

# STATES OF JERSEY

## OFFICIAL REPORT

TUESDAY, 8th SEPTEMBER 2020

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[9:33]

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

## **COMMUNICATIONS BY THE PRESIDING OFFICER**

**The Bailiff:**

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

On behalf of Members I would like to welcome His Excellency to the Chamber this morning.

### **1.2 Welcome to Members**

Could I also welcome Members back to this first sitting after the summer recess?

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

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

**The Bailiff:**

I announce the resignation of Deputy Perchard from the membership of the Economic and International Affairs Scrutiny Panel.

## **QUESTIONS**

### **3. Written Questions**

#### **3.1 Deputy K.F. Morel of St. Lawrence of the Minister of Health and Social Services in relation to the Safer Travel Programme: (WQ.282/2020).**

#### **Question**

Will the Minister provide details of the following in respect of the Safer Travel programme at the Ports of Jersey –

- (a) the total budget for on-arrival testing;
- (b) the amount that has been spent to date on the testing in (a);
- (c) the number of people that have been tested to date;
- (d) the cost of testing per person; and
- (e) the total budget for the 'track and trace' scheme?

#### **Answer**

- (a) The business case for on-arrival testing for 1 July – 31 December 2020 requests funding of £17.938m. The funding has been approved by the Council of Ministers.
- (b) Direct expenditure totalling £2.559m has been recorded in the financial system from 1 July to 31 August. This includes costs associated with on-island testing as well as people arriving in the island, and incorporates clinical staff costs and costs for test processing. In addition, test processing costs for August are anticipated to be c£2.274m.

Due to the way in which it has been recorded, it is very difficult to split out the costs between testing for arriving passengers and testing Islanders.

- (c) Between 1 July and 31 August 2020, 57,102 on-arrival tests had been undertaken, along with 10,851 tests for Islanders seeking healthcare and/or essential workers.
- (d) Based on the above information, the average direct cost per test was £71. This comprises clinical staff (swabbers) and test processing costs.

- (e) The budget for Contact Tracing for May – December 2020 is £1.258m. In addition, the business case for Monitoring and Enforcement for 1 July – 31 December 2020 requests funding of £1.549m for monitoring and £0.378m for isolation measures. The funding has been approved by the Council of Ministers.

### 3.2 Deputy K.F. Morel of St. Lawrence of the Minister of Social Security in relation to Social Security contributions: (WQ.283/2020).

#### Question

Will the Minister provide details, in table format, of the following Social Security contributors for each quarter from Quarter 1 2018 to Quarter 2 2020 inclusive –

- (a) the number of Class 1 contributors; and
- (b) the number of Class 2 contributors;

and, furthermore, will the Minister provide details, in table format, of –

- (a) the amount of funds paid by each class of contributor for each quarter in question;
- (b) the average number of contributors for each of Class 1 and Class 2 for 2018, 2019 and to the end of Q2 for 2020; and
- (c) the annual totals of contributions paid by each class?

#### Answer

- (1) (a) and (b)

Note that confirmed figures for 2020 are not yet available. These figures will be circulated to States Members once they have been confirmed.

Year	Quarter	Month	Class 1 Contributors Number	Class 2 Contributors Number
2018	A	Jan	49,177	4,212
		Feb	49,243	4,135
		Mar	49,524	4,098
	B	Apr	50,284	4,293
		May	50,479	4,219
		Jun	51,063	4,190
	C	Jul	51,420	4,333
		Aug	51,217	4,249
		Sep	50,760	4,240
	D	Oct	50,236	4,436
		Nov	50,363	4,360
		Dec	50,089	4,334
2019	A	Jan	49,545	4,452

	Feb	49,492	4,399
	Mar	49,844	4,360
	Apr	50,405	4,336
<b>B</b>	May	50,534	4,246
	Jun	51,010	4,198
	Jul	51,315	4,322
<b>C</b>	Aug	51,262	4,256
	Sep	50,823	4,217
	Oct	50,355	3,973
<b>D</b>	Nov	50,138	3,904
	Dec	50,001	3,841

(2)

Note that confirmed figures for 2020 are not yet available. These figures will be circulated to States Members once they have been confirmed.

(a)

Year	Quarter	Month	Class 1 Contributions (£,000s)	Class 2 Contributions (£,000s)
<b>2018</b>	<b>A</b>	Jan	15,879	1,902
		Feb	15,886	1,591
		Mar	17,576	2,153
	<b>B</b>	Apr	16,858	1,691
		May	16,636	1,617
		Jun	18,010	2,220
	<b>C</b>	Jul	16,923	1,736
		Aug	16,202	1,637
		Sep	17,470	1,512
	<b>D</b>	Oct	18,490	2,054
		Nov	16,356	1,713
		Dec	16,886	2,194
<b>2019</b>	<b>A</b>	Jan	17,107	1,657
		Feb	17,774	1,928
		Mar	17,113	1,806

	Apr	18,023	1,887
<b>B</b>	May	19,764	2,032
	Jun	16,701	1,767
	Jul	18,821	1,970
<b>C</b>	Aug	17,353	1,913
	Sep	14,880	1,561
	Oct	18,009	1,691
<b>D</b>	Nov	18,408	1,871
	Dec	16,784	1,621

(b)

Note that confirmed figures for 2020 are not yet available. These figures will be circulated to States Members once they have been confirmed.

Year	Average	
	Average Monthly Contributors (Number)	Average Monthly Class 2 Contributors (Number)
2018	50,321	4,258
2019	50,394	4,209

(c)

Note that confirmed figures for 2020 are not yet available. These figures will be circulated to States Members once they have been confirmed.

Year	Total Contributions (£,000s)	
	Total Class 1	Total Class 2
2018	203,172	22,020
2019	210,737	21,704

### 3.3 Deputy K.F. Morel of St. Lawrence of the Minister for Social Security in relation to training courses: (WQ.284/2020).

#### Question

Will the Minister detail the number of training courses that have taken place for people registered as Actively Seeking Work, or who are otherwise out of work, since 1st April 2020, including the names of the courses, their length and the number of attendees on each one?

#### Answer

Training courses for registered Actively Seeking Work (ASW) jobseekers were impacted due to covid19 from March this year, no training courses have been able to be facilitated due to the lock-down and social distancing rules imposed. As Jersey moves through the safe exit framework, Back to Work appointments are now being arranged with actively seeking work clients. As normal service starts to resume, training courses will again be scheduled as part of the Back to Work offer.

### **3.4 Deputy J.H. Perchard of St Saviour of the Chief Minister in relation to shortlisted hospital sites: (WQ.285/2020).**

#### **Question**

Will the Chief Minister advise –

- (a) which of the shortlisted hospital sites, if any, would require residents to leave their homes in order for the new hospital to be built;
- (b) whether it is planned that compulsory purchase orders will be issued in the event that any resident does not wish to leave their home;
- (c) how many people, if any, it is envisaged would need to leave their home for the new hospital to be built on the Five Oaks site;
- (d) whether any residents have been approached in relation to selling their home, having their home valued, or expressing their view on the placement of the new hospital on the Five Oaks site by any member or official of the Government or any person employed to work on any aspect of the new hospital development outside of Government or any person engaged informally on the matter; and
- (e) if so, who has approached these residents, under whose instruction did they do so and what those instructions were?

#### **Answer**

- (a) It is not the Government of Jersey preferred approach to require residents to leave their homes in order for the new hospital to be built. As announced last week, the shortlist of locations under consideration for the hospital has been reduced from 5 sites to 2 and these are Overdale and People's Park. Detailed technical assessments are being undertaken on the two remaining sites and once this work is completed, it will be possible to confirm whether any residential properties will be directly affected.
- (b) It is hoped that any acquisition of land or property needed for the Our Hospital project can be achieved through negotiation and agreement. However, in some circumstances existing covenants or title issues may mean that compulsory purchase may be needed to acquire property to assemble a hospital site. Compulsory purchase that will require residents to leave their homes will not be the preferred approach of the Government of Jersey.
- (c) The Five Oaks site is no longer being considered for the Our Hospital project.
- (d) All the residents directly affected by the suggested site at Five Oaks were contacted prior to the original shortlist being announced. However, the Five Oaks site is no longer being considered.
- (e) The residents at Five Oaks were approached by a professional land agent acting on behalf of the Our Hospital project team. The land agent was instructed to inform the residents of the pending announcement of the shortlist. No agent or representative of the Government was instructed to inform owners that their property could be compulsory purchased.

### **3.5 Deputy G.J.Truscott of St. Brelade of the Minister for Treasury and Resources in relation to the hospital loan: (WQ.286/2020).**

#### **Question**

In relation to funding the Our Hospital Project, will the Minister provide members with the estimated total of capital and interest repayments, assuming current interest rates, that would arise over the following periods on the basis of borrowing the entire amount (up to £1 billion) required to fund the project –

- (a) 30 years
- (b) 40 years
- (c) 50 years?"

**Answer**

The Our Hospital Project is not yet in a position to make a recommendation for consideration by States Members as to the site or total cost of funding the project.

The table below shows repayments at various interest rates over the periods requested and assumes that any funding is raised through the issuance of a public rated sterling bond which has a fixed annual interest cost and requires no capital repayments other than a single repayment in full at the maturity date.

The Minister wishes to make clear that, in answering this question, it is not intended that Our Hospital will cost anything close to £1 billion.

The interest is calculated on a capital sum of £1 billion and can be applied pro-rata for lower or higher capital amounts.

	<b>1.00%</b>	<b>1.50%</b>	<b>2.00%</b>	<b>2.50%</b>	<b>3.00%</b>
<b>Annual Interest</b>	£10,000,000	£15,000,000	£20,000,000	£25,000,000	£30,000,000
<b>Total Interest - 30 years</b>	£300,000,000	£450,000,000	£600,000,000	£750,000,000	£900,000,000
<b>Total Interest - 40 years</b>	£400,000,000	£600,000,000	£800,000,000	£1,000,000,000	£1,200,000,000
<b>Total interest - 50 years</b>	£500,000,000	£750,000,000	£1,000,000,000	£1,250,000,000	£1,500,000,000

**3.6 Senator K.L. Moore of the Chair of the States Employment Board in relation to employees earning more than £500 per day: (WQ.287/2020).**

**Question**

Will the Chair provide a table identifying the number of people in each department (or independent body appointed by a Minister or the States Assembly) who are employed either under a fixed-term contract, or as an interim or consultant, and who are paid more than £500 per day, with the information broken down by each £100 over £500 and with a separate column to show the amount, if any, that the department or body in question distributes to such employees for additional expenses?

**Answer**

This information is provided to the States Assembly through the P.59/2019 Proposition which is issued every six months. The latest report was lodged on the 26<sup>th</sup> June 2020 covering the period July to December 2019. The next report for January to June 2020 is due to be lodged with the States Assembly by December 2020.

The report for July to December 2020 will be lodged with the States Assembly by June 2021, providing this information would take a considerable amount time to collate and reconcile data which would not be available within the timeframe of the response required.

<https://statesassembly.gov.je/assemblyreports/2020/r.63-2020.pdf>

**3.7 Senator K.L. Moore of the Chair of the States Employment Board in relation to the sickness rate amongst Government employees: (WQ.288/2020).**

**Question**

Will the Chair provide the sickness rate for the Government of Jersey for 2019 in the same format that it was expressed in the annual report and accounts for 2018 and previous years?

## Answer

We measure the average number of days lost to sickness absence, known as average working days lost (AWDL), based on the number of full-time equivalent employees. In 2019 we had an AWDL of 5.6 days, a noticeable decrease from the 2018 figure of 8.9 days, which is broadly comparable with the trend in the UK public sector.

We continue to monitor the effectiveness of the Managing Attendance Policy which was reviewed in 2017 to ensure that it was being applied, as intended, to assist the sensitive management of attendance problems.

We also continued to promote employees' health and wellbeing through initiatives which led to the approval of a new employee wellbeing strategy aimed at supporting our workforce in the delivery of their roles and ultimately assisting with the reduction of sickness absence levels moving forward.

In the Annual Report and Accounts for 2019, the figures were not included in the same format as 2018 as they did not afford any cause for concern.

### 3.8 Senator K.L. Moore of the Chair of the States Employment Board in relation to vacancies amongst public sector employees: (WQ.289/2020).

#### Question

Will the Chair identify the number of staff in each department who have left the employment of the States of Jersey (or Government of Jersey) since January 2018 and the current number of vacancies, breaking the figures down by department and grade or tier?

#### Answer

The tables below reflect employees who have left the organisation, it doesn't include staff who've moved between departments.

#### Number of staff who have left the employment by Department

Department	2018	2019	Jan - Jul 2020	Total
Chief Operating Office	36	25	10	71
Children, Young People, Education and Skills	325	159	44	528
Customer and Local Services	26	27	14	67
Growth, Housing and Environment	44	70	15	129
Health and Community Services	304	175	66	545
Justice and Home Affairs	79	58	20	157
Non-executives and legislature	28	26	10	64
Office of the Chief Executive	18	14	4	36
Strategic Policy, Planning and Performance	7	10	2	19
Treasury and Exchequer	29	34	12	75
<b>Total</b>	<b>896</b>	<b>598</b>	<b>197</b>	<b>1,691</b>

#### Number of staff who have left the employment by Department and Pay Group

Department	Pay Group	2018	2019	Jan - Jul 2020	Total
Chief Operating Office	Chief Officers		1		1
Chief Operating Office	Civil Servants	36	22	8	66
Chief Operating Office	Personal Contract Holders		2	2	4

<b>Total</b>	<b>36</b>	<b>25</b>	<b>10</b>	<b>71</b>
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Department	Pay Group	2018	2019	Jan - Jul 2020	Total
Children, Young People, Education and Skills	Chief Officers	1	1		2
Children, Young People, Education and Skills	Civil Servants	158	50	18	226
Children, Young People, Education and Skills	Doctors and Consultants	1			1
Children, Young People, Education and Skills	Heads and Deputies	2	3	1	6
Children, Young People, Education and Skills	Manual Workers	13	9	1	23
Children, Young People, Education and Skills	Nurses and Midwives	1			1
Children, Young People, Education and Skills	Teachers and Lecturers	146	50	10	206
Children, Young People, Education and Skills	Teaching Assistants		44	13	57
Children, Young People, Education and Skills	Work Force Modernisation	3	2	1	6
<b>Total</b>		<b>325</b>	<b>159</b>	<b>44</b>	<b>528</b>

Department	Pay Group	2018	2019	Jan - Jul 2020	Total
Customer and Local Services	Civil Servants	25	26	12	63
Customer and Local Services	Manual Workers	1	1	1	3
Customer and Local Services	Personal Contract Holders			1	1
<b>Total</b>		<b>26</b>	<b>27</b>	<b>14</b>	<b>67</b>

Department	Pay Group	2018	2019	Jan - Jul 2020	Total
Growth, Housing and Environment	Chief Officers		1		1
Growth, Housing and Environment	Civil Servants	23	39	5	67
Growth, Housing and Environment	Manual Workers	21	30	9	60
Growth, Housing and Environment	Personal Contract Holders			1	1
<b>Total</b>		<b>44</b>	<b>70</b>	<b>15</b>	<b>129</b>

Department	Pay Group	2018	2019	Jan - Jul 2020	Total
Health and Community Services	Chief Officers	2			2
Health and Community Services	Civil Servants	102	74	22	198
Health and Community Services	Doctors and Consultants	44	27	14	85
Health and Community Services	Manual Workers	39	28	16	83
Health and Community Services	Nurses and Midwives	111	45	14	170
Health and Community Services	Work Force Modernisation	6	1		7
<b>Total</b>		<b>304</b>	<b>175</b>	<b>66</b>	<b>545</b>

Department	Pay Group	2018	2019	Jan - Jul 2020	Total
Justice and Home Affairs	Chief Officers	2			2
Justice and Home Affairs	Civil Servants	26	28	9	63
Justice and Home Affairs	Doctors and Consultants	1			1
Justice and Home Affairs	Fire Service	11	2	2	15
Justice and Home Affairs	Manual Workers		1	1	2
Justice and Home Affairs	Police	20	10	2	32
Justice and Home Affairs	Prison	17	14	5	36
Justice and Home Affairs	Work Force Modernisation	2	3	1	6
<b>Total</b>		<b>79</b>	<b>58</b>	<b>20</b>	<b>157</b>

Department	Pay Group	2018	2019	Jan - Jul 2020	Total
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Non-executives and legislature	Chief Officers	1			1
Non-executives and legislature	Civil Servants	20	20	9	49
Non-executives and legislature	Crown States Legal Appointment	6	5	1	12
Non-executives and legislature	Manual Workers		1		1
Non-executives and Legislature	Police	1			1
<b>Total</b>		<b>28</b>	<b>26</b>	<b>10</b>	<b>64</b>

Department	Pay Group	2018	2019	Jan - Jul 2020	Total
Office of the Chief Executive	Chief Officers	1			1
Office of the Chief Executive	Civil Servants	17	14	3	34
Office of the Chief Executive	Personal Contract Holders			1	1
<b>Total</b>		<b>18</b>	<b>14</b>	<b>4</b>	<b>36</b>

Department	Pay Group	2018	2019	Jan - Jul 2020	Total
Strategic Policy, Planning and Performance	Civil Servants	7	9	2	18
Strategic Policy, Planning and Performance	Crown States Legal Appointment		1		1
<b>Total</b>		<b>7</b>	<b>10</b>	<b>2</b>	<b>19</b>

Department	Pay Group	2018	2019	Jan - Jul 2020	Total
Treasury and Exchequer	Chief Officers		1		1
Treasury and Exchequer	Civil Servants	29	33	12	74
<b>Total</b>		<b>29</b>	<b>34</b>	<b>12</b>	<b>75</b>

#### Number of staff who have left the employment by Pay Group

Pay Group	2018	2019	Jan - Jul 2020	Total
Civil Servants	443	315	100	858
Chief Officers	7	4		11
Crown States Legal Appointment	6	6	1	13
Doctors and Consultants	46	27	14	87
Fire Service	11	2	2	15
Heads and Deputies	2	3	1	6
Manual Workers	74	70	28	172
Nurses and Midwives	112	45	14	171
Personal Contract Holders		2	5	7
Police	21	10	2	33
Prison	17	14	5	36
Teachers and Lecturers	146	50	10	206
Teaching Assistants		44	13	57
Work Force Modernisation	11	6	2	19
<b>Total</b>	<b>896</b>	<b>598</b>	<b>197</b>	<b>1,691</b>

#### Number of vacancies

Department	Budget FTE	Actual FTE	Vacancies	Vacancies
Chief Operating Office	291.70	176.70	115	39.42%

Children, Young People, Education and Skills	1956.30	1855.50	100.8	5.15%
Customer and Local Services	271.90	255.15	16.75	6.16%
Growth, Housing and Environment	654.93	548.13	106.78	16.30%
Health and Community Services	2430.00	2135.00	295	12.14%
Justice and Home Affairs	769.90	718.60	51.3	6.66%
Non-executives and legislature	279.51	247.30	32.21	11.52%
Office of the Chief Executive	126.00	98.14	27.86	22.11%
Strategic Policy, Planning and Performance	90.70	83.70	7.00	7.72%
Treasury and Exchequer	305.50	251.38	54.12	17.72%
<b>Total</b>	<b>7176.44</b>	<b>6369.60</b>	<b>806.82</b>	<b>11.24%</b>

### 3.9 Deputy J.H. Perchard of St. Saviour of the Minister for treasury and Resources in relation to the use of local businesses: (WQ.290/2020).

