaking to people who have been considering the options about perhaps standing for ... or I have been trying to persuade some people to stand for election and they are very worried about the system that we have. They are sort of a bit disenchanted by what they hear about the way that we currently work and they say: "Why on earth would I want to join an organisation like that because they cannot get anything done and it takes so long to do things?" I think this is a really exciting opportunity for our Government and for our Island to be able to achieve things and get things done. This would be a signal if we can show that we are prepared to change the way we are working, that we could encourage new enthusiastic people to stand for our Government, for our Assembly. I think we will be able to do things in a far better way. In fact, I am so excited about these changes perhaps I wish I was not retiring. But, honestly, I think it is a real opportunity for our Government to evolve to the next stage and to do things and to serve our community far better than we have been. I hope Members will be able to support the principles.

The Greffier of the States (in the Chair):

I have one Member on the list to speak and it is very close to 5.30 p.m. I am wondering how many more Members wish to speak in the debate, another 2. Deputy Brée is the next speaker. Do you want to come in, Deputy Brée, and then the Assembly might consider adjourning or do you wish to...

Senator P.F. Routier:

I propose we keep going, Sir. [Approbation]

6.3.8 Deputy S.M. Brée:

I am sure you will be pleased to hear, as will Members, my speech will not be that long. I stand before you in a difficult position because I wear 2 hats. First of all, I am chairman of the Machinery

of Government Review Panel and, secondly, I am obviously an independent Deputy. If I may speak, firstly, as the chairman of the Review Panel, I am very pleased to hear that Members are willing to work with the panel and I would urge any Members to come forward with concerns, issues or suggestions they may have, how this may be improved. Obviously, the Review Panel will be calling this in. We will be looking at the Articles in detail and looking at the implications of all of them. I certainly hope that we have more meetings with the new chief executive and his team, so we can flesh-out some of these concerns or negate them completely. I think it is going to be important that we are given adequate time to do that. Putting my other hat on as one of the Deputies of St. Clement, which I assure you anything I say now will not influence my role as the chairman of the Review Panel, I just want to make that clear. Essentially, looking at this we have 3 parts or major parts to this particular draft legislation and very quickly I would like to speak to each of them. Firstly, the introduction of the role of the principal accountable officer and, underneath him, accountable officers. For the first time I think all of us can see, dare one say, light at the end of the tunnel. Because what we are going to be able to do as Members of the States, who are here as the elected representatives of the public, to be able to go to somebody within the Civil Service or public service, whatever you want to call it and go: "Right, you are accountable for this, are you not?" They will say: "Yes." "Right, can you help or can we look at this?" For those of us who have worked for major global corporates like I have, the silo mentality nearly destroyed them back in the 1990s and it became really difficult for decisions to be made, for flexibility to creep in, to react to market forces. This is why the major corporates did away with the silo mentality.

[17:30]

You did not have corporate banking, investment banking and private banking, there was a much flatter structure. This is what we need to move towards and it may require the dismantling of the departmental system that we know today and that I believe to be a good thing, that we have the ability to go, who is best to deliver this project or this policy that the States Assembly want, the public want? How are we going to do it? Right, you are accountable, work with all these people. Forget about the fact that you used to be Housing, you used to be Infrastructure. No, you are the States of Jersey; that is what we have got to aim for. Because only then will we be able to deliver the services the public deserve and to clarify, work out and learn from our mistakes. I would say that part of it I am very keen to see that moved forward in one form or another. It will take time. This dismantling of the silo mentality, the departmental mentality, it is ingrained in people. You cannot expect it to happen overnight. Also, there will be a huge resistance to change. That is something that can be managed; you can turn that into a positive but at first there will be massive resistance to change. The middle bit that I have still not quite got my head round is this issue of "budget transfers" between departments, and we will put that in inverted commas. Because, according to the legislation that we are looking at: "The Minister [that being the Minister for Treasury and Resources] shall, after consultation with the Chief Minister and the principal accountable officer, give the States Assembly at least 2 weeks' notice before an amount is transferred under paragraph 1." What we are looking at is, right, if we need to get resources from one department to another, one ministry to another, who makes the decision? If I am moving money from Infrastructure to, say, the Health Department, surely those 2 Ministers should be talked to. This is saying, no, no, no, it is a decision of the Chief Minister, the Minister for Treasury and Resources and the principal accountable officer. That might be because the 2 Ministers involved are not going to let it happen easily, i.e. the one who is losing his budget. Again, it might be that that is building in greater flexibility, greater reactivity to situations but that, I think, needs further discussion, further examination and further consultation with all States Members. We then move on to the restructuring of ministerial government. There will be, under this, a new legal entity called the Jersey Ministers, which every Minister and Assistant Minister will be part of. Any legally executable document referring to any piece of land, lease, property, because it is legally owned by the Jersey Ministers, all legal ownership will go into the Jersey Ministers, any Assistant