#### Question

In light of the requirements of ‘Putting Jersey businesses first’ (P.56/2020), as amended, will the Minister, as shareholder representative, provide details of –

- (a) all documentation (to include but not limited to minutes, e-mails and other procurement documents) in relation to the appointment of architects for the new Waterfront development;
- (b) the reasons for the appointment that has been made?

#### Answer

The process for the appointment of architects for the new development began some six months before P.56/2020 was debated and the appointment itself similarly took place before the debate.

In answer to part a) of the question, it is not appropriate to share confidential records of a procurement process. However, the Minister can say that, following the adoption of the Southwest St. Helier Planning Framework by the Environment Minister in December 2019, SoJDC commissioned the support of the Design Council in the process of selecting a designer for a Visionary Framework for the Waterfront.

With input and recommendations from the Design Council, SoJDC had sought expressions of interest from targeted architects and landscape architects (UK and European) to develop a Visionary Framework for Key Opportunity Sites 1, 2, 3 & 7 (forming the St. Helier Waterfront area).

SoJDC received 12 submissions and a selection panel comprising SoJDC team, the Design Council and a senior Government of Jersey representative reviewed the bids and agreed upon a short-list of four practices for the next stage.

The selection panel comprising those referenced above as well as a Commissioner of the Jersey Architecture Commission and another senior Government of Jersey representative, were asked to score the final proposals received. The selection panel were unanimous that the appointed firm had produced the most compelling vision for the Waterfront and should be selected as the designers.

In terms of the reasons for the appointment, part b) of the question, at a public consultation in September 2019, attendees had been unanimous in requesting that the new vision for the Waterfront should be landscape led, have a good mix of uses and create a destination. The appointed firm has landscape architecture at its heart and their concept positively responds to the initial public comments.

Creating a new vision for the Waterfront area (comprising 15 acres) is a major undertaking and it is important that we have the right team in place. The appointed firm has extensive experience of designing and creating fantastic visions for significant areas of land which have been successfully developed out.

This phase of work will propose a new vision for the area however, this will not include the detailed design of each building. The appointment of future designers to design a particular building or series of buildings, will be tendered in the open market at a future date.

### **3.10 Deputy M.R. Le Hegarat of St. Helier of the Chair of the States Employment Board in relation to Government employees: (WQ.291/2020).**

#### **Question**

Will the Chair provide details of the following in respect of Government employees, excluding those working in Health and Community Services and Education –

- (a) the number of people employed in the following categories in January 2018 and the total cost to the Government of each category for that month –
  - (i) Chief Officers or other ‘A’ Grades;
  - (ii) Other ‘A’ grades if not included in (a) above;
  - (iii) Grade 15;
  - (iv) Grade 14;
  - (v) Any others above Grade 15 not included above;
  
- (b) the number of people employed in the following categories in July 2020 and the total cost to the Government of each category for that month –
  - (i) Tier 1;
  - (ii) Tier 2;
  - (iii) Grade 15;
  - (iv) Grade 14;
  - (v) Any others receiving a ‘spot’ salary;
  
- (c) the number of people in each category in (a) and (b) above that received a supplement payment; and
- (d) the total amount that was paid out in supplement payments in each category in (a) and (b) above, showing the division between pensionable and non-pensionable supplements?

#### **Answer**

( a )

<b>Staff Group</b>	<b>Jan-18</b>	<b>Staff Costs</b>	<b>Pension Costs</b>	<b>Total Costs</b>
Chief Officers or A-Grades	14	£173,459.77	£23,955.71	£197,415.48
Other A-Grades	57	£535,538.98	£85,692.79	£621,231.77
Grade 15	44	£326,575.46	£42,103.35	£368,678.81
Grade 14	48	£314,450.59	£42,669.38	£357,119.97
Spot Salary (Above Grade 15)	21	£233,603.56	£32,112.09	£265,715.65
<b>Total</b>	<b>184</b>	<b>£1,583,628.36</b>	<b>£226,533.32</b>	<b>£1,810,161.68</b>

( b )

Staff Group	Jul-20	Staff Costs	Pension Costs	Total Costs
Tier 1	6	£76,230.24	£11,540.08	£87,770.32
Tier 2	25	£261,002.01	£37,714.34	£298,716.35
Grade 15	50	£399,064.65	£59,825.87	£458,890.52
Grade 14	52	£355,300.74	£54,678.11	£409,978.85
Spot Salary (Above Grade 15)	43	£458,252.41	£79,803.61	£538,056.02
<b>Total</b>	<b>176</b>	<b>£1,549,850.05</b>	<b>£243,562.01</b>	<b>£1,793,412.06</b>

( c )

Staff Group	Jan-18	Receives Supplement
Chief Officers or A-Grades	14	4
Other A-Grades	57	3
Grade 15	44	7
Grade 14	48	1
Spot Salary (Above Grade 15)	21	1
<b>Total</b>	<b>184</b>	<b>16</b>

Staff Group	Jul-20	Receives Supplement
Tier 1	6	1
Tier 2	25	4
Grade 15	50	6
Grade 14	52	1
Spot Salary (Above Grade 15)	43	3
<b>Total</b>	<b>176</b>	<b>15</b>

( d )

Staff Group	Jan-18	Receives Supplement	*Pensionable	*Non-Pensionable	*Pensionable and Non-Pensionable	Total
Chief Officers or A-Grades	14	4	£0.00	£1,511.00	£5,793.41	£7,304.41
Other A-Grades	57	3	£2,090.08	£1,533.58	£0.00	£3,623.66
Grade 15	44	7	£4,534.31	£3,330.00	£0.00	£7,864.31
Grade 14	48	1	£107.00	£0.00	£0.00	£107.00
Spot Salary (Above Grade 15)	21	1	£0.00	£0.00	£1,397.42	£1,397.42
<b>Total</b>	<b>184</b>	<b>16</b>	<b>£6,731.39</b>	<b>£6,374.58</b>	<b>£7,190.83</b>	<b>£20,296.80</b>

Staff Group	Jul-20	Receives Supplement	*Pensionable	*Non-Pensionable	*Pensionable and Non-Pensionable	Total
Tier 1	6	1	£0.00	£416.67	£0.00	£416.67
Tier 2	25	4	£0.00	£416.67	£8,747.34	£9,164.01
Grade 15	50	6	£3,380.55	£2,006.75	£0.00	£5,387.30
Grade 14	52	1	£752.25	£0.00	£0.00	£752.25
Spot Salary (Above Grade 15)	43	3	£0.00	£7,098.66	£0.00	£7,098.66
<b>Total</b>	<b>176</b>	<b>15</b>	<b>£4,132.80</b>	<b>£9,938.75</b>	<b>£8,747.34</b>	<b>£22,818.89</b>

\*Supplement payments can be pensionable, non-pensionable or a combination of both

### 3.11 Senator S.C. Ferguson of the Minister for Infrastructure in relation to the purchase of a lease: (WQ.292/2020).

#### Question

Further to the presentation of R.87/2020 on 25th August 2020, and given that the States of Jersey owns properties that are currently unoccupied, will the Minister advise the Assembly –

- (a) why he has agreed, in accordance with Standing Order 168(1)(a), for the Public to enter into a lease for 4 Edward Place;
- (a) the cost of the lease on the property, as well as the length and terms of the lease; and
- (b) the length of time the property has been on the market?

#### Answer

(a) In July 2020, Family Nursing and Home Care unexpectedly announced that it would be selling Gloucester Lodge. The HCS Alcohol & Drugs Service operates from these premises and it is home to some 25 staff. The Service was asked to find new accommodation by September 2020. As there was no rental agreement between Family Nursing and Jersey Property Holdings for Gloucester Lodge, the HCS Estates team was tasked to find suitable accommodation for the client-facing service relatively quickly. A solution for the Alcohol and Drugs Service has been identified and the service will be relocated to existing government estate at Maison Le Pape. With the relocation, the increased number of staff at Maison Le Pape, will mean not all of the current HCS services can operate from this building.

The HCS Estates team has engaged with the medical team that operates from Maison Le Pape – the Allan Lab, which delivers state of the art medical, virtual reality, teacher training. As this service is not client facing, the most viable option was deemed to be to relocate it to other premises.

4 Edward Place was identified as best fit for the Allan Lab relocation due to its close proximity to the general hospital. This meets a key requirement of the clinical team as the staff involved are on duty during training sessions and can be called back to the hospital for emergencies. As the property has a direct access link to the hospital, this was seen as an ideal solution. The facility also has the government networking infrastructure in place from a previous lease.

Other government facilities were looked into and ruled out for reasons such as distance from the hospital, cost effectiveness and space allocation.

- (b) £20,000 per annum. 5-year lease with annual break option.
- (c) 8 months (previous lease held for the Future Hospital design team).

**3.12 Deputy T. Pointon of St. John of the Minister of Infrastructure in relation to traffic calming measures in Sion: (WQ.293/2020).**

**Question**

Will the Minister advise the Assembly of the progress made, if any, in discussions with local residents in and around Sion in relation to reducing speed limits, introducing traffic-calming measures and safer crossing points on La Grande Route de St. Jean, which runs through the built up area of Sion?

**Answer**

Since May, officers from Growth Housing and Environment have been in discussion with local residents who are part of a local group representing the community of Sion. As the Deputy will be aware, the community spans residents in three different Parishes, so officers have also been in contact with all elected representatives of the area rather than dealing with one Parish in particular.

In July, a Transport Planner wrote to all elected representatives outlining the challenges faced in trying to introduce traffic calming or crossing points, but recommending that a 20mph speed limit is considered as the first step in making improvements and making the offer to parishes to start the process. This has been discussed by the Trinity Roads Committee who have confirmed their support. Officers have very recently attended a Roads Committee in St John where it was agreed that a further roundtable meeting should be arranged with stakeholders from all parishes as well as the residents of Sion. Discussions have not taken place with the Roads Committee of St Helier, as none of the roads in question fall within their boundary.

A wider improvement scheme has been entered into the Department's prioritisation for future funding and staff resource allocations. Additionally, there may be opportunity to implement some very minor improvements and a 20mph speed restriction alongside the next phase of the Speed Limit Review if agreement can be reached. Whilst ordinarily I would not consider implementing changes outside the parish speed limit review process, the way this community crosses the boundaries makes it appropriate to treat as a separate matter.

**3.13 Connétable of St. Martin of the Minister for the Environment in relation to the Wildlife Law: (WQ.294/2020).**

**Question**

Will the Minister provide an update on the drafting of the new Wildlife Law and the date when he expects to lodge the legislation?

**Answer**

The Ministerial Decision (MD-PE-2020-0066) to lodge the draft wildlife law for debate was signed Monday 7 September. The Proposition will be brought to the Assembly for debate once the appropriate lodging period according to standing orders has been met.

**3.14 Connétable of St. Martin of the Minister for Treasury and Resources in relation to Independent Taxation: (WQ.295/2020).**

**Question**

Will the Minister provide an update on the progress towards independent taxation and whether any aspects of the move have been delayed due to the COVID-19 pandemic?

**Answer**

The Treasury remains on track to implement a regime of independent taxation with effect from the 2022 year of assessment, subject to the approval of the States Assembly.

Further, planned, consultation on the issue has been deferred due to the Pandemic and the prioritisation of work on the proposal to remove the prior-year basis of paying taxes.

The “stepping-stone” measure (Proposition P.119/2019) to reform “married-people’s taxation” has been deferred in part - to allow Treasury officers to accelerate the work on proposals to remove the prior-year basis of paying taxes in response to the COVID-19 pandemic. For 2021, the Minister intends to lodge draft legislation to provide equal access to tax information for married people and civil partners. “Joint and several liability” in respect of tax obligations will be introduced later, alongside independent taxation.

### **3.15 Connétable of St. Martin of the Minister for Economic Development, Tourism, Sport and Culture in relation to financial support for further lockdowns: (WQ.296/2020).**

#### **Question**

Will the Minister outline what financial and economic support mechanisms it is planned will be put in place should a second wave of COVID-19 lead to further lockdowns in the coming months?

#### **Answer**

We continue with our Respond, Recover and Renew approach to addressing the economic challenges we face now and in the future because of the pandemic. Government has intervened with a range of economy protecting measures and to address the Fiscal Policy Panel recommendations to: provide liquidity and cashflow measures through the introduction of the Business Disruption Loan Guarantee Scheme and deferrals for GST, Social Security, rent and utilities; to minimise the unnecessary contraction of employment through the Payroll Co-funding Scheme; to provide short-term support for individuals and households in hardship through the CRESS scheme and Income Support measures.

It is difficult to forecast how long this situation will last, what kind of recovery patterns we will see and therefore, where and how Government intervention will be required in the future. There are also some longer-term factors to consider in parallel in terms of the impact of a recession.

As such, and in addition to the initial response measure above, a fiscal stimulus package of £150m was announced in July with the aim boosting the economy and supporting key infrastructure in the aftermath of the pandemic, on the basis that Jersey, like other jurisdictions, is experiencing a sharp downturn in output, income and employment that requires significant Government spending to support and stimulate the economy into the future.

We have also begun to recover economic activity with a progressive, medically led Safe Exit Strategy, with substantial investment in ‘test and trace’ and to increase on-Island test capacity going forward. This is helping restore demand-led air and sea transport links, provide confidence to islanders and visitors that risks are being managed, encourage the normalisation of business activity, albeit at lower levels than desired due to health-driven restrictions.

Direct business advice, free at the point of delivery, is being provided through increased Government support to Jersey Business to provide an enhanced service including 1:1 professional support to businesses in crisis and to provide advice on how to horizon-scan and develop contingency plans in order to insulate SMEs against the possibility of a second wave and/or other resultant recessionary challenges and pressures.

We continue to work closely with industry leaders and sector representatives through the Economic Council and other groups, which provides external foresight and guidance of future recovery policy considerations.

Supplementing this work the Future Economy Programme is reviewing our existing economic evidence base in the light of the pandemic, filling gaps to provide better scope for data-driven policy development. Supply-Use Tables will be produced this year, which will be a powerful predictive tool for analysis of the Jersey economy in general and sector reports in hospitality and retail will allow for a more detailed forward planning against those sectors particularly impacted by the economic lockdown and how future risks can be mitigated.

There is significant work being undertaken on upskilling preparation, looking at what skills will be required post COVID by first understanding of the current skills landscape and mix in Jersey based on available data and scoping the ambition and needs on upskilling for the future economy, with a clear focus on precipitating productivity improvements.

Much work has and is being done that provides critical support infrastructure designed to provide the foundations to weather future economic storms. Whatever the future holds, there is little doubt that if we are to protect our economy, livelihoods and standard of living, we will need to continue to direct substantial investment towards the economic renewal and recovery from the long-lasting effects of the pandemic through the Government Plan and other recovery funding. Current interventions have so far proved effective and provide an ongoing framework for supporting the economy, that can be expanded or contracted as the economy requires and whilst future policies are developed that may identify new approaches.

The Government continues to take advice from business leaders and health experts and monitor the situation on an ongoing basis. The current Covid Strategy is under constant review and will frame the different aspects of response across government, depending on the status of infections in the coming weeks and months.

The Scientific and Technical Advisory Cell (STAC) will continue to meet with the Chief Economist in attendance to provide balanced advice that factors in economic impacts.

The preparation that we are undertaking and the new internal Government and external organisational structure that we have right now in dealing with this current wave, provides a strong platform for Jersey to be able to deal with any second wave that might come, where we will be wiser, well organised and better prepared as a result of the successful, safe and pragmatic approach we have taken to date.

**3.16 Deputy L.M.C. Doublet of St. Saviour of the Minister for Social Security in relation to the Disability Strategy: (WQ.297/2020).**

**Question**

Further to the response to Oral Question 53/2020, in which it was stated that the next Disability Strategy Annual Progress Report would be published in May 2020, will the Minister advise whether the Progress Report has indeed been completed and, if so, where it may be found; and if the latest Progress Report has not yet been completed, will the Minister state when it will be published and what the estimated impact on people with disabilities is of the delay in this work?

**Answer**

When Oral Question 53/2020 was posed on the 25<sup>th</sup> February 2020 it was the intention to publish the Disability Strategy Annual Progress Report in May of this year.



In light of subsequent events, Government focus has necessarily remained on responding to the COVID-19 pandemic, including additional support for disabled and other higher risk Islanders. Redeployment of key officers and public health restrictions that prevented the meeting of the implementation group, resulted in a delay on the delivery of the Disability Strategy and the production of the annual report.

Despite these challenges, progress has been made with the recruitment to the Disability Inclusion Officer Post and that the Learning Disability Cluster continues to meet virtually.

In addition, the Disability Strategy Implementation Group will meet later this month to understand the impact COVID 19 has had on disabled Islanders and the strategy.

The Disability Strategy Annual Progress Report will now be published by the end of this calendar year, subject to change should we need to move back through our Safe Exit Framework during the autumn and winter months.

While the delay has been unavoidable we now need to redouble our efforts to implement the strategy while considering the impact of COVID 19 on the whole community.

In terms of the impact, the delay caused by the pandemic has slowed the planned implementation of the strategy but it has also seen closer working between Government of Jersey Departments, Parishes and the Voluntary and Community Sector to support all vulnerable people during the pandemic.

### **3.17 Deputy L.M.C. Doublet of St. Saviour of the Chair of the States Employment Board in relation to Non-Disclosure Agreements: (WQ.298/2020).**

#### **Question**

Further to Written Question 213/2020, in response to which the Assembly was advised that the relevant information would be gathered by the end of June 2020, will the Chair advise how many non-disclosure agreements have been signed since 2000 between either individuals or companies and (i) each of the Government Departments and (ii) non-Ministerial bodies?

#### **Answer**

Non-disclosure agreements are not held centrally, searching for an accurate answer is a time-intensive exercise. As the majority of records are still paper-based and physically held in offices, COVID has significantly impacted on the ability for staff to be physically present to collate this information.

A request has been made to each Department for this activity to take place and for this work to be completed by December 2020.

### **3.18 Deputy L.M.C. Doublet of St. Saviour of the Minister for Economic Development, Tourism, Sport and Culture: (WQ.299/2020).**

#### **Question**

In light of emerging research that shows women have been disproportionately affected by the economic impact of Covid-19, will the Minister advise whether an assessment has been undertaken in relation to women in Jersey; and will he state what action, if any, will be taken to mitigate any impact that has already been felt and to prevent any such imbalance in the future?

#### **Answer**

No specific research has been carried out by the Economy team into the economic impact of Covid-19 on women in Jersey. The Government's pandemic response measures were designed to protect

the lives, livelihoods and wellbeing of all islanders, and the economic support schemes have been directed to support the island workforce as a whole. No gender specific measures are planned.

However, if Deputy Doublet would like to share the research she has access to on this matter, the Ministerial team of Economic Development, Tourism, Sport and Culture can take it onto consideration and seek further advice.

### **3.19 Deputy K.F. Morel of St. Lawrence of the Minister for Health and Social Services in relation to PCR Testing: (WQ.300/2020).**

#### **Question**

Will the Minister provide, in table format, the total cost to the Government of Jersey since the commencement of the pilot testing regime of –

- (a) polymerase chain reaction (P.C.R.) testing of people arriving in the Island (broken down by visitors and residents, including the number of each that have arrived); and
- (b) tracking and tracing people who have arrived in the Island (broken down by visitors and residents, including the number of each that have been covered by this programme)?

#### **Answer**

- (a) Direct expenditure totalling £2.559m has been recorded in the financial system from 1 July to 31 August. This includes costs associated with on-island testing as well as people arriving in the island, and incorporates clinical staff costs and costs for test processing. In addition, test processing costs for August are anticipated to be c£2.274m.

Due to the way in which it has been recorded, it is very difficult to split out the costs between testing for arriving passengers and testing Islanders.

Between 1 July and 31 August 2020, 57,102 on-arrival tests had been undertaken, along with 10,851 tests for Islanders seeking healthcare and/or essential workers. The arrivals testing figures are not collected by category of passenger.

- (b) The budget for Contact Tracing for May – December 2020 is £1.258m. In addition, the business case for Monitoring and Enforcement for 1 July – 31 December 2020 requests funding of £1.549m for monitoring and £0.378m for isolation measures. The funding has been approved by the Council of Ministers.

A total of 45 individuals have tested positive for Covid-19 upon arrival as part of the Safer Travel programme. Of those:

26 were Jersey residents

19 were non-Jersey resident.

There were a total of 421 direct contacts.

### **3.20 Deputy K.F. Morel of the Chief Minister in relation to the Team Jersey Project: (WQ.301/2020).**

#### **Question**

Will the Chief Minister provide the following information in relation to TDP Consulting –

- (a) the amount paid for its work on the Team Jersey project to date;
- (b) the amount, if any, paid for other projects or workstreams; and
- (c) if payments have been made under (b) above, the identity of the other projects or workstreams and the breakdown of costs for each one?

## Answer

The amount paid to TDP Consulting to the end of August 2020 for the Team Jersey project is :

	2018	2019	2020 (to August)	Total
<b>Contract</b>	£393,213	£1,223,998	£513,669	£2,181,725
<b>Expenses</b>	£79,000	£157,580	£39,684	£247,974
	<b>£472,213</b>	<b>£1,381,578</b>	<b>£553,353</b>	<b>£2,429,699</b>

In addition, TDP Consulting have undertaken the following three pieces of work (the following figures include both contract payments and expenses to the end of August 2020) :

Department	Project	2018	2019	2020	Total
Chief Operating Office	People and Corporate Services – Development Tier 1 and 2 to support TOM implementation	£22,555			£22,555
Growth, Housing and Environment	Regulation Group – Supported the formation of this new function to create synergies of work practice and working space. Create and embed new working practices and develop ways of working more collaboratively across the teams and support the building of positive workplace culture.		£37,951	£2,707	£40,658
Children, Young People, Education and Skills	Children's Services - supported the development of a positive workplace culture and the development of the Jersey Children's Service Model.		£65,842	£17,007	£82,849
States Greffe	Production of materials for exhibition		£2,000		£2,000
<b>Total</b>		<b>£22,555</b>	<b>£105,793</b>	<b>£19,714</b>	<b>£148,062</b>

### 3.21 Deputy R.J. Ward of St. Helier of the Minister for Treasury and Resources in relation to current year taxation: (WQ.302/2020).

#### Question

In light of the proposal to move all taxpayers who pay Income Tax on a prior-year basis to pay on a current-year basis, will the Minister state what the anticipated impact would be on income to the States of waiving the first proportion of remaining tax owed for 2019 at the following levels –

- (a) £1,000;
- (b) £2,000; and
- (c) £3,000?

#### Answer

Based on the latest information held (in respect of the 2018 year of assessment), the estimated impact on States income of waiving the first proportion of tax owed as indicated in the question is as follows:-

<b>Level of Reduction</b>	<b>Cost</b>
£1,000	£29m
£2,000	£56m
£3,000	£80m

This assumes no retrospective repayment to former prior year basis taxpayers or current year basis taxpayers.

### **3.22 Deputy R.J. Ward of St. Helier of the Minister for the Environment in relation to air pollution: (WQ.303/2020).**

#### **Question**

Further to the response to Written Question 219/2020, will the Minister provide an update on any progress made in respect of air pollution monitoring; will he state whether the project to install Island-wide monitoring remains at a halt due to the Government's response to Covid-19 and, if not, when the project will have been completed to allow for real-time air pollution monitoring to take place?

#### **Answer**

In terms of installation of additional and replacement monitoring equipment the programme remains at a halt due to the Government's response to Covid-19. However work has continued with development of newer versions of the equipment. For example later models will have a more robust enclosure, better to handle the sometimes harsh environment near the coast. Work with the machine learning software also continues to improve the accuracy of those monitors already installed. The project is pushing boundaries in many areas, and as such will be continually improving. I am keen to recommence the installation of monitors as soon as circumstances allow. The nature of the "mesh" is that accuracy is increased as more monitors are added. It should be noted that our existing monitoring programme continues to run in parallel to ensure our data is maintained.

### **3.23 Deputy R.J. Ward of St. Helier of the Minister for Home Affairs in relation to disciplinary procedures: (WQ.304/2020).**

#### **Question**

To what extent is the Minister made aware of the outcomes of any disciplinary procedure undertaken at any level within his portfolio and what details, if any, is the Minister given regarding incidences of 'whistle-blowing'?

#### **Answer**

As Minister, I am notified of any disciplinary procedure, whistleblowing or significant investigations concerning employees in Tiers One and Two through regular Ministerial briefings by the Director General.

Where it is not appropriate for the Director General to undertake this, the Chief Executive or Group Director of People and Corporate Services will provide the briefings.

In line with the Government procedures on whistleblowing and disciplinary matters, I am initially notified of the existence of such a complaint. I am kept informed of the stages of any investigation and timetable and the outcome of any such formal processes.

**3.24 Deputy R.J. Ward of St. Helier of the Chair of the States Employment Board in relation to attendance policies: (WQ.305/2020).**

**Question**

In view of the Covid-19 pandemic and the resultant need for workers in the public sector to take extra care in relation to any illness from which they may suffer, and the extra absence from work that may arise, how will attendance policies be applied to address these circumstances and what changes, if any, will be made to those policies?

**Answer**

No changes have been made to the managing attendance policy as a result of Covid-19.

During the different stages of the Government's response, and in line with guidance from the Deputy Medical Officer for Health, the Government issued additional guidance on how to support employees absent as a result of Covid-19 requirements. This included absences related to individuals shielding or with caring responsibilities who were unable to work from home, those who are required to isolate as a result of contact with Covid-19 cases, those with symptoms, those with childcare responsibilities etc. Such leave was recorded as special leave and not under the managing attendance policy.

The guidance (see link below) was updated regularly, including when clarifications were sought by managers, employees or trade unions or when public health advice was updated.

<https://www.gov.je/working/workingforthestates/coronavirusemployees/pages/frequentlyaskedquestionsforgovernmentemployees.aspx>

**3.25 Deputy R.J. Ward of St. Helier of the Chair of the Comité des Connétables in relation to total funding per Parish: (WQ.306/2020).**

**Question**

How much has each Parish paid towards funding the activities of the Comité des Connétables in each year since 2016?

**Answer**

In relation to the activities of the Comité des Connétables, being the contribution to the Comité office, the information is recorded in the Comité's minutes which are available online at <https://parish.gov.je/Pages/Comité-des-Connétables.aspx>.

18 July 2016 - £6,250 per parish

10 July 2017 - £6,635 per parish

16 July 2018 - £7,265 per parish

15 July 2019 - £8,840 per parish

The budget for 2020 has not yet been finalised so the contribution per parish has not been set.

The office costs fund the employment of staff (an increase in hours is the reason for the higher contribution in 2018 and 2019), premises, equipment and supplies.

The office supports the Comité des Connétables, the Supervisory Committee and Rate Appeal Board (established under the Rates (Jersey) Law 2005), the Comité des Chefs de Police and the Jersey

Honorary Police Association (established by the Honorary Police (Jersey) Regulations 2005) and all twelve parishes in their statutory functions.

**3.26 Connétable of St. Helier of the Minister for Infrastructure in relation to seaweed removal: (WQ.307/2020).**

**Question**

Will the Minister advise what the cost to his department has been this year of removing and processing seaweed and what the cost was last year; and will he explain whether or not he has assessed the programme to be successful and what changes, if any, he proposes to make to the programme next year?

**Answer**

St Aubin’s Bay sea lettuce removal and disposal costs for the 2019 season and 2020 year-to-date are as follows:

<b>2019</b>		
Supplies & Services	Sub-contractors / waste disposal	£ 57,120
Supplies & Services	Equipment / Vehicle leasing & purchase / fees	£ 37,983
Premises & Maintenance	Equipment maintenance	£ 7,324
Other Operating Expenses	GHE internal staff costs	£ 9,642
<b>Total for 2019</b>		<b>£112,069</b>

<b>2020 (to 2<sup>nd</sup> September)</b>		
Supplies & Services	Sub-contractors/waste disposal (estimated)	£69,500
Supplies & Services	Equipment / Vehicle leasing & purchase / fees	£ 20,152
Premises & Maintenance	Equipment maintenance	£ 12,411
Other Operating Expenses	GHE internal staff costs	£ 13,060
<b>Total for 2020 year to date</b>		<b>£115,123</b>

As the Connétable will know from previous answers given in reply to written and oral questions on this subject, the presence, timing and density of sea lettuce in St Aubin’s Bay each summer season varies daily and is dependent on several factors. Its occurrence in the Bay affects all four Parishes that front the beach with the worst affected areas often being the St Helier frontage. As a result my Department’s removal and processing programme is to a large degree reactive using a number of techniques to meet the circumstances.

This season, which still has a couple of weeks to run, has seen the ‘harvesting’ technique developed by the Department in 2018 and 2019 become the pro-active measure in doing what we can to remove as much of the early season growth as possible.

Up to the week commencing 10<sup>th</sup> August, these actions had coped with the presence of general light deposits of sea lettuce with the collected clean ‘green’ material being taken to the Green Waste site for composting. The quantity collected in the main matching the site’s maximum weekly processing capacity of 80 tonnes of sea lettuce.

The presence of heavy deposits on the tide line at the end of the first week in August coinciding with a week of neap tides, resulted in calls to the Department to take action at a time when tidal conditions didn’t allow the landing craft, previously used for loading from the beach, to operate.

As a result of an urgent meeting between the skipper of the ‘Normandy Trader’ and the GHE Assistant Manager – Highways & Beaches, a trial to load and operate the vessel from the ‘old lifeboat slipway’ in St Helier harbour was agreed and permission given by Ports of Jersey for this to take place. Although additional transportation costs by trucking the collected sea lettuce by road were incurred, the dumping at sea operation was more efficient as 2 – 3 trips per day were possible compared with only one from the beach.

Some additional clearance work took place at West Park during the first week of September using contractors and the landing craft with estimated costs included in the table above.

This revised method of disposal does provide the Department with more options in future years for dealing with heavy deposits not suitable for composting or the other new disposal route of taking ‘clean green harvested’ sea lettuce directly for spreading onto pre-arranged and suitable agricultural land for use as a top dressing organic growth stimulant if spread thinly on approved land.

At the time of this written answer, both new methods have so far been seen to be very successful. As with most things, they come with a financial cost at a time when there are calls for budget reductions as a result of essential Covid-19 actions however the Department will as always do its utmost to use its available funds and physical resources to support the Island’s best interests.

In summary, the options available to my GHE Municipal Services section for 2021 are:

Sea Lettuce Problem	Collection method	Disposal method / priority	Comment
Light deposits on sand	‘Harvest’ by Surf Rake	Spread on suitable land 1	Needs suitable land bank, incurs contractor costs
		Take to La Collette for composting 2	Limited to 80 tonnes /week, incurs green waste tipping charges.
Heavy deposits on sand	Scrape up by machines	Disposal at sea by landing craft 1	Contractor collection, haulage and vessel charges.
		Take to LW mark on spring tides 2	Least attractive option
Any deposits on stones	Not possible to move		Contrary to FEPA* Licence conditions
Any deposits on or near sea grass beds	Not possible to move		Contrary to FEPA* Licence conditions

. \* FEPA Licence = Food and Environment Protection Act 1985 (Jersey) Order 1987 – Licence to carry out work

For 2021 my Department will prepare to use any of the above as the situation dictates. They continue to look for more efficient ways, both in cost and environmental impact, to deal with this problem.

One area under development is a simple method to reduce the sea water content of ‘harvested’ sea lettuce before it is transported from the beach either for spreading on agricultural land or for composting. This would reduce the bulk being transported and remove a significant amount of salt water which is a major problem and hinders any process. Work on developing a prototype machine will continue over the winter with trials hopefully being undertaken early in the 2021 season.

It should be noted however that this seasonal problem will continue to exist while the Island's water courses and water supply are at the top end of the nitrate scale that flow into a perfectly formed bay for the growth of sea lettuce. In addition the wider marine environment of the Bay of St Malo, in which Jersey is situated, has a high base level of nitrates, due in part to the French agricultural industry and, as we are in a period of climate change that sees sea temperatures likely to rise, the problem will continue for some years to come.