Minister or Minister can execute any document on behalf of the Jersey Ministers. Therefore, it means that while on the one hand we may say we need to be able to react fast to things, we need to be able to be proactive, rather than reactive, I am concerned that an Assistant Minister in Economic Development, Tourism, Sport and Culture can sign a legally-binding document on behalf of the Minister for Treasury and Resources or the Minister for Infrastructure entering into a lease, that is what this says. Again, I think we need to look at this very closely; surely there have to be checks and balances. Also, are we creating a quasi-political party by creating ... everything is owned by the Jersey Ministers, everything, so you are either in or you are out. Perhaps nothing changes, as I heard to my right. We are creating this new legal entity and, again, we need to look at this a bit more closely. Is it the right thing to do? Where are the checks and balances on the power that is being vested in that legal entity? The other one that I have grave concerns about is the powers that are going to be invested in the Chief Minister under this draft legislation. We, as an Assembly, elect a person to be a particular Minister, for example, at the moment we have. We elect somebody to be the Minister for Treasury and Resources because we believe that person is best suited for that role. We then elect somebody to be the Minister for the Environment because, as an Assembly, we believe that person has the experience, the expertise, to be best suited for that role. That is our decision as an Assembly because we do not have political parties, right? That is the important point. We, the Assembly, elect a Minister but under this, the day after we have elected the 2 Ministers, the Chief Minister can swap them, either as individuals, their roles, or can move the current functions that the Minister for Treasury and Resources carries out over to the Minister for Environment. He can create and extinguish ministries at will. He can move budgets from one ministry to another at will. Perhaps now I am starting to understand why collective responsibility is no longer required. Because are we, with this, placing too much power into the hands of one individual, one office, if you want to call it that, who has the ability to control completely every single Minister and Assistant Minister and, therefore, perhaps no longer needs the idea of collective responsibility? That, again, we need to look at. Where are the checks and balances? Where is the ability to scrutinise policy, not only legislation? Let Scrutiny not fall back into just doing legislative scrutiny. We need to be able to scrutinise, discuss and possibly mould policy going forward. That is the real role of Scrutiny. Not, as has been suggested, as an opposition. That is not what Scrutiny is. But if Scrutiny firmly believes that a policy being put forward by a Minister, or Council of Ministers, is not the right thing for the people of Jersey and has the evidence to back that up then why can we not say that? We are not being the opposition. We are trying to be the voice of reason, the voice of evidence and the critical friend. So do not knock Scrutiny because it does not agree with you. There may be a very good reason. So I just remind Members that there is an awful lot in this legislation that affects an awful lot of areas and I think all Members need to think very carefully about looking at the legislation, looking at the implications, come and talk to the review panel. Please do. Ministers, we would like you to come and talk to us, in private, in public; it does not matter. We need to talk and that is all we are saying. This has to be carefully looked at to ensure; is it the right thing and are the necessary checks and balances in place?

6.3.9 The Deputy of St. Martin:

I am happy to follow Deputy Brée because, like him, I have some reservations about the concept of Jersey Ministers and I have some reservations about enormous amounts of power being vested in one Chief Minister, and the Chief Minister knows that I am not 100 per cent happy about those subjects. But let me say that I am delighted that collective responsibility is coming off the table because I have never felt it worked very well. I am delighted that we are going to break down more silos. Deputy Noel is not here at the moment but certainly I would like to feel we have broken down some silos, certainly in the first 18 months of my ministry, maybe not so much more recently, but I think we have done better in this last session of government than previously. I am also not worried about change. I embrace change and I would like to get on and change but, of course, it has to be change that I agree with. Because I am an independent Member, I am elected independently with my own

policies, and when I sought to become Minister for the Environment I had my own very clear ideas about what I wanted to do. I want to be able to see, in the future, that I can still implement those policies without being deflected by others. While I do always look for the positives I, in these sort of circumstances, consider the worst-case scenario and I am not going to be satisfied where people say to me: “Oh, these rules may mean that would never happen.” I want people to be able to say: “That cannot happen”, not: “That would not happen” because there is a very subtle difference. I will just finish with this. The Chief Minister in his very opening remarks used the 3 words, policy, strategy and delivery, and while it is very clear to me who sets the policy and who is responsible for the delivery I would just like the Chief Minister in his summing up to tell us a little bit more about the implementation of strategy and who would be responsible for taking that on-board.