**3.27 Connétable of St. Helier of the Minister of the Environment in relation to artificial fertilisers and pesticides: (WQ.308/2020).**

**Question**

Will the Minister state whether records are maintained on the import of fertilisers and, if so, what quantities of artificial fertilisers and pesticides used in the Island have been imported annually in each of the last five years, as well as the estimated cost to the agricultural industry of these imports?

**Answer**

The quantity of fertiliser imported has only been collected since last year and is only collected for commercial users. The total weight of fertilisers imported by commercial users into Jersey in 2019 was 4,072 tonnes.

The quantity of pesticides imported during the past five years by commercial users was;

Year	Total weight/volume (kg/litres)
2015	100,832
2016	95,858
2017	91,286
2018	89,273
2019	82,521

The value of the imports of fertiliser and pesticides is not collected.

**3.28 Deputy S.M. Ahier of St. Helier of the Minister for Treasury and Resources in relation to Tax Payers: (WQ.329/2020).**

**Question**

Will the Minister advise the Assembly –

- (a) how many people have ceased through retirement to pay Income Tax on a prior-year basis over each of the last 10 years; and
- (b) how many years it is estimated it would take for all taxpayers to pay Income Tax on a current-year basis through natural progression in this way?

**Answer**

- (a) When people who pay tax on a prior year basis (PYB) retire they remain on that basis of payment, so no taxpayers have ceased to be PYB taxpayers on retirement. In addition, when people that pay tax on a current year basis (CYB) retire they become PYB taxpayers.

The Challenge that PYB taxpayers have at retirement is the payment of the tax on their previous year's income out of what is usually far less retirement income than that prior year employment income. In the event that the Assembly agrees the move to CYB, this significant challenge would be removed.



- (b) The CYB basis of paying tax will not therefore occur naturally. It should also be noted that self-employed people and all pensioners pay tax on a PYB.

**3.29 Deputy M.R. Higgins of St. Helier of the Minister for Children and Housing in relation to complaints procedure: (WQ.311/2020).**

**Question**

Will the Minister –

- (a) set out in detail the complaints procedure that is available to all users of the Children’s Service, including each step in the procedure and the details of who hears any complaints and how they do so;
- (b) detail the number of complaints made about the Service over each of the last 5 years;
- (c) state the average time it takes for a complaint to be heard;
- (d) explain what quality assurance of the complaints-handling process has been undertaken, if any, and if such quality assurance has occurred, by whom and when it was undertaken; and
- (e) provide details of any inspection reports on the running of the complaints-handling process followed by the Service?

**Answer**

- a) As part of the One Government approach, the Customer Feedback Policy has been developed and sets out how all service users are able to express their views about how our services are provided. This policy does not cover feedback about services that were provided over 12 months prior to the feedback being received. There are three levels of complaint handling which have been listed below:
- Stage 1 - Frontline complaint handling and early resolution of complaints  
Timescale - up to 5 working days from point of escalation
  - Stage 2 - Escalation to team leader or manager for issues that require further investigation or are complex/serious/high risk  
Timescale - up to 10 working days from point of escalation
  - Stage 3 - Escalation to Director General if issue is still not resolved after stage 2. The Director General can include or refer the complaint to another Director General or an independent third party, if appropriate. Timescale - up to 10 working days from point of escalation

The service encourages complaints to be resolved as quickly as possible so encourages islanders to contact their Team Managers in the first instance with the option for contacting the Head of Service. The website provides a contact number for the Head of Service and also a link to an [online complaints form](#).

- b) The below table shows the number of complaints over past 5 years.

Year	Number of complaints
2015	4
2016	21
2017	38
2018	29
2019	13

2020 (CFMS)	12
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Historically up until 2020 the service has used Datix, a data management system managed by Health and Community Services, this was used to capture all feedback across Children’s Service. Since 2020, we have moved across to the Customer Feedback Management System, CFMS.

The data from CFMS shows that there are 12 complaints against Children’s Services for 2020.

- c) The Customer Feedback Policy gives clear timescales for when complaints should be handled. It is acknowledged that during 2020 most complaints are responded to outside the timeframe specified. Children’s social care complaints in Children, Young People and Education can be significantly more complex requiring a more specialist level of investigation at stage 2 or 3 and therefore take longer to conclude. In these cases, the service user must be kept informed of any extended timescales and progress throughout.

The average time for a complaint to be heard is unable to be determined due to the multi-faceted approach that forms the complaint process these include interviews, independent inspection of files and multi-agency inputs.

- d) The service currently aims to respond to all complaints within 25 working days. If the complaint is likely to be overdue, then timely liaison with the complainant is encouraged. Currently complaints come in via CFMS go to the Principal Social Worker and are allocated to the appropriate Team Manager for investigation in consultation with their Head of Service, Director of Safeguarding and Care, and depending on the complexity, the Director General of CYPES.

Complaint responses are quality assured by the Head of Service prior to being sent out. Children’s Social Care have recently appointed a Quality Assurance Manager who will oversee all feedback with her team, including the development of a quarterly report to the Senior Leadership Team (SLT) on findings and lessons to be learned from complaints.

- e) There are no inspection reports on the running of the complaints-handling process followed by the Service.

**3.30 Deputy M.R. Higgins of St. Helier of the Minister for Children and Housing in relation to investigation and reports for Childrens Service: (WQ.312/2020).**

**Question**

In order that a comparison can be made and to assess the progress achieved in Children’s Services, will the Minister provide a summary of all the investigations that have been carried out into the Service over the last 5 years (in the order that they reported and including the key findings and recommendations from any resultant report), including internet links to any published reports and details of any reports that have not been published?

**Answer**

I regret that I am not able to provide the information the Deputy has requested in the limited timeframe available, due to circumstances beyond my control.

I offer the Deputy my apologies and undertake to provide the information to all States members as soon as possible.

**3.31 Deputy M.R. Higgins of St. Helier of the Minister of the Environment in relation to enforcement actions: (WQ.313/2020).**

**Question**

Will the Minister –

- (a) state the number of enforcement actions which have been carried out by his department over the last two years, together with details of what those actions were and the outcome;
- (b) explain what measures are in place to ensure his department acts consistently and impartially in issuing enforcement notices or stop notices; and
- (c) explain whether it is his assessment that the enforcement actions undertaken by his department, and the processes followed, are satisfactory?

**Answer**

In answering this question it has been assumed that the Deputy is referring to the planning enforcement team, and not another part of the Minister's regulatory department.

- (a) The formal enforcement actions served by the planning team are held in a register on the government website  
<https://www.gov.je/PlanningBuilding/AppealsComplaints/Pages/UnauthorisedWorkComplaint.aspx#anchor-0>
- (b) Enforcement notices and Stop Notices are only issued following an investigation by officers of the department. In accordance with the department's published enforcement policy landowners are frequently (but not always) given an opportunity to correct any breaches prior to the service of a Notice. In accordance with article 40 of the Planning and Building (Jersey) Law, a Notice is only served if it is considered "expedient" to do so. This requires the careful exercise of judgement and all cases are brought before a senior officer for checking. In the absence of a dedicated manager for the team, the Director (Development Control) has performed this function since the beginning of 2020.
- (c) The Minister is satisfied that the actions and processes of the department are satisfactory. It has been previously stated that the Minister would prefer additional resource to be applied in this area of work, so that response times can be shortened. Currently, the team is being temporarily supplemented with an additional planning officer. The longer term resourcing action sits with the acting Director-General, who is addressing this as part of the department's target operating model.

**3.32 Deputy M.R. Higgins of St. Helier of the Minister for the Environment in relation to historic buildings: (WQ.314/2020).**

**Question**

With regard to each category of historic building, will the Minister –

- (a) explain what measures are in place to ensure his department acts consistently and impartially with regard to –
  - (i) safeguarding the unique features of these buildings;
  - (ii) ensuring planning and building control requirements are met;
  - (iii) following up on any breaches of enforcement and stop notices;
  - (iv) monitoring the development of these properties;
  - (v) deciding whether a breach of planning and building control should be referred for prosecution; and

- (b) state how many cases have been referred to either a Centenier or the Law Officers' Department for legal action over the last three years, including what action was sought, whether the case came to Court and, if so, what the outcome was?

**Answer**

- (a)
- (i) The Chief Officer is required to protect the island's heritage assets by maintaining a List of Sites of Special Interest, as required by Article 51 of the Planning and Building (Jersey) Law. The purpose of the List is to identify those buildings and places which are of public importance by reason of their archaeological, architectural, artistic, cultural or historic interest: these are referred to as listed buildings and places. The Law, at Article 54, provides additional control of certain operations not amounting to development to ensure that change which might adversely affect the special interest of a listed building or place is regulated through the process of development control. This additional level of planning regulation serves to ensure that the unique features of listed buildings and places might be safeguarded. In some aspects of compliance with building bye-law requirements there may be exemptions from specified requirements where compliance might seriously harm the special interest of the building or place.
- (ii) Work undertaken in relation to listed buildings and places requires planning and building permission and are subject to the planning policy and building bye-law requirements of each process. Listed buildings are subject to additional planning policies (such as Island Plan policy HE1) which are applied during the planning application process. The purpose of this additional policy is to preserve or enhance the fabric and settings of listed buildings. In some aspects of compliance with building bye-law requirements there may be exemptions from specified requirements where compliance might seriously harm the special interest of the building or place. The checks and balances for both processes exist through the appeals system, where applicants and third parties can challenge decisions against which they are aggrieved. The appeal system is run independently of the department, by the Judicial Greffe, and the final decision on appeal rests with the Minister.
- (iii) Breaches of development controls are investigated by the department in line with its enforcement policy. Matters may be referred for consideration of prosecution in accordance with the Attorney General's guidance notes for Officers of Regulatory Departments. More information is available at <https://www.gov.je/PlanningBuilding/AppealsComplaints/Pages/PlanningBuildingCompliance.aspx>
- (iv) Developments are generally monitored on site by Building Control officers, which visit at several key stages of the development. In the case of listed buildings and places, an officer from the Historic Environment Team may also attend on site.
- (v) Breaches of development controls are investigated by the department in line with its enforcement policy. Matters may be referred for consideration of prosecution in accordance with the Attorney General's guidance notes for Officers of Regulatory Departments. More information is available at <https://www.gov.je/PlanningBuilding/AppealsComplaints/Pages/PlanningBuildingCompliance.aspx>
- (b) No cases have been referred for prosecution involving listed buildings or places in the last three years.

**3.33 Deputy G.P. Southern of St. Helier of the Minister for Treasury and Resources in relation to the estimate for the loss of £320m income tax: (WQ.315/2020).**

**Question**

Will the Minister provide members with the detailed calculation that underpins the estimated loss of £320 million in Income Tax that would arise from writing off the tax liability for 2019 of those Islanders transferred from payment on a prior-year basis to one on a current-year basis and will she state in particular over what time period this loss is deemed to occur?

**Answer**

The estimated 2019 prior-year basis (PYB) aggregate tax bill £320 million was originally based on the amount of income tax paid by PYB taxpayers for 2017 (£316 million) which is derived from data which can be found in the Tax Statistical Digest for Income Tax for year of assessment 2017 relating to income-tax receipts from PYB and data about the distribution of PYB and current-year basis taxpayers. The equivalent figure for the 2018 year of assessment is now estimated to be £326 million; and we currently estimate that the 2019 liability is now likely to be closer to £330m.

If the 2019 PYB tax bill was written off by the States Assembly, the loss would be immediate.

**3.34 Deputy G.P. Southern of the Minister for Health and Social Security in relation to the transfer of ownership of St Joseph's apartments: (WQ.316/2020).**

**Question**

Following the transfer of ownership of St. Joseph's Apartments from the Little Sisters of the Poor to the LV Care Group, will the Minister inform members whether he is aware of, or had any discussions about –

- (a) the levels of rental and other service charges that will be in place for residents from October 2020;
- (b) whether any changes to the level of care currently provided (for instance, overnight medical attention) will take place following the transfer and, if so, what those changes will be; and
- (c) if there is to be a reduction in the level of care provided, will he provide his assessment of how this matches the Government's stated position to deliver care in the community?

**Answer**

- a) and b) The premises referred to in the question are private rental accommodation and are not under Government control. I am not aware of and have not been involved in the issues that the Deputy raises in his question.
- c) The long-term care scheme provides support for those eligible Jersey residents who are assessed as needing particular levels of care either in their own homes or in a care home setting. The Jersey Care Model recognises the importance of delivering support to people in their own homes so they can stay there safely for as long as possible.

**3.35 Deputy I. Gardiner of St. Helier of the Minister for Infrastructure in relation to Liberty Bus: (WQ.317/2020).**

**Question**

Will the Minister provide details of –

- (a) the total payment to LibertyBus for all concessionary travel for the years 2016 to 2019 inclusive;
- (b) the breakdown of the payment to LibertyBus into the different categories of concessionary travel; and
- (c) the basis on which concessionary travel is calculated for an individual; for instance, whether it is based on an annual sum, a sum per individual, based on each journey or another method?

**Answer**

- (a) The total payments from the Government of Jersey to LibertyBus in respect of concessionary fares reimbursement are as detailed in the following table:-

Year	Senior Citizen	Access (disabled)	Total
2016	£ 720,000		£ 720,000
2017	£ 744,905	£ 70,096	£ 815,000
2018	£ 770,000	£ 104,647	£ 874,647
2019	£ 883,191	£ 142,311	£ 1,025,502

- (b) A breakdown is provided in part (a) with the table above identifying the annual payments in respect of both the established concessionary travel scheme for Jersey residents of pensionable age, and the “AvanchiAccess” travel pass scheme for persons with a prescribed disability, which was introduced on 01 March 2017.
- (c) Reimbursement for concessionary travel is on a “per journey” basis, with the amount for trips made using the senior citizen travel pass originally being determined as a contractually-agreed proportion of the average adult single fare. The payment per senior citizen journey equated to approximately £1.03 prior to 2019, at which point the total payment was recalculated based on a rate of £1.10 per journey. The reimbursement rate for journeys made under the AvanchiAccess scheme is £1.50. It is not possible from the data available to identify the value of an individual concessionary pass holder’s bus travel.

**3.36 Deputy I. Gardiner of St. Helier of the Minister for Health and Social Services in relation to the Jersey Care Model: (WQ.318/2020).**

**Question**

Will the Minister advise the Assembly –

- (a) when the report by PWC on stress testing the Jersey Care Model was completed and when it will be made available to States Members and/or the general public;
- (b) whether there has been only one report commissioned by PWC in relation to the Jersey Care Model;
- (c) where any feedback from the public in relation to the Jersey Care Model - Public Meeting Events (that took place across the Island towards the end of 2019) has been recorded, whether it is available to States Members and/or the general public and if not, why not;
- (d) whether there is a summary of the feedback from (c) above with recommendations based on such feedback and, if so, whether it is available to States Members and/or the general public;
- (e) whether any other public consultations have taken place and, if so, where the results have been recorded and whether they are available to States Members and/or the general public;

- (f) what stage negotiations have reached with all parties integral to the success of the Jersey Care Model, such as General Practitioners; and
- (g) whether the debate is still scheduled to take place on 20th October 2020?

**Answer**

- a) The report was initially completed in May. However, due to the COVID pandemic and the changed circumstances caused by this, further work was undertaken and an addendum has now been included. It is intended that this will be shared with States Members as part of a report and proposition later this month and at this point will be available to the general public.
- b) PwC was commissioned to undertake the initial stress test of the Jersey Care Model (JCM) and the additional follow up work. There is one report, which now includes an addendum to take into account further work and considerations since the onset of Covid.
- c) Public engagement around the JCM involved a series of public meetings where the context and intent of the JCM was presented. The points, comments and reflections of those attending – which were summarised in a verbatim note – have helped inform and influence PwC’s stress test of the JCM. Such notes were for internal use only and not intended as a formal record of these events.
- d) See answer to c) above.
- e) The events that took place across the Island last year were held so that Islanders could find out more about the JCM. They were not intended as forums for consultation, although the valuable public feedback provided helped inform the work since undertaken by PwC.
- f) The Covid pandemic has delayed progress, but our partners will continue to be kept informed and involved through the JCM Steering Group. Any negotiations will only commence following a positive outcome from the forthcoming States debate.
- g) The intention is to lodge a report and proposition for consideration by the Assembly shortly, with a debate likely at the sitting commencing on 3 November.

**3.37 Deputy I. Gardiner of St. Helier of the Minister for Health and Social Services in relation to on-arrival Covid-testing: (WQ.319/2020).**

**Question**

In respect of on-arrival testing carried out at the Ports of Jersey, will the Minister –

- (a) advise whether the testing includes categorising travellers as –
  - (i) residents;
  - (ii) essential workers;
  - (iii) travellers for leisure;
  - (iv) travellers for business; or
  - (v) regular travellers (where regular travellers are defined as those who have had more than one test since the borders have opened);
- (b) if such categories exist, provide details of the numbers in each category and state whether he is considering bringing in a charge for any specific category of traveller to allay the cost, or part of the cost, of the test; and
- (c) advise what budget is available for the next 6 months for on-arrival testing?

**Answer**

- (a) All arriving passengers are tested, unless they are aged under 11 years or opt to self-isolate for 14 days or have had a negative test within 72 hours of arriving in Jersey. We do not classify the passengers in the way which is noted in the question for the purposes of

statistics. Information is collected on the traveller's form to help determine the testing programme that an individual is required to go through.

- (b) At present, the Government does not charge for COVID tests on arrival. The fees and charges policy will remain under review in the coming months. Any proposed fees or charges will be brought to the Council of Ministers and the States Assembly for consideration.
- (c) The business case for on-arrival testing for 1 July – 31 December 2020 requests funding of £17.938m. The funding has been approved by the Council of Ministers.

**3.38 Deputy I. Gardiner of St. Helier of the Minister for Health and Social Services in relation to self-isolation: (WQ.320/2020).**

**Question**

Will the Minister provide details of the following since the implementation of the Safer Travel programme –

- (a) the number of travellers who have needed to self-isolate having tested positive for Covid-19 on arrival or have been required to do so following contact-tracing and, of these, how many are Jersey residents and how many are visitors;
- (b) the number of visitors that have self-isolated in private homes on the basis that they were visiting family or friends;
- (c) the number of visitors that have self-isolated in accommodation other than private homes, for example hotels and guest houses;
- (d) the number of visitors that have required the assistance of the Government of Jersey in funding any accommodation in (c), and the cost incurred to date; and
- (e) any specific procedures that are in place in respect of the accommodation in (c) and (d) to ensure that other residents and staff remain protected from those in self-isolation?

**Answer**

(a) A total of 45 individuals have tested positive for Covid-19 upon arrival as part of the Safer Travel programme. Of these:

26 were Jersey residents

19 were non-Jersey residents.

There were a total of 421 direct contacts.

(b) and (c) Whilst the pre-departure form requires an individual to provide the address details of where they will be staying in Jersey, we do not categorise this further. The Monitoring and Enforcement Team uses the address details provided to check the individual is isolating as expected. Should an individual be found to be not isolating as prescribed, appropriate enforcement action is taken.

(d) We have provided financial support for two separate visitors at a cost of £1,160.

(e) From the beginning, we have provided accommodation providers with guidance to support how they maintain hygiene within their business setting and operate if they have a diagnosed positive case for Covid. The guidance is available as part of the suite of business advice on gov.je

**3.39 Deputy J.H. Perchard of St. Saviour of the Minister for Treasury and Resources in relation to the use of local suppliers by the Government of Jersey: (WQ.321/2020).**

**Question**



Further to the Assembly's adoption of 'Putting Jersey businesses first' (P.56/2020), as amended, what change, if any, has been recorded in the proportion of suppliers used to supply goods and services to the States of Jersey that are local; and, if there has been such a change, what was the proportion before the adoption of P.56/2020 and what is the proportion now?

**Answer**

P56 provided assurance to the Island of the States' intentions to support local businesses. It was not, and, is not, a mechanism to award preferential treatment to on Island businesses but to deliver a holistic and appropriate Social Value framework to support our Island, ensuring positive contributions from our supply chain enabling wider economic, social and environmental benefits to be achieved.

The Council of Ministers will present a report setting out the amended procurement policies and evaluation criteria and will publish further and future amendments on the gov.je website. Whilst the intention was to deliver this by the 31<sup>st</sup> August, officers have been under considerable pressure supporting the Covid response amongst other priorities. However, a plan has been created working with key internal stakeholders to ensure that SMART (specific, measurable, achievable, realistic and timely) processes are developed.

A significant proportion of the States of Jersey spend on goods and services is already with on-island suppliers, and therefore this is not a new initiative but one that will be expanded. Over the last 2 years, an average of 71% of the £423 million spent has been with local businesses, supporting on-island businesses, employment and the Jersey pound. Some of the off-Island spend also contributes to the travel and hospitality sector from those suppliers coming on to the Island where applicable and others are Health and Community Services specific.

At this time the collection of data is very manually intensive. As per the Assembly's decision, a report will be published of the top 100 suppliers by value, identifying those who are on-Island and off-Island. The date for this was the 31<sup>st</sup> March, which was agreed as it would give a full financial year's picture. No further data will be published until that time, as agreed and for the reasons above.

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

##### **4.1 Deputy G.P. Southern of St. Helier of the Minister for Health and Social Services regarding GP services: (OQ.217/2020)**

Welcome back to another question session. Let us see if we can get some straight answers. Will the Minister state how many times (since the end of the contract with G.P.s (general practitioners) to deliver services in response to the COVID-19 pandemic) his officers have engaged in discussions with G.P. representatives about new schemes for the funding of primary care and improving affordable access to such care for vulnerable groups; and will he also state what the timescale is for reaching agreement on the delivery of these schemes?

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

While the temporary G.P. contract put in place during the COVID emergency has nothing to do with the longer-term government proposals to improve access to G.P. services for vulnerable groups, I can inform the Assembly that officers did meet with G.P. representatives within 4 days of the G.P. contract ending and once again, a fortnight later.

[9:45]

Officers have also maintained regular email contact on the issue. So officers from Health and Community Services, Customer and Local Services, and Strategic Policy, Planning and Performance are working with G.P. representatives on the scheme that will improve access to G.P.s. The intention is for such a scheme to commence on 1st January 2021.

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

The key is reaching agreement. How close does the Minister consider is his goal of reaching agreement with G.P.s about how they are to be rewarded for introducing affordable access to a significant number of vulnerable people.

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

Negotiations are proceeding well. Both Government and G.P.s share the same intention, which of course is to improve access for vulnerable people. We are together aiming to commence the scheme by 1st January.

#### **4.2 Deputy J.H. Perchard of St. Saviour of the Chief Minister regarding shortlisted hospital sites: (OQ.206/2020)**

Which of the shortlisted sites, if any, would require residents to leave their homes in order for the new hospital to be built?

#### **Senator L.J. Farnham (Deputy Chief Minister - rapporteur):**

The Chief Minister has asked me to take this question, if that is okay with Deputy Perchard.

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

Yes.

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

As Members will be aware, the shortlist of hospital sites was reduced from 5 to 2 last Friday. The remaining sites, Overdale and People's Park, are the least likely to have an impact on nearby residents in the terms that the Deputy is asking about. Further technical and financial investigations are now underway in relation to these remaining 2 sites. Once we have received this additional and detailed information we will be in a position to provide more clarity about the potential impact on neighbours of a new hospital. I know that all of us would wish to avoid impact or compulsory purchase on Islanders as far as possible, however a building of this size and magnitude might well require road or access adjustments to the surrounding environment and once the States Assembly have selected a site it will of course be a priority to continue to keep landowners and neighbours fully informed of any implications as the project progresses.

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

Is the Deputy Chief Minister aware that there is in fact a written record of conversations had with residents who might be affected by the building of certain sites and that their willingness perhaps to move is rated?

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

I know we have been keeping neighbours of all the potential shortlisted sites fully informed of the process. The States appointed land agents to discuss with neighbours the implications of any potential purchaser. So I know conversations have been ongoing but I have yet to have the full details of those conversations shared. I think we can only go so far at this stage, conversations with neighbours can only go so far until the States have decided on the site and once that decision has been made, which I very much hope will be this November as scheduled, we will be able to progress those conversations with a means to an end.

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

Can the Minister commit himself now to guarantee that any expenses required of residents in moving away from this area will be fully met?

**Senator L.J. Farnham:**

I am not in a position to make that commitment right now. Although I would fully expect that any inconvenience or upheaval required by neighbours, that the process will ensure that no unnecessary expense is incurred by them from requirements of the project. I will look into that because I think it is important, as we move closer to the project, that we do reassure neighbours and I would think it would only be fair for the States to act properly and cover costs in those sort of circumstances, but I cannot give that absolute assurance at this stage.

**4.2.3 Deputy G.P. Southern:**

Would he go further and commit himself to providing compensation for any stress that may be involved, especially moving elderly people from what they saw as lifetime homes?

**Senator L.J. Farnham:**

I am afraid I cannot give those assurances. Financial compensation for stress is not in my gift. Ultimately I think it would possibly be in the gift of the Assembly. What I can give assurance of is that any process that requires people to move will be conducted properly, carefully and with the best interests of the residents at heart and in mind.

**4.2.4 Connétable A.S. Crowcroft of St. Helier:**

The Deputy Chief Minister says that the discussions will be handled carefully. Would he agree with me that that certainly has not been the case to date and a former Assistant Chief Minister indeed talked about driving a road up involving a demolition of people's houses? Is it not also the case that Andium Homes are already speaking to potential clients of theirs and how long is the Deputy Chief Minister going to wait before having conversations with people whose lives and dwellings may be affected?

**Senator L.J. Farnham:**

As I have previously stated, it is difficult to have those conversations until the States has made a final decision. I do accept that the Constable of St. John, albeit in good faith, did cause some concern and upset to residents previously, which is why we have been especially careful with the new process to keep neighbours and property or landowners within the vicinity of any potential site fully informed. That is what we did after the 5 sites were shortlisted and that is what we are going to continue to do. I would like to reassure the Constable and Members, we will stay on top of that process and make sure that any upheaval, if there is to be any upheaval to residents or neighbours, then we will work very closely with them. We will make sure it is handled absolutely properly and correctly.

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

The Constable of St. Helier has entered into the area that I was going to discuss. How can the Assistant Chief Minister ask us to accept the reassurances when, to be perfectly honest, the 5 sites included 3 that were non-starters from the beginning and the other one was pretty much the same? How can we accept what is being said about the reassurances for the people when we know that the owners, Andium, of some properties are starting to discuss these things and these people are being kept in the dark for so long?

**Senator L.J. Farnham:**

Firstly, I take issue with the Deputy's assumption and opinion that 3 or possibly 4 of the sites are no-hoppers. They would not have made the shortlist if they were no-hoppers. I know that is a popular myth that has been pedalled, especially by those States Members and others with interests in the particular areas. But the process we have deployed this time has been open. It was a sequential

process with a procedure and the priorities from the new site put in place by the systems panel, and the shortlisting carried on by our panel of experts and ratified by the political oversight group, and then Council of Ministers. So at no time were any of those sites put on with any view that they would be no-hopers. Every site was considered. The shortlisting process has now delivered the final 2 and I undertake, as does the oversight group and the Council of Ministers, to ensure that any communication with neighbours and landowners in the vicinity of the sites will receive full communication as the project progresses. But I would like to stress, it is impossible to start entering proper negotiations along those lines until the Assembly has selected the final site.

**4.2.6 Deputy M.R. Higgins:**

Can the Assistant Chief Minister tell us the role of U.K. (United Kingdom) consultants because I believe on one of the panels there were no Jersey people on it at all. They were U.K. people who were deciding on the sites that were going to be accepted early on?

**The Bailiff:**

I am sorry, Deputy, I do not allow that. That is too far outside the parameters of the original question and I am very conscious that we have a large number of questions to fit within. You can obviously raise that in the one hour that will be available to Members later on.

**4.2.7 Connétable D.W. Mezbourian of St. Lawrence:**

The Minister has referred to technical and financial assessments that have been undertaken as well as to conversations that have been had with residents. Were those conversations recorded in the written assessments and will those reports be shared with Members?

**Senator L.J. Farnham:**

Sorry, I am not sure I fully understand the question. Is the Constable referring to conversations that were allegedly had with her parishioners in relation to the site at Millbrook or ...?

**The Connétable of St. Lawrence:**

No, the Minister referred to the conversations that have been had with residents of all the 5 sites that were identified. So my question is: are those conversations referred to in the financial and technical assessment reports that the Minister referred to? Will those reports be shared with Members?

**Senator L.J. Farnham:**

A log of all conversations will have been kept. Depending on the subject, and I am thinking of data protection here and the protection of residents, that information I think may well be shared. There is certainly no resistance for that to be shared from our perspective. Of course we need to make sure that the other parties would be happy to have that information shared. Of course, as we move on now to more detailed technical and financial assessments for the final 2 sites, far greater diligence will be necessary in logging and detailing all of the technical and financial aspects because that information is going to be absolutely essential for when we have ultimately the debate on choosing the final site. As I said to Members recently in previous correspondence, I will provide separate briefings as we move towards that time, keeping all Members updated.

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

May I ask for clarification from the Minister please? I am sorry, the sound is very poor and he kept breaking up so I was not clear on what he was advising Members. What I want to know is: will the technical and financial assessments that have been undertaken on the 5 selected sites be made available to Members so that we have the reasons that the 3 sites that have been rejected were actually rejected for.

**Senator L.J. Farnham:**

I am having trouble hearing the Connétable as well. But the answer to that is, yes, we said the process is transparent and we are happy to share all information that is relevant. The only caveat I would put in is private conversations with residents might require their permission to protect their privacy, before that is shared. But certainly all of the workings and the selection process will be available.

[10:00]

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

How was the willingness to move rating calculated for residents and what bearing will this rating have on the final decision of the site?

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

The impact on residents is a very important aspect of any choice that ultimately will be made. I do not think it is any accident that the 2 sites left are likely the 2 sites to have the least impact on nearby residents and neighbours. However, having said that, it is only a part of the process because, perhaps more importantly, and I do not say that easily because as we have said, nobody wants to compulsory purchase land or property, the suitability, technical and financial aspects of building this new hospital, which will provide healthcare for Islanders in decades to come, the impact on neighbours has been a part of the process and decision-making process but equally there are a lot more other aspects that have to be taken into consideration.

#### **The Bailiff:**

Deputy Doublet has raised in the chat with me the question as to whether her question can be put to the end. In the circumstances I am prepared to list it at the end if the Deputy is not available to ask it, but I should give warning to anyone who is thinking of that, that there is a very good chance any question at the end will simply not be reached within the 2 hours available.

#### **4.3 Deputy R.J. Ward of St. Helier of the Chief Minister regarding 3 priorities from the Common Strategic Policy: (OQ.210//2020)**

Will the Chief Minister identify the 3 most important priorities from the Common Strategic Policy 2018-2022 that will be carried forward into the new Government Plan, in light of the COVID-19 outbreak?

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

As Chief Minister, obviously one of 12 Ministers, each and all of whom have individual priorities and goals to deliver during our term of office. It is that combination of those priorities that led to the publication of the C.S.P. (Common Strategic Policy) in 2018, which set out our collective priorities. So as such, while we are in the middle of a very difficult time due to COVID and very, very clearly money needs to be saved from a variety of areas, the 5 strategic priorities as a Government have not changed and none have been cut or removed.

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

How does the Chief Minister expect Islanders, via the survey that was sent out, to make those sort of priorities when it is clear that they will not be made by himself or his Council of Ministers in a public forum?

#### **Senator J.A.N. Le Fondré:**

I am not entirely sure. I think the Deputy has got himself slightly confused. The point of the Government Plan is to try to continue to deliver the priorities as set down in the Common Strategic Policy (C.S.P.) The feedback from Islanders who took part in that survey is that those priorities remain as important, and in certain cases even more important.

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

Shall I clarify?

**Senator J.A.N. Le Fondré:**

It is effectively a reinforcement but I hope that answers the Deputy's question.

**Deputy R.J. Ward:**

It does not because the survey itself was asking Islanders to prioritise.

**The Deputy Bailiff:**

You will have a final supplementary question. I am very conscious of the time pressures on us for a very full question list.

**4.3.2 Deputy G.P. Southern:**

I would like to focus the Chief Minister's attention on page 15 of the C.S.P. where it says under "Improving equality": "Where we need to focus our efforts ... through meaningful increases on the minimum wage, together with supporting mechanisms to increase productivity in specific affected sectors." Can I draw his attention to those particular words and say how is he going to transfer that into action, especially in the light of P.100 for debate later today or tomorrow?

**Senator J.A.N. Le Fondré:**

In terms of the pages he has referred to on the C.S.P., we do have to recognise that while we all do still retain the objective, for example, of the standard of living and the living wage, *et cetera*, as I think has been referred to in a written question, or certainly something I have seen in writing, it is very clear that the economic circumstances caused by COVID have had an impact and therefore we have had to react accordingly. But equally we have taken measures all the way through the COVID-19 crisis and, do not forget we are not out of it yet, to support Islanders in work, to stimulate the economy, and that includes the vouchers, with the proposal that the Assembly is being asked to vote on later on the 2 per cent reduction in employee rates. There are proposals being put together as part of the economic recovery package, which will be focusing on productivity. That is very much under the remit of the Deputy Chief Minister, but it is one that we are all very keen on seeing an improvement in.

**4.3.3 Deputy R.J. Ward:**

I think what I would like the Chief Minister to answer as clearly as possible is, when Islanders were asked to prioritise whether putting children first, climate emergency, for example, are still their priorities, how the Chief Minister can say that we still have the same common strategic priorities? I am going to ask him again to ensure that he gives leadership on what these priorities are as we come out of recovery.

**Senator J.A.N. Le Fondré:**

I have to say I am struggling to understand the thrust of the question. Is the Deputy saying we should revise the C.S.P. and introduce new priorities? But the priorities that we identify at that point still exist. We still know that we have to improve or make further improvement on things like mental health. All those areas that we identified still remain relevant. The difficulty we have had is the impact of COVID-19 has delayed a whole number of programmes and obviously created financial tension in how we have to balance the books. Members will obviously be briefed on that, as with Scrutiny, in the coming weeks once those plans have been finalised. But he seems to be suggesting that we should be revising the C.S.P., that is not something ...