6.3.10 Deputy R. Labey:

I supported Deputy Brée in the previous vote because I have done that with Scrutiny chairs for the last 3½ years. I believe that they have a lot of responsibility and not so much power and that is an uncomfortable and difficult position to be in so I have always supported them when they have made their requests but, like Deputy Brée, I am not unsupportive of the Chief Minister in a lot of what he is asking for here. I think we have to go with him on the changes to the chief executive officer and I can see where he is coming from on that and I can see the benefits. So on the one hand I am quite gung-ho with these propositions; on the other hand I am aware of the seismic shift in the balance of power and that is potentially terrifying. But I suppose I am gung-ho because so often I feel in this Assembly that I spend a long time in it and I am not going to say that it is a waste of time, although it is a phrase that we use a lot, sometimes after a debate, and no debate is a waste of time because it is interesting to air these things and important to do it. But sometimes one does feel one spends a lot of time in here in an unproductive way or with an unproductive result. The very first time I felt that was on the second sitting of the Assembly when we spent 2 days or more voting in each Minister and having an election for each job. Really, it was an exercise in complete and utter futility because, quite rightly, although it is good sport to try and get somebody else in that is not the choice of the Chief Minister, in all reality it was never part of the Clothier proposals, I understand, that the floor of the Assembly elects the Ministers. I think it was a proposition by former Senator Syvret. I can see why moving from the presence of committees was a bit terrifying and moving to this ministerial system and I can see why that was brought in and that was a product of its time but is it useful now? Is it right that we elect a Chief Minister and we trust him to lead a Government and he cannot choose his Government and bring his complete slate back to us and say: “These are the guys and women I want to work with”? I think we should consider that very seriously. So in some ways I want to go further than the Chief Minister is proposing. I can absolutely see the need for him to be able to shuffle the pack, reshuffle the pack. I also believe he should be able to drop Ministers and reappoint new Ministers, just as the Prime Minister in the U.K. does, because if he has got a Minister that is underperforming or not performing as he expected and so he is forced to reshuffle his pack, where does he hide the one who is not so good? The one who is forcing the reshuffle. Look, we do not go... every political career ends in disaster or ... I am misquoting somebody but you have to take political responsibility and know that you have it for a finite time and it is about you doing your best and if you succeed that is great and if you do not you have to take the responsibility for that and you have to fall.

[17:45]

That is what happens in politics. It is not about you and your ego. It is about the people we serve. In spite of our best efforts, if we are not regarded, if we are not perceived as being good enough we have to take that on the chin. That is part of the job and we have to drop and we have to see that somebody is replaced. So I, as I say, feel that we could go further, seize this opportunity to make more sense of this whole system. But funnily enough the thing that really irks me the most in - and I hope the Chief Minister might listen to this - in his proposals is a rather minor one, people might

think, in part 6, which feels like a good idea at the time in that reducing the days from 21 to 19, is the day we elect the Chief Minister, feels like we are bringing that further forward, nearer to the elections because it is 2½ weeks, do not forget, from the general election to when we elect our Chief Minister. It is a long time. So on the face of it 19 days brings it a little bit closer. In reality it is Monday, 4th June, which is the day that it is supposed to be. That is the day that we have got in our diaries as the first sitting of the States after the general election and that is 19 days after the general election so we are not gaining anything. That is the day we are going to meet anyway. But what the Chief Minister wants to do is then put in, instead of 2 days after that morning, 2 days, and then we have the elections for the Ministers, he wants a 5-day gap. So that pushes everything a week later. We have in our diaries, we have known for months, that the States sittings are 4th June; then Tuesday and Wednesday are free and it is the time that the Chief Minister has his discussions with potential Ministers and then the Thursday and Friday we sit, if we are going to continue with the election of Ministers; that is when we sit for that. That Thursday and Friday would go and then it moves to new days, Monday and Tuesday, for the election of Ministers and goodness knows what that does then as the knock-on if it takes longer, to the Thursday and Friday, that is slated-in for election of chairs of Scrutiny Panels. I do feel it is wrong to change the diary in that way, change the sittings. Now, I guess that the Chief Minister probably wanted to bring it earlier but could not because the Royal Court is booked for the swearing-in on Monday, 4th June. I would ask him to reconsider this because I do think it is unfair. We take our days that we are ... at the beginning of the session, when we are told these States days, we put them in our diary. They are sacrosanct. They are sacred. Then to change that with only a matter of months to go, and it will be even later before we know, I think that is unfair to do that to people and I think it is wrong and I think that is too late to do that. So I would ask the Chief Minister to look at that again, if he would not mind, and in return for that he is going to get my support or ... and even I think we should seriously consider, we should seriously consider, whether we should give the Chief Minister, who we elect, and let us hope there is an election ... and please, candidates for Chief Minister, sitting in this House or sitting out and wanting to stand, if you are going to say you are going to stand for Chief Minister please do so. Please let us have the election, I think it is important, and no deals beforehand. I understand why. I am not casting aspersions but I do think it was a shame and I think we should have that election for Chief Minister. I think that is really important. But once we have done that let him choose his team and get on with it with, perhaps, the proviso that he cannot have 22, maybe he has an Executive of 20, so it makes them just that little bit more easy to bring a vote of no confidence in. It makes it just that little bit more easy with the numbers to bring down the Government if they are not performing in the way they should.

6.3.11 Deputy J.A.N. Le Fondré:

Hopefully just briefly. To an extent I want to reiterate the comments from Deputy Brée, and possibly even the Chief Minister earlier, because I think we all do wish to see a change in the silo mentality side and as I have made it very clear I have great hopes for the new chief executive and we will, no doubt, be looking to see him deliver and I speak not only as a politician but also as a taxpayer. So broadly speaking I am on the review panel and I will be abstaining on the principles but I think that is probably the way I am going to do it. My one concern, I have expressed this everywhere else as well and I just want to put this on record, to talk people through, is this issue around States-aided independent bodies. Now, this is defined in the Articles but I want to go to the principles, I think it is quite important, because if this is called in by Scrutiny and if Scrutiny want to send it to ... if Members are of the view, it is probably 20th March or whatever, if it is 20th March Scrutiny have got 2 weeks because if they want to bring any amendments too that is the lodging period and that is almost impossible. I will just make that point and the reason I want to just make that point, I want to identify this issue, I will just run through it, as an example of the complexities within that. States-aided independent body is basically anyone who gets £1 from the States, okay, it does not matter who it is. The second point is that the principal accountable officer has a right of functions, one is:

“Ensuring that resources, but we will caveat this, of States bodies and States funds, which might be slightly different, are used economically, efficiently and effectively and he can also determine the functions of accountable officers.” Basically somewhere else in the law, for anybody who receives £1, potentially they can have an accountable officer appointed over them. The accountable officer has to be a States employee. We do not, as yet, have a list. I have understood there have been some discussions, when I was away at half-term, about this but, as a matter of law, potentially, that means if you get £1 from the States, when this law goes through you will be subject to control. As I have said, I do not have a problem with this, S.o.J.D.C. or Andium or Ports because they are formal designated bodies but it is anybody who got £1 from the States and that, I think, raises a whole range of issues around independence. As I said, I do not have any issues at all with the present chief executive. My job is to think about the person who replaces him or the person after that and it is about the checks and balances there, in terms of what is defined in the law versus what perhaps Financial Directions say. Financial Directions can be changed at any point. What one then has got to look is, what are the controls and the safety measures on there to ensure that the right checks and balances are in place and it is not about body X who receive more than £1 from us whenever in this period. You disagree with me, tough, you are going to do precisely what I tell you to because otherwise we invoke the controls of this law to make you do what you want. I have been in the position many years ago, brief politics when a politician was ... it was probably my first exposure, other than through family, to politics when a politician had something on the table saying: “We want you to do X” and making all sorts of threats and so it can happen. If you are an independent body notionally set up in the honorary start of this Island or whatever, that, potentially, leaves a lot of worries in my mind about the State and central State having lots of interventions for things like, as I said, Andium, Ports, Visit Jersey, all those sort of things, I do not have a problem with that principle. I am worried about it going wider. I think that is, for example, one area we very clearly need some clarity. It is all very well having assurances but assurances are not what is written into the law. I will just make that point, that is just one of my thought processes and that is why we have to get our heads around this because this is important. The issue around silos is critical. I would say almost everyone in this Chamber, I would have thought, in this Assembly is supportive of breaking down that silo mentality and we have all had that frustration and the Chief Minister referred to much earlier. It is how we get there and what are the checks and balances in there? But what I will say and I am glad Deputy Brée is calling it in, is that there does need to be time because it is a complicated area, is bound to be. I am afraid I will be abstaining and mainly because I have expressed a view on that aspect and anything else I will wait until have the evidence.

The Greffier of the States (in the Chair):

Does any other Member wish to speak on the principles? If not, I call on the Chief Minister.