**Deputy R.J. Ward:**

I am not doing that.

**Senator J.A.N. Le Fondré:**

If we are introducing a new strategic priority, we are.

**Deputy R.J. Ward:**

Can I clarify what I am actually asking?

**The Bailiff:**

It seems to me the point of the question is to prioritise those things which are in the Common Strategic Policy in the first 3, is that not correct, Deputy?

**Deputy R.J. Ward:**

That is correct, Sir. As Islanders were asked to prioritise I would just like to know what the Chief Minister's priorities are in the same way. Imagine he was filling in the survey, for example.

**Senator J.A.N. Le Fondré:**

As I said, I am not putting any one of the 5 strategic priorities ahead of any others. They remain the policy of the Council of Ministers and we are going to try and continue to implement them through the Government Plan. If you want me to go into further detail down the line, which is below the level of strategic priorities, there are some obviously fairly big ticket physical items, such as the hospital, such as the office strategy and such as change in the culture of the organisation, which will, provided we can deliver or partially deliver all of those, have benefits both to employees, both to Islanders and to the taxpayer. But overall, I do not rate any 3 of the 5 strategic priorities ahead of the other 2.

#### **4.4 Deputy J.M. Maçon of St. Saviour of the Chief Minister regarding when will Broad Street reopen: (OQ.207/2020)**

Will the Chief Minister advise when Broad Street will be reopened to traffic, if at all; what specific medical advice, if any, determined the decision to close it; and the job titles of the officers who advised that this street should close?

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

I want to be very, very clear. We are not yet back to normal and we are unlikely to be back to normal for many months. We do remain in a good position but to use possibly a football analogy, we are now at half-time. We have the next half to play. The reason I use that analogy is that we must continuously remind the public that we still need to take care, we still need to maintain the basic hygiene measures we have been talking about for months and also that the advice categorically remains that physical distancing continues to be recommended at a minimum of one metre, with 2 metres wherever possible. Therefore we are also keeping an eye on the coming winter months, which may require more stringent measures, if needed, to be able to maintain as much as possible of our normal way of life, including visiting the town centre. So by keeping Broad Street closed one of the key arteries of shoppers has in effect been widened to enable social distancing to be maintained. In terms of how long, I cannot give a definitive answer today, it will continue to be kept under review. I have just given the current advice, and Broad Street was closed after consulting with the Parish of St. Helier and G.H.E.'s (Growth, Housing and Environment) engineers.

##### **4.4.1 Deputy J.M. Maçon:**

I wonder if the Chief Minister could just touch on the part of my question, which was not covered, which was the job titles of the officers who advised that the street should be closed.

**Senator J.A.N. Le Fondré:**

I think in terms of the how it was done - I do not know who it is consulted with in St. Helier - it is G.H.E., I presume traffic engineers. In terms of the advice, as I understand it, it came up through S.T.A.C. (Scientific and Technical Advisory Cell) but also S.T.A.C. have given some generic advice, they do not advise on specific street closures. I think it is worth making the point that what is

generically referred to as Broad Street is not just the area outside the Post Office. It goes all the way up to the Co-op at Charing Cross and then to York Street towards the Town Hall. There are a variety of pinch-points along those roads which do create narrowings for pedestrians and it is all about giving people space and confidence. I will say that anecdotally, and certainly I have had some feedback from pedestrians walking into town who welcome that move, and it is about giving comfort and assurance.

#### **The Bailiff:**

Deputy Morel asks the question as to whether or not this was a question directed to the Minister for Infrastructure. That was so I think on the original Order Paper, Deputy, but not on the Consolidated Order Paper, which is the one of course we are following.

#### **4.4.2 The Connétable of St. Helier:**

My question also was ... perhaps the Chief Minister will pass it on to the Minister for Infrastructure. My concern really is that now that the Council of Ministers have decided to keep Broad Street closed for longer will they do something about the signage, which is not only ugly but is extremely uninformative? It gives no direction to cyclists about pedestrian priority in the now closed Broad Street. There is a real opportunity I think here for the department to be far more helpful to people who are hoping to use Broad Street for the very safety purposes that it has been closed. I have had many complaints about people nearly being bowled over by cyclists and other people on wheels using Broad Street. Will he undertake to review the signage and to put proper signage in place please?

#### **Senator J.A.N. Le Fondré:**

I shall raise that with the Minister for Infrastructure and I see no reason why it cannot be done. I will say, in fact I am in agreement, that the area is getting busier, which I take a degree of comfort that some more people are coming to town, although numbers are still down. It is about reassurance that it is safe and comforting for them to do so. I think it is helpful, and I am sure the Connétable will be aware of this, that at the end of July there were some counts done, I believe for 2 weeks for every day, and of all the pedestrian traffic using Broad Street and King Street, the split was approximately 42 per cent and 58 per cent respectively. In other words, I believe that is probably over the entire length and probably up at the pinch-points. But the Connétable is absolutely right. Where cyclists and pedestrians are mixing in all areas, not just in the area we are talking about, in my view should very much be priorities for pedestrians and the cyclists have a duty of care to them. We will endeavour to correct the signage there, if that is possible.

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

The Chief Minister mentioned reassurance. I would like reassurance that our decisions are being based on medical advice. The Chief Minister said “general advice”. Was the specific advice about Broad Street because in future if we are being told we are being advised on medical grounds I want to see it in writing.

#### **Senator J.A.N. Le Fondré:**

If it helps the Deputy, I will read a quote directly from an email from the Medical Officer of Health.

[10:15]

It is obviously a paragraph: “As you may recall S.T.A.C advised against any further easing of COVID-19 mitigation measures and so physical distancing continues to be recommended at a minimum of one metre with 2 metres wherever possible. S.T.A.C. is also mindful that at the coming months the likely result and further challenges to the Island, which may require stringent application of various physical distancing measures if we are to maintain as much as possible of a normal way of life including visiting the town centre.” There is a slight addition in a different one, and what it does clarify is: “While S.T.A.C. is able to drive general advice and guidance it has not been involved



directly with decisions regarding specific public roads.” The point is, the principle is about being able to allow people to distance at one and 2 metres but obviously S.T.A.C. are not going to give what we will call traffic-related advice. The general advice is that the ... this is about giving comfort to individuals if they are trying to come into town and allowing them to distance. By doing this, we are allowing probably about half of the precinct for people to spread out parallel to that as they traverse the town.

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

As people are not keeping one metre distance in the main shopping precinct, what further measures will the Ministers be bringing in then to make sure that they do?

#### **Senator J.A.N. Le Fondré:**

There is a wider point. I do actually welcome this question because we have started again bringing it to the attention of the public. I think the same position is being seen in the U.K. Within the population, this is an opinion, it is not a scientific comment, there are obviously a body of people who remain very cautious and they have got used to where we are. But they are still cautious and careful and concerned around the impact of COVID. But there is a body of people on the Island and nationally who think it is all over, as they say. They think the whole thing has gone away, it is not a problem and then get on with normal life. That is the message we started to put out that this is not the case. That we are not back to normal and that distancing and one metre and 2 metre, as I have already referred to, is incredibly important. So we will be seeing greater public information on that and public reinforcement over the coming weeks. That was one of the reasons I did the press conference the week before last, which is around again just setting the tone, we are finishing summer, you have to get back into that mode, particularly as winter is coming, particularly with the impacts of things like flu and all the other things that are coming through, that we do continue to maintain our basic hand hygiene measures and distancing, *et cetera, et cetera*. We will continue to monitor this very closely and obviously if we did need to go back to those kind of measures or elements of them, which we really do not want to do, then obviously we will do so. But part of that initial side is about reinforcing the public message. I will take the opportunity, because we have said it ...

#### **The Bailiff:**

Minister, you are well past the time normally allocated for an oral answer so if something is to be said it can be done in response to a different question. Deputy Alves asked to ask a question. Deputy, I had already called the numbers of individuals who I had on my list and, as you will recall from memorandum sent out at the beginning over the year, that is an indication that no more questions can be taken because of the time constraints.

#### **4.4.5 Connétable M.K. Jackson of St. Brelade:**

There are some businesses in Broad Street that have as clients, shall we say the elderly or those who are unable to walk to get to their premises. Could I ask the Chief Minister what he is doing or might propose to do to mitigate the effects on those people who just are unable to walk the length of Broad Street to get to those businesses?

#### **Senator J.A.N. Le Fondré:**

I think that falls down into 2 categories. One is disabled parking. My understanding is that there have been some extra spaces put in Dumaresq Street and the Minister for Infrastructure is also looking at seeing where other spaces can be provided in the vicinity. The second part, which I think is the subject of a second question, is whether something can be done around the buses or not. But I will leave the Minister to deal with that because that is obviously categorically the infrastructure side, whereas I could take this question because it brought in the wider approach, as it were. Can I also just take the opportunity to finish what I was about to say on the previous question, to finish off to Deputy Higgins around spacing and messaging? One message we really want to emphasise is that

we are not seeing in every hospitality, so restaurant/pub, the relevant contact tracing measures being retained and taken. So enforcement measures will be being put in place. There will be words of advice given but we really want to emphasise that message that it is incredibly important and that all wraps into the measures we are taking, which brings me straight back to why we are maintaining keeping Broad Street and the relevant streets closed at the moment.

#### **4.4.6 Deputy J.M. Maçon:**

This initial question arose out of the comments made by the Chamber of Commerce and I wonder if I could ask the Chief Minister how the Chamber of Commerce will be kept updated and informed about any developments covering Broad Street?

#### **Senator J.A.N. Le Fondré:**

We had a video conference with them on Friday and we will be updating them not just on those measures but also on the impacts of the Government Plan over the next few weeks. So we will be doing some further engagement.

#### **The Bailiff:**

I will just give Members notice that we have now gone through 4 questions and we have used up more than a quarter of our time allocated for questions. If we are not able to move more quickly through the questions then I will have to reduce or no longer take any supplementary questions, other than the final supplementary.

#### **4.5 Deputy M. Tadier of St. Brelade of the Minister for Education regarding the George de Carteret statue: (OQ.227/2020)**

Will the Minister confirm whether or not the Jersey Youth Service sponsored the George de Carteret statue, and if so, provide details of any sponsorship amount given?

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

The Deputy will be aware from his recent email communication with the Head of the Jersey Youth Service that they did not sponsor the George de Carteret statue and therefore no sponsorship amount was given.

#### **4.5.1 Deputy M. Tadier:**

I thank the Minister for the answer. I think it was important to get that on public record as a parliamentary question. Can the Minister explain why at the time on the leaflet accompanying the unveiling of the statue that the Youth Service was listed as a sponsor of the statue?

#### **Senator T.A. Vallois:**

I am not sure why. It could possibly be an error as to why that is under the sponsorship. The only link I can find is that the then Constable of St. Peter attended a St. Peter's youth club A.G.M. (Annual General Meeting) in July 2014 and spoke about the possibility of an award for young people in George de Carteret's name.

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

Is the Minister concerned that they were listed as a sponsor when they were not? Would she undertake to publicly correct that misinformation?

#### **Senator T.A. Vallois:**

Yes, it does seem strange that they are listed as a sponsor, which would imply that there was some form of sponsorship money, which I am grateful to Deputy Tadier for asking the question to me today. Hopefully this goes some way to publicly confirming that there was no sponsorship amount

provided and that, in future, we hope that anything like this is clearly minuted and explained appropriately.

#### **4.5.3 Deputy M. Tadier:**

I think there is a fundamental principle of accountability here where we have a former States Member who has put out some information saying that a States ...

#### **The Bailiff:**

Deputy, it does have to be a supplemental question based on the answers that have been received.

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

Will the Minister undertake to meet with the organisers of the unveiling of the statue to find out why they spread some misinformation about the sponsorship of the statue, which was not true? Will she ask them to put out a statement to correct and explain that misinformation?

#### **Senator T.A. Vallois:**

I would be happy to speak to whoever was involved. I am aware the head of the Jersey Youth Service has spoken to the previous Constable to confirm around whether there was any financial contribution or not, but I would be happy to speak to those involved.

#### **The Bailiff:**

We come now to question 6. Deputy Doublet, are you in a position to ask your question? I assume that is no therefore I will put it at the end of the list to see if we get to it.

#### **4.6 Deputy S.G. Luce of St. Martin of the Minister for Treasury and Resources regarding a Memorandum of Understanding: (OQ.208/2020)**

Will the Minister advise whether or not a review of the Memorandum of Understanding between her department and Jersey Telecom is underway?

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

The Assistant Minister for Treasury and Resources: will answer this question.

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

Members should already be aware that a review of the Memorandum of Understanding, or as they are more commonly known M.O.U.s, for all wholly-owned States entities is currently being undertaken. This has been highlighted in various reports published to Members, most recently R.132/2019, although I appreciate that a lot has happened since then. The review has recently recommenced following a pause because we had to reallocate resource to manage COVID-19, and it is intended that the new M.O.U.s will be agreed and finalised before the end of the year; we are currently consulting with the companies about them. The Deputy may be aware that the current M.O.U. with Jersey Telecom was agreed some years ago and one of the key aims of the current review is to ensure that the new documents reflect the latest corporate governance standards. In addition, by applying the new requirements to all the wholly-owned States entities at the same time, we achieve a much more consistent approach to our oversight as shareholders, which has perhaps been lacking in the past.

#### **4.6.1 The Deputy of St. Martin:**

M.O.U.s are documents which set out the relationship between the Minister of the day and any entity, and I accept that the Minister has the delegated responsibility for that through the Public Finances Law. Will the Assistant Minister confirm also that the original M.O.U. was agreed by the States Assembly as part of the incorporation?

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

I am not able to confirm that on the incorporation. What I am able to say is the Assembly delegated the responsibility for States-owned entities to the Minister for Treasury and Resources through the Public Finances Law. The M.O.U. is merely the document which sets out how the relationship between the Minister, or in this case myself, and each entity operate. It is not legally binding as such, and given the delegation I have just referred to I would suggest that it is not appropriate for the States to approve each M.O.U.

**4.6.2 Deputy D. Johnson of St. Mary:**

Against the background of the original M.O.U. produced at the time of the incorporation of Ports of Jersey and which the Scrutiny Panel, and its advisers too, considered unfit for purpose, would the Assistant Minister confirm that in drafting these revised M.O.U.s Scrutiny will be given the opportunity to make their input?

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

Thank you very much for that comment because I think it is very important. Scrutiny will indeed be allowed to view the M.O.U.s and to have an input. I value that input because often their input has been very constructive in this arena. I would say that all aspects of the existing M.O.U.s are being updated. The new M.O.U.s have been drafted to reflect the recommendations, for want of a better word, contained in the recent Comptroller and Auditor General's report and related reports as well that we have had so that it will fully reflect modern corporate governance standards.

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

I am glad that the Assistant Minister agrees with everything I said but will he accept this fact, that M.O.U.s are given to Ministers and the Ministers then have to look after their entities on behalf of the States. As the M.O.U.s are given to the Ministers it is not for the Minister to come back or for the Minister to agree a new M.O.U. without referring to the States.

[10:30]

Will the Assistant Minister bring a revised M.O.U. to the States Assembly for an agreement?

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

As I said previously, I do not think it is appropriate for the States to approve each M.O.U. although we will be bringing it to Scrutiny for any observation that they have.

**4.7 Deputy K.F. Morel of St. Lawrence of the Minister for Infrastructure regarding La Collette waste collection site: (OQ.219/2020)**

Will the Minister state how the current opening hours of La Collette waste collection site differs from the opening hours in September 2019, before the COVID-19 pandemic started?

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

Before the COVID-19 pandemic the La Collette Household Reuse and Recycle Centre was open for 6 days a week and was closed on Wednesdays. Since the pandemic, the La Collette recycle centre is open from Wednesday to Sunday and closed on Mondays and Tuesdays. The daily opening hours have been extended as much as possible to provide as much opening time within the standard working hours of the staff providing this service. These opening times are in response to the additional measures that are required to ensure social distancing and safe operation of the site. The Energy Recovery Facility, bulky waste site and the inert tip head and the commercial green waste reception opening times have reduced and they are no longer open on Saturday mornings. This was also initiated due to COVID-19 restrictions and the requirement to keep staff within their normal standard working patterns. The Metals Recovery Facility is also closed on Saturday mornings and this is

under review with the aim of reopening for public customers on Saturday mornings. The opening times for the reception of putrescible and perish waste at the Energy Recovery Facility, and the reception of clinical waste at the clinical waste plant, have remained unchanged. The site opening times are presently under review and the department would like to offer a consistent set of opening times to the public and commercial users.

**4.7.1 Deputy K.F. Morel:**

Would the Minister please explain whether it is due to numbers of staff that the opening times, particularly for the recycling facility, have been reduced and whether those reduced numbers of staff are due to them remaining at home on pay due to underlying health conditions?

**Deputy K.C. Lewis:**

Yes, we do have a few staff who are home because of COVID and the other staff are literally spread out to reduce COVID, and the pattern is there to make sure that both the staff and the public are safe.

**4.7.2 Deputy S.M. Ahier of St. Helier:**

The Minister says that the hours have been extended and yet the recycling centre is closing now at 4.00 p.m. instead of 5.00 p.m. Does the Minister accept that by closing the recycling facilities for 2 days a week that this actively discourages people from recycling?