6.3.12 Senator I.J. Gorst:

Just before I sum up, I just wanted to correct something I said in the earlier debate where I said I had written to the panels on 22nd November. I have now found the copies of the letters in my bundle here and it was 24th November, not the 22nd, so it was 2 days later than 22nd November. It is just important that I corrected that. I do not want to speak for a long time. I am very grateful for Members and what I think is broad support for the principles; removing the silo mentality, creating a proper accountability structure. I have heard exactly what Members have said about other particular parts of this proposal. It has been interesting to hear Members of opposite opinions about the ability to reshuffle and present a slate where the panel have got concerns, other Members want to take a step further. Perhaps I can say that during the chairman’s speech I think I liked his thoughts as an independent Member better than I did his thoughts as the chairman of the panel but we will deal with that throughout this process. It was the Deputy of St. Martin that said let us get on and work together to improve these Articles and I absolutely intend to do that. There is some detail to work through. It is important that we work it through but it is important that we do it in a timely manner so that if it is

at all possible, and I believe it is, these decisions can be made and we can have a new system up and running ready for the next Assembly. I thank Members for their contributions and I look forward to working with them and with the Scrutiny Panel to refine the Articles over the course of the coming weeks, so that we can agree it in due course.

The Greffier of the States (in the Chair):

The appel has been called for. Members are invited to return to their seats.

Deputy R. Labey:

Are we voting for everything *en bloc* or is it ...

The Greffier of the States (in the Chair):

It is the principles that **[Interruption]** ... I was about to say the vote is on the principles of the draft law in front of us and I ask the Greffier to open the voting.

POUR: 32		CONTRE: 5		ABSTAIN: 2
Senator P.F. Routier		Deputy G.P. Southern (H)		Deputy J.A.N. Le Fondré (L)
Senator A.J.H. Maclean		Deputy M. Tadier (B)		Deputy of St. Mary
Senator I.J. Gorst		Deputy M.R. Higgins (H)		
Senator L.J. Farnham		Deputy S.Y. Mézec (H)		
Senator P.M. Bailhache		Deputy S.M. Bree (C)		
Senator A.K.F. Green				
Senator S.C. Ferguson				
Connétable of St. Helier				
Connétable of St. Clement				
Connétable of St. Lawrence				
Connétable of St. Brelade				
Connétable of St. Martin				
Connétable of St. Saviour				
Connétable of Grouville				
Connétable of Trinity				
Deputy J.A. Martin (H)				
Deputy of Grouville				
Deputy J.A. Hilton (H)				
Deputy of Trinity				
Deputy K.C. Lewis (S)				
Deputy E.J. Noel (L)				
Deputy of St. John				
Deputy of St. Martin				
Deputy R.G. Bryans (H)				
Deputy of St. Peter				
Deputy of St. Ouen				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy M.J. Norton (B)				
Deputy T.A. McDonald (S)				
Deputy G.J. Truscott (B)				
Deputy P.D. McLinton (S)				

The Greffier of the States (in the Chair):

Deputy Le Fondré, you have said your panel will call this piece of legislation in.

Deputy J.A.N. Le Fondré (Chairman, Corporate Services Scrutiny Panel):

Yes, Sir. Technically it is the Review Panel with which the Deputy ...

The Greffier of the States (in the Chair):

Technically it is the Scrutiny Panel that calls it in.

Deputy J.A.N. Le Fondré:

Yes, okay. Sorry, Sir, then, yes, we will be calling it in, Sir. Thank you.

The Greffier of the States (in the Chair):

When would the dates be for it to return to the Assembly?

Deputy J.A.N. Le Fondré:

Sorry, Sir, I was not expecting to be the one being asked this. We are going to need a long period of time, Sir, I think, so that is the trouble. We have only got 2 sittings left, have we not, or was it 3 sittings?

The Greffier of the States (in the Chair):

To be helpful, there are 3 sittings left. You are allowed up to 4 sittings and the fourth sitting would be 26th June.

Deputy J.A.N. Le Fondré:

I know, Sir. Do I have to give a submission now or can I do it tomorrow morning? I would like to confer with the actual panel.

The Greffier of the States (in the Chair):

I think it would be possible to do it tomorrow morning.

Deputy J.A.N. Le Fondré:

Okay, Sir, thank you.

The Greffier of the States (in the Chair):

If we did it as the first business tomorrow.

Deputy J.A.N. Le Fondré:

Okay, thank you, Sir.

The Greffier of the States (in the Chair):

If somebody proposed the adjournment. **[Laughter]** The adjournment is proposed. The Assembly is adjourned until 9.30 a.m. tomorrow.

ADJOURNMENT

[17:59]