**Deputy K.C. Lewis:**

On the contrary, the fact that the waste facility or the recycling reuse facility is open on Saturdays and Sundays, people are taking advantage of it. I have been down. I have spoken to customers. I have spoken to the recycle teams and it is a steady flow of people coming through during opening hours. People do appreciate the fact we are now open on Saturdays and Sundays and people are clearing out their spare rooms, their garages, garden sheds and disposing of all their recyclables. I think it is good news.

**4.7.3 Deputy S.M. Ahier:**

Yes, of course it was always open at the weekends but there are now continuous queues at the weekends for recycling. Will the Minister reconsider his decision and revert to closing on just one day per week, rather than 2?

**Deputy K.C. Lewis:**

As I have just explained, we are obviously victims of COVID and we have to keep both our staff and members of the public safe through social distancing and only so many people can we let into the centre at one particular time. As I have just mentioned, I have been down there over the weekend, there are occasions now and again where there is a queue. When we first opened recently then there was a queue but now that seems to have subsided. It is now down to a steady flow of people coming through the recycle centre and disposing of their unwanted items.

**4.7.4 Deputy K.F. Morel:**

Would the Minister please confirm how many staff are at home and possibly on full pay, whether or not it is full pay? Would he explain how long they will be allowed to remain at home receiving salaries but at the same time not working? How long is this policy going to remain in place?

**Deputy K.C. Lewis:**

That is a very good question. I will need to get back to the Deputy on that one. I will check with the department.

**4.8 The Connétable of St. Helier of the Minister for Infrastructure regarding the closure of Broad Street: (OQ.221/2020)**

Further to the closure of Broad Street, and the responses to my questions on 30th June and 13th July 2020, that “discussions were ongoing” about a trial to allow the No. 19 bus to access the town centre via Library Place and to pick up and set down passengers by the Le Sueur Obelisk, will the Minister explain why such a trial has not yet been implemented?

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

I can confirm that discussions took place with LibertyBus. The bus schedules and driver duties are complex, which means there is not enough spare running time to add extra mileage on to existing journeys and still enable a bus to be punctual when departing its next trip. Therefore providing a shuttle service between the bus station and Library Place would require an additional bus and an additional driver at a cost of some £2,100 a week or approximately £109,000 a year, with no prospects of being offset by any fare revenue. This can neither be covered by the G.H.E. budget nor absorbed by LibertyBus. But we are still in discussion with the bus company to see what can be done.

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

Would the Minister explain how many extra minutes it would add on to the route of the No. 19 if it were to do, as I have suggested, and deposit and collect passengers close to the town centre so they can do their shopping?

**Deputy K.C. Lewis:**

I would estimate around 10 minutes but because the schedules are so tight, that would be recurring throughout the day, so the first bus will be 10 minutes late, the next bus will be 20 minutes late and the following bus will be 30 minutes late. It would need an additional bus service to run on that. But, as I said, we are still in talks with LibertyBus to see what can be done.

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

I would like to ask the Minister, the consultation with LibertyBus is going for the last 3 months, have you done any trial ride to understand if it is really 10 minutes and if it really will cost as much?

**Deputy K.C. Lewis:**

LibertyBus have, I understand, done a trial run and they are used to compiling all the schedules on the Island, so they are extremely experienced in that respect. But I have no reason to doubt that and I know that obviously putting on an additional bus and additional driver is expensive. We have, of course, assisted LibertyBus recently because of COVID. They are not making money at the moment and their ridership is 50 per cent less than it was last year. We are doing what we can.

**4.8.3 Deputy I. Gardiner:**

Can the Minister please advise what negotiations after 3 months are still going on? What is the subject the decision has been made; it is no and that is it? The Minister indicated that some conversations are still ongoing, so can you please advise around what areas?

**Deputy K.C. Lewis:**

We are looking at other ideas and what else can be done to mitigate circumstances. I was hoping that long before now that Broad Street would be reopened and all services would return to normal but, sadly, that is not the case. As we know, we are not out of the woods yet, nowhere near with COVID, so it remains ongoing.

**4.8.4 Deputy R.J. Ward:**

This is as much as a clarification of the answer as anything. Is the Minister seriously saying that because the bus journey may take a little longer, it requires an entire new bus route to be produced at the cost of £109,000, I think he said? Is that not a cannot-do attitude, rather than a can-do attitude that he has talked about so much in his department?

**Deputy K.C. Lewis:**

As I have said, that is the figure that I have been given but we are looking at it any other way we can to assist people with mobility problems, not having to walk the extra 250 metres to the bus station. As I have said before, as soon as we can open Broad Street we will do. But in the meantime we are working on everything we can to make life easier for people, like the extra disabled parking bays, cycle routes and we are just trying to make it easy for people but we can only do so much.

**4.8.5 Deputy R.J. Ward:**

Would the Minister not agree that, and I know hindsight is a wonderful thing but you can do something now, the sort of planning to have the bus stop moved in order to enable people to be closer to the bus stop was what was needed in order to make the closure of Broad Street a success and may have seen off some of the criticism that has happened?

**Deputy K.C. Lewis:**

Yes, I suggested this on day one. But, as I have just explained, things are not that easy and it is certainly not easy even getting the smaller buses up Library Place and down Mulcaster Street; it is a very tight corner. There are lots of problems there that need to be overcome but, as I say, we are still working with LibertyBus to see what can be done.

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

I did bring this up at the time when this was first mooted. Surely all these things should have been thought out before we went ahead - not "we" because I was against it - why this road was altered in the first place. If you are doing it for social distancing, what is New Street still open for because that is a nightmare? I am sorry, this is very, very poor and this should never, ever, ever have been closed. Do you not think that next time we are planning on closing roads we look into everything properly before we do something and go at it like a bull at a gate?

**Deputy K.C. Lewis:**

We did not plan on closing the road, we were advised that was the best thing to do by the parties the Chief Minister has already described. Part of the problem was that we had maybe up to 40 people crammed together in Broad Street waiting to get on to a bus and that was part of the problem. If they were at the bus station they would be more spread out and less likely to cross-infect each other; that was the advice we were given at the time and then obviously came up with the idea of putting a bus on from the Obelisk. It is great to have hindsight but we are dealing with the problem that we have.

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

Has the Minister not betrayed in one of his answers the real reason why very little action has been taken to bring in a trial alternate route and that is because he has been hoping all along to get Broad Street reopened? Now that Broad Street is definitely going to be closed at least for the duration of the pandemic, will this give some urgency to the discussions the Minister is having with Jersey Bus? Will he be willing to exercise his ability to instruct LibertyBus to lay on this extra route for the convenience of passengers?

**Deputy K.C. Lewis:**

No, there is no betrayal of anything. I have said all the way along as soon as I am advised that when it is safe to open Broad Street, Broad Street would open. There is nothing new in that advice that I have given. We can ask LibertyBus to put on this extra service but it will be £109,000 per annum. Perhaps the Constable would like to pay for that out of Parish rates.

**The Connétable of St. Helier:**

Can I have a supplementary, please, Sir?

**The Bailiff:**

No, I am afraid not, Connétable, because that was your final supplementary because there is a further period of questions coming in due course.

[10:45]

**4.9 Deputy K.G. Pamplin of St. Saviour of the Chief Minister regarding the cost of the Island's Covid testing: (OQ.215/2020)**

What has been the cost to the Government of the COVID-19 testing since the border restrictions were lifted, including any costs of transporting tests to laboratories in the U.K.?

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

I am advised the direct expenditure totalling £2.558 million has been recorded in the financial system from 1st July to 31st August. This includes costs associated with on-Island testing, as well as people arriving in the Island and incorporates clinical staff costs, costs for test processing, including transport costs. In addition, test processing costs for August, which will be recorded in the financial system when the invoice has been received, so they are not in the system at the moment, are anticipated to be around £2.274 million. Due to the way in which it is being recorded it is rather difficult to split out the costs between testing for arriving passengers and for testing Islanders. I hope that answers the question.

**4.9.1 Deputy K.G. Pamplin:**

Thank you, Chief Minister, for that answer. May I take this opportunity to thank the hardworking men and women of the testing borders at the harbour and the airport? Can I push the Minister just slightly more, can he be specific in the testing because there are 2 laboratories, is that correct, for the testing to be transported to and what is the greater cost of the 2 laboratories? Could he answer that?

**Senator J.A.N. Le Fondré:**

I do not have that information to hand. I do not know how it is split up. By the 2 laboratories, does he mean on the United Kingdom or is he looking at the on-Island testing?

**Deputy K.G. Pamplin:**

No, definitely would be over in the United Kingdom; the 2 laboratories that we are using to turn around the tests.

**Senator J.A.N. Le Fondré:**

We do keep some of these pieces of information commercially confidential because depending on the arrangements and depending which laboratory we are talking about, particularly when we are looking at the on-Island one because some of them are early, sometimes one gets more commercial rates, shall we say, as people who are helping, essentially, develop the concept. But I am happy to try and identify the information to see if there is a way either privately I can brief the Deputy or/and all States Members but recognising it is commercially sensitive usually. But also seeing if we can split that information down in an easy format. The numbers I have given obviously in the total are in the round.

**4.10 Senator K.L. Moore of the Minister for Treasury and Resources regarding the vacancy rate in the Treasury and Exchequer Department: (OQ.231/2020)**

What is the current staff vacancy rate in the Treasury and Exchequer Department?

**Deputy S.J. Pinel (The Minister for Treasury and Resources):**

As at the end of July 2020 the staff vacancy rate for Treasury and Exchequer was 17.72 per cent. This equated to 54 posts. As recruitment continues for the July 2020 vacancies, there are a number



of roles which are currently at shortlisting or offer stage. Going forward, Treasury and Exchequer plan to develop a targeted recruitment campaign in quarter 4 of 2020, which will include analysis and market mapping of the skills required and available and placing it on a priority list for vacancies.

**4.10.1 Senator K.L. Moore:**

How regularly does the Minister monitor the staffing levels within her department?

**Deputy S.J. Pinel:**

Quite regularly because there have been, as the Senator will know, as will other Members, a lot of questions over the change to the revenue management system and the change to on-filing. There are constant questions from the public as to the resources held in Revenue Jersey and it has been very difficult to fill the vacancies because the people available with the necessary knowledge are usually snapped up by the finance industry. It has been quite difficult to fill them but we have been quite successful recently.

**The Bailiff:**

Very well. That would bring us to question 12. Having looked at the way we are dealing with questions at the moment we are well over halfway through and have only asked a third of the questions on the paper. Consequently, from now on I do not propose to allow supplementary questions, other than the final supplementary question, obviously from the main questioners. To be precise, the questioner who asked the question, it is answered, Members can then ask questions after that and then what we will have is a supplementary question on their questions after that; hopefully that is clear, we will see how it works in practice.

**4.11 Deputy T. Pointon of St. John of the Minister for Home Affairs regarding a Domestic Abuse Law: (OQ.212/2020)**

Following the Minister's undertaking to introduce proposals for a domestic abuse law in 2019, will the Minister provide an update on the progress of these proposals and set a target date for their presentation to the Assembly?

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

I am grateful to the Deputy for his question but, as he knows, this is one of my top priorities. I did previously express the intention of bringing the legislation before the Assembly this year and not, I think, in 2019, as the Deputy suggested but this year. Of course it is a matter of regret that this, among other legislative work, has been delayed because of the work on the COVID-19 pandemic. But I am pleased to inform the Deputy and colleagues that work is now progressing at pace and we have an officer working on this legislation as their sole focus. Although we will not get the legislation before the Assembly this year, as I originally hoped, I am very confident we will get it to the States early next year.

**The Bailiff:**

If no one else wants to ask a question following this one, then final supplementary, the Deputy of St. John.

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

Would the Minister please explain why it has been possible to produce a proposition to introduce Tasers to the Assembly when a pressing need for a domestic abuse law has been put aside until next year?

**The Connétable of St. Clement:**

The 2 clearly are not mutually exclusive. We are talking about the domestic abuse situation, a law, but the Taser Proposition is a straightforward proposition which does not require any law drafting; 2 totally different projects.

**The Bailiff:**

Hopefully I made my previous ruling clear, Members can ask questions following on from this question, just not a second supplementary question following on the answer given to their questions; hopefully that is clear enough.

**4.12 Deputy G.J. Truscott of St. Brelade of the Minister for Infrastructure regarding the contract to maintain the Railway Walk: (OQ.214/2020)**

No, it is crystal clear, Sir, thank you. Given that the contract to maintain the Railway Walk expired at the end of October 2019, will the Minister explain why this contract thus far has not been extended and indicate when he intends to invite tenders for it?

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

The maintenance contract for the Railway Walk that the Deputy refers to has in fact been extended on a monthly basis and is continuing to operate normally. Subject to limitations that COVID restrictions have placed on all our landscape contracts, a new type of landscape maintenance contract has been prepared by this department and this will be applied to all G.H.E. contracts once it has passed the necessary checks and balances. This is based on U.K. standard form of contract for landscape maintenance work, the J.C.L.I. (Joint Council for Landscape Industries) contract and the U.K. standard specification and the landscape specification. The new contract has been adapted to Jersey law and passed as a compliance by the Law Officers and has also been checked over and approved as health and safety compliant. It is now awaiting procurement checks and once these are completed it is hoped that the new contract will be out to tender via the portal in the first quarter of 2021. Until then the contract will be extended under the existing terms.

**4.12.1 The Connétable of St. Brelade:**

Can I ask the Minister whether he expects that the public perception of the maintenance of the Railway Walk will be improved by the issuing of a new contract? Because I can assure him the present perception of the maintenance is not high.

**Deputy K.C. Lewis:**

I am not quite sure what the question was there but obviously with the new contract there will be more terms and conditions applied and that standards will be very, very high. This will be down to our senior engineers to monitor.

**The Connétable of St. Brelade:**

I thank the Minister.

**4.12.2 Deputy G.P. Southern:**

Will this new contract take into consideration - and can he assure Members that it will - aspects of the living wage by subcontractors engaged by his department?

**Deputy K.C. Lewis:**

I do not have the fine details but that is something I would support.

**4.12.3 Deputy G.J. Truscott:**

I thank the Minister for his reply. I am extremely disappointed that nothing really seems to have happened since the beginning of the year. Since the lockdown the track has been used quite extensively and the state of the Railway Walk has deteriorated somewhat. In my reply to my Written

Question 280 in 2019 regarding maintenance of the Railway Walk, the Minister stated there was to be a significantly revised and updated contract that was to go out for retendering at the beginning of the year. Why has it taken this long to get things moving? Could the Minister also explain that the money set aside for the contract, is it still there for future work?

**Deputy K.C. Lewis:**

Yes. As I have just pointed out, the existing contract has been extended to the contractor. I agree, I also want the Railway Walk to be kept in a very high state, both for locals and tourists. It is one of our jewels in the crown. For people cycling from west to east or vice versa, it is a wonderful facility that we have inherited. I do want it maintained to a very high standard and I will be impressing that on the new contractors, as well as the old ones.

**4.13 Deputy S.M. Ahier of the Chief Minister regarding the appointment of a Public Services Ombudsman: (OQ.220/2020)**

Will the Chief Minister explain to the Assembly why the establishment and appointment of a Public Services Ombudsman has been deferred?

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

It is true, the Government Plan originally provided funding for the establishment of a Public Services Ombudsman in 2021, i.e. next year. But as Members are hopefully aware, for the majority of this year officers have been redeployed to support the COVID-19 response. What that means as a consequence, a number of these legislations have been delayed. It is now intended that a draft law will be lodged and debated by spring of 2022, allowing for an Ombudsman to be established in shadow form in 2023 and coming to full force in January 2024. The revised timeframe is a response as well to resource constraints but it does achieve some benefits in terms of enhancing the remit that was originally envisaged for when the Ombudsman was first going to start.

**4.13.1 The Deputy of St. Mary:**

As the Chief Minister is aware, the Legislation Advisory Panel has conducted a public consultation on this aspect and published a result of that consultation. As far as that Panel is concerned, we are ready to go and indeed are anxious to go. As to the time it is brought back to the Assembly, the Minister will recall the amount of legislation ...

**The Bailiff:**

Deputy, this does have to be a question. You have made a number of observations so far but I have not heard a question.

**The Deputy of St. Mary:**

Sorry, the question, therefore, is: will the Minister consider bringing the timetable forward on account of the amount of legislation likely to be brought before the Assembly immediately before an election? In his reply would he perhaps bear in mind the chaos, if I dare say it, that was caused at the time of the last election on account of the amount of legislation then proposed?

**Senator J.A.N. Le Fondré:**

Yes, I will not say I remember fondly those last days of the last Assembly because the Deputy is absolutely correct. When we get closer to the time obviously we will try and make sure that we do try to avoid that kind of log jam. But obviously the impact of COVID and, bearing in mind the continuing issues of COVID have caused significant delays and this is one of the consequences.

[11:00]

What I will say, which is trying to be slightly positive, there is obviously a monetary saving, which is around £1 million, by the deferral and the time. I believe when the Ombudsman was originally

going to start, things like healthcare complaints were not going to be in the initial remit because they could not be addressed by 2021. But the revised date would, I understand, allow for these issues to be addressed in advance and from day one. I suspect the short answer is, yes, I absolutely agree with the point the Deputy is making but too we have to deal with, firstly, the constraints of COVID and, secondly, how long it takes to get the legislation drafted. From then we will go as quickly as we can but that is the intended timeframe at present.

**4.13.2 Deputy S.M. Ahier:**

Is there any possibility of the inception of the Ombudsman being deferred in the next Government Plan due to COVID and money shortages and will the Chief Minister accept that we also need a Medical Health Ombudsman?

**Senator J.A.N. Le Fondré:**

Firstly, obviously all Members will see the Government Plan proposals in the next few weeks. The timeframe I have outlined has been taken into account in that proposed plan. In terms of a Medical Health Ombudsman, I hope that is what I just alluded to, i.e. that with the delay we can incorporate the issues around healthcare complaints into the remit of the Ombudsman. Although there is a delay there is, I think, at least some form of positive outcome from it.

**4.14 Deputy I. Gardiner of the Minister for Infrastructure regarding compliance with the Disability legislation: (OQ.224/2020)**

Will the Minister advise what percentage of States-owned buildings, if any, are yet to comply with the requirements of the Discrimination (Jersey) Law 2013 that reasonable adjustments regarding disability be completed by 1st September 2020? Will he circulate to Members a list of any such buildings in which reasonable adjustments must be made and confirm the timeline for completion of any adjustment works required?

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

The law in question is the Discrimination Disability (Jersey) Regulation 2018. The requirements of the law is to make reasonable adjustments to premises, adjustments that are practical and manageable, to avoid a substantial disadvantage to an individual. The Government has for several years been making adjustments to our premises to facilitate access. While there are by-laws in place for mobility access since 2007, which we believe we have made reasonable endeavours to achieve, there are no specific standards for mental or other disabilities. It is not possible to say what percentage of the 900 or so sites require further adjustment. A review of all Government buildings that could reasonably expect to be accessed by the public has been completed and the outcome of that review was addressed with works packages, such as hearing loops, signages and miscellaneous adjustments. To test the practical aspects of this work, Liberate, the local diversity and inclusion charity, has a programme to review the sites and provide feedback if additional actions are required. Any additional work is high priority and will be addressed as soon as issues are identified. I will of course issue Members with a list of buildings reviewed by the department.

**Deputy I. Gardiner:**

Supplementary, Sir?

**The Bailiff:**

You will get a final supplementary, Deputy, but in accordance with my previous ruling. I am taking no supplementaries, other than that.

**4.14.1 Deputy R.J. Ward:**

Does the Minister believe that the States Chamber would be compliant with the Discrimination Law 2013?

**Deputy K.C. Lewis:**

Yes, I thank the Deputy for that question because the States Chamber is one of our more challenging buildings. It is obviously a compromise to achieve full disability access but maintaining the integrity of the building. It is possible for people, for instance, who are wheelchair users to access the States Chamber but it is a very convoluted route, which the Deputy is probably aware. It is very, very difficult, the States Chamber, but that is something the team are aware of.

**4.14.2 Deputy I. Gardiner:**

As the Minister mentioned, it is very difficult to define disabilities; each group has very specific needs and requirements of their own and many requirements are not obvious for those who have little or no experience with this condition. Could the Minister please advise which group representation with disabilities and other external stakeholders the department had consulted with and, if not, if there are plans in place to consult with these groups?

**Deputy K.C. Lewis:**

Yes, the officers have been liaising, as I have mentioned previously, with Liberate, the local diversity and inclusion charity and they have been very helpful.

**4.15 Deputy M.R. Higgins of the Minister for Children and Housing regarding the assessment of Children's Service: (OQ.228/2020)**

Will the Minister provide his summary assessment of the Children's Service, stating in particular where it has improved since he took office and where it still needs to improve; and, in the latter case, will he state what steps he proposes to take to ensure such improvement?

**Senator S.Y. Mézec (The Minister for Children and Housing):**

My summary assessment of the Children's Service is that it is in a much better place than it was 3 years ago but there is still a long way to go before we can be truly satisfied with where we are. More important than my personal assessment of what is going well and what is not are, I think, the independent assessments. The Deputy will know when I took office as Minister for Children and Housing, Ofsted performed an inspection straightaway and then they performed a second inspection last year to follow up and note where there may or may not have been progress. They noted improvements specifically in the fostering and adoption service, strengthening of the Multi-Agency Safeguarding Hub and better response for children at risk of exploitation. But they also highlighted areas where improvements were still needed, and these included the recruitment and stability of the workforce, extra support for young people leaving care and improving the early help offer. Since their inspection report came out, I think we have made some good progress specifically in those areas. There is now a permanent leadership team and we are relying less on agency staff, which is good, particularly for the young people that have relationships with their social workers. The care leavers' offer is now in place and early help has improved. Members will be aware of course that we founded the Children and Families Hub to support that, earlier this year. The COVID crisis has made progressing some of those further difficult and in continuing to try and improve on those areas that we know we have got to improve on I meet regularly with my officers and with stakeholders, including often with young people that have been through the service themselves, to work out what more we can do to improve the service.

**4.15.1 Deputy M.R. Higgins:**

The Minister has come up with a list but he is aware, and I know he is aware, that many of the users of this service do not trust it and are in fear of losing their children because of the action of some of the social workers and have resorted to taping all conversations with any social worker. Does he think that is a satisfactory thing where people have to tape conversations? Furthermore, is it

satisfactory that people who do that are threatened that they may be breaking the Data Protection Law, which they are not?

**Senator S.Y. Mézec:**

The ideal situation is that we get to a position where Children's Service is not seen by the mass of the population as being overly intrusive or acting in an improper way. It is going to take a long time to get to that position. It certainly is the case that there are parents out there who will be very worried when there is an intervention into their family life by the Government service. That does not mean that we should hold back when we think there are risks to children's well-being and sometimes we will have to make interventions that will always be unwelcome. Frankly, there is nothing we can ever do about that and we should not be scared of intervening to protect children where we think that is necessary. But, yes, it is the case that work has to be done to improve the relationships between service users and the service, where they may have a reasonably frequent relationship. The way that we will do that is by focusing on early help and intervention, which by its nature will be more positive because it will be about help, rather than seen about punishment or that sort of thing. I accept fully that there is a long way to go and I have met with some people who I know have had difficulties with this. We take into account what feedback we get and it is a difficult journey to get to a position where trust will be rebuilt after years of things not being very good but we have to keep trying.

**Deputy M.R. Higgins:**

Is trust brought by threatening people who record conversations?

**The Bailiff:**

I am sorry, Deputy, that was the answer to the final question.

**4.16 The Connétable of St. Helier of the Assistant Chief Minister regarding building the new hospital on People's Park: (OQ.222/2020)**

Given that, on 13th February 2019, the Assembly decided against building the new hospital on People's Park by adopting my Amendment to P.5/2019, and that the same site had earlier been removed as an option before P.3/2016 could be debated, will the Assistant Chief Minister explain why officials have been instructed (or allowed) to spend time and money investigating the same site as an option for the new hospital?

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

When the hospital was previously considered the process was criticised by the Hospital Policy Development Board at that time, which felt that there had been political intervention in the site selection process for the Future Hospital scheme. This time the political oversight group asked officers to design a clear and comprehensive site selection process, which included a public call for sites and enabled Islanders to identify potential locations for the new hospital. It has been an important principle from the beginning that this process is kept free from political input. During the process many Islanders proposed People's Park, despite the existing Assembly decision against building the new hospital there. The Political Oversight Group felt it important to uphold the integrity of the process and have, therefore, allowed People's Park to be included to the stage it is now. It is worth also mentioning that Gloucester Street, which the Assembly also voted as part of P.5/2019, which the Connétable successfully amended, was also included earlier on. The process took the shortlisting from 83 to 39 to 17 and to 5. If Members are interested, Gloucester Street fell out when the list went from 39 to 17. It is the process that is being used to identify the most deliverable sites for a new hospital from an engineering and technical perspective with the perimeter set out in the report, R.54/2019 entitled *New Hospital Project: Next Steps*. We have stuck to the process outlined in that report as closely as possible.

**4.16.1 Senator K.L. Moore:**

Following on from the Constable of St. Helier's question: could the Minister explain why time and money has been spent including Overdale as a potential site for the hospital, given the comments of the planning inspector in his previous review?

**Senator L.J. Farnham:**

As I have just outlined, we have followed the process, we have worked in line with the planning brief and the site selection process, which has been laid out to Scrutiny, has delivered these 2 sites.

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

Could I ask the Minister why he felt it necessary to change the red line around one of the 5 sites after the shortlist had been published?

**Senator L.J. Farnham:**

I have to say that that was an administrative error. It was an error of the officers. There was no decision to change the red line.

[11:15]

It was just not put in the right place in the first place and it was corrected. With hindsight we should have provided better communications on that. I was not informed, the Political Oversight Group were not informed and I apologise for that. The matter was dealt with internally and, fortunately, that site has now come off the shortlist but that is all it was. There was no intention to mislead the public. It should have been that from day one and it was overlooked.

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

The Deputy Chief Minister speaks of integrity, principle and process and he suggests that political input has got no part to play in the current choice. But would he not agree with me that the Council of Ministers now ride roughshod over the wishes of Backbenchers in the States Assembly, even when those wishes are given the support of the democratically elected Members?

**Senator L.J. Farnham:**

I am going to base my answer in relation purely to the hospital project and we all remember what happened last time. We started the process some 10 years when it was decided that we had to start planning for a new hospital. The last process was derailed because of political tinkering and politicians deciding where they wanted the hospital to go, not based on a proper longer-term vision. This process has achieved more in the last year than we have done in the last 10 years. I do understand and respect the Constable's concern about the People's Park but the insurance is this will be a States decision. I felt, given the long-term importance of the hospital, it is not a one-off spend. We should not necessarily just focus on the cost of the hospital because, as I have said previously, what is more important is what goes on inside the hospital in the next 30, 40, 50, 60 years. But I thought it is important, given the cost and technical implications, that all sites were considered. When States Members do get to decide, they can fall back on a process that has been thorough and transparent. I hope Members will appreciate that when we come to make the very difficult decision that lies ahead.

**4.17 The Deputy of St. John of the Minister for Home Affairs regarding European Community travel documents: (OQ.213/2020)**

Will the Minister confirm what plans, if any, there are to negotiate with the U.K. Home Office to allow travellers from the European Union the continued use of European Community travel documents, rather than such travellers having to obtain a national passport in their country of origin, given the potential impact that such a requirement may have on the Island's tourism industry?

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

The travel documents the Deputy refers to are the European Union national identity cards. These cards are only accepted as travel documents by E.U. (European Union) member states and, as we all know, the U.K. is no longer a member of the European Union and we are coming towards the end of the transition period of the U.K. leaving. The U.K. Government has made it clear that it is their intention to increase security at their borders. In fact this was one of the main reasons why the U.K. decided to leave the E.U. As a result, this includes no longer accepting the insecure E.U. I.D. (identification) card as travel documents. We have an obligation, as a member of the Common Travel Area, to align immigration controls to that of the United Kingdom. I do not consider it would be appropriate for the Island to request the U.K. to reconsider policy that will compromise the border security of the U.K. and indeed the whole of the Common Travel Area. Of course it is regrettable that this policy may affect some visitors who made unplanned trips to the Island but, in fairness, the policy has been well-publicised and I am aware that there are already a larger number of E.U. nationals holding national passports.

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

I know it is not the Minister's responsibility to worry about tourism but is he aware of the very deep concerns that have been expressed by hoteliers and other tour operators and the hospitality trade in general by Jersey's loss of that very important day trip and market, particularly from France? Is there anything that he or his colleagues in the Council of Ministers can do to mitigate the damage this could do to an already beleaguered industry?

**The Connétable of St. Clement:**

As I have said, it is regrettable that this will have some impact on the day-tripper trade, in particular. But this will apply, of course, to the other members of the Common Travel Area, including the U.K. itself, who I know have been lobbied pretty hard by the hospitality industry and the travel industry in that place. Yes, of course I am aware because I have had conversations and exchanged correspondence with the main sea operator, Condor, and it is regrettable that there will be some impact. What we have also communicated regularly over the last 18 months with the Honorary Consuls, those countries that have consulates in the Island and, hopefully, as I say, there are signs, well it is more than signs it is happening, more Europeans are now getting passports.

**4.17.2 Deputy M.R. Higgins:**

There's a bit of an inconsistency in what the Minister is saying. As Ireland is part of the Common Travel Area, are they going to accept other forms of identification from Irish citizens, rather than having them take passports, as they are still part of the E.U. and will be?

**The Connétable of St. Clement:**

Yes, the Republic of Ireland is a member of the E.U. and will be remaining as so and, as such, European nationals will be able to enter Ireland with an E.U. identity card. The United Kingdom are putting in arrangements for travel between the Republic of Ireland and Northern Ireland and the United Kingdom.

**Deputy M.R. Higgins:**

That is not a full answer because the Irish Republic have access into the U.K. and they will continue to have.

**The Bailiff:**

I am sorry, Deputy Higgins, that was the Minister's answer to the question. There is no supplementary at this point.

**4.17.3 Deputy R.J. Ward:**



Can I ask the Minister whether he has a specific date at which the identity cards will no longer be valid and passports will be needed? Will this be publicised very clearly, particularly for residents of the Island who may have real problems?

**The Connétable of St. Clement:**

The date has not yet been fixed by the United Kingdom but I suspect it will be some time during the first half of next year. I do not see why this should cause problems for Jersey people, local people, because we are already required to use passports. Those with settled status will of course continue to be able to use the E.U. I.D. cards up to 2025.

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

Does the Minister and his colleagues have a proposal to compensate tourism businesses in the event that visitor numbers fall significantly? Furthermore, how will the French market be affected once foreign nationals are unable to enter the Island without a passport issued in their country of origin?

**The Connétable of St. Clement:**

Foreign nationals will continue to have access to Jersey with passports issued in their country of origin; that is not a problem. Just that simply there will come a time when they will not be able to use E.U. I.D. cards.

**The Deputy of St. John:**

My question was: how do you propose compensating businesses whose trade falls off because E.U. members are utilising I.D. cards and cannot come to the Island?

**The Connétable of St. Clement:**

No, there are no plans for compensation. But E.U. nationals cannot continue to come to the Island and other places in the Common Travel Area, including the U.K., but they will after the date has been fixed requiring a passport. We must remember the United Kingdom have decided to leave the European Union and Protocol 3 falls away with that, so the benefits that we have with the European Union will also fall away. The reason the U.K. decided to leave was to improve their border security and, as part of the Common Travel Area, we have to be part of that and I am sure Members will understand that.

**4.18 Deputy R.J. Ward of the Chair of the States Employment Board regarding the changing need for isolation: (OQ.211/2020)**

Will the Chair advise how the policy of absence and attendance for States employees will be applied for those employees who have taken holidays during the October half-term period to a country or region which has subsequently changed to a higher-level risk requiring self-isolation on return?

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

The Connétable of St. Ouen is taking this one, Sir, if that is okay.

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

I know the Deputy likes direct answers, so I will give him one. For employees who are taking holidays during the forthcoming October half-term who travel to a green territory, which subsequently during the half-term period switches to either amber or, worse still, red, on return they will be paid for the isolation period or indeed until they receive a negative test.

**Deputy R.J. Ward:**

Thank you and it is really nice to get a direct answer. I have no more questions.

**4.19 The Deputy of St. Martin of the Minister for Economic Development, Tourism, Sport and Culture regarding investigations by the Jersey Competition and regulatory Authority: (OQ.209/2020)**

Will the Minister advise the Assembly of the criteria that must be met for an investigation by the Jersey Competition Regulatory Authority to be triggered?

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

The J.C.R.A. (Jersey Competition Regulatory Authority) is responsible for the administration and enforcement of the Competition Law, together with the economic regulation of telecoms, ports and postal sectors. It is an independent body that operates according to clear guidelines that are publicly available up on its website. In some cases it is bound to act and in others it can exercise discretion; for example, the J.C.R.A. has a duty to investigate mergers and acquisitions that meet the relevant statutory tests. The authority will open a formal investigation if it has reasonable cause to suspect that there has been a breach of either one of the laws it administers, a direction under those laws or a licence condition in the regulative sectors. The J.C.R.A. may also undertake a market study arising from request under Article 6(4) of the Competition Regulatory Authority (Jersey) Law. Whether a reasonable cause to suspect exists will depend on the J.C.R.A.'s assessment of the information available. It weighs up several factors when prioritising how it allocates its resources. This includes whether the matter can be resolved in a manner that is actionable, realistic and meaningful. In general, the J.C.R.A. is more likely to exercise its discretion to act where it believes the infringement is material. Further, if there is no clear benefit to consumers the J.C.R.A. is more likely to refrain from taking action. Information on potential infringements may come from a range of sources, including complaints, whistle-blowers, the media, politicians or other public sources.

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

I thank the Minister for his answer. Given the decision to investigate following his answer would appear to be subjective and discretionary on behalf of the authority, does the Minister agree with me that it just does not seem right that the cost of any investigation falls to the person being investigated and then the fines from any subsequent decision is left in the coffers of the investigating authority?

**Senator L.J. Farnham:**

I agree with the principle of that. This is something that the Jersey Competition Authority will be asked to look at. I am trying to sort of remember how funding is handled and the J.C.R.A. has a separate fund of court and case costs and that of course is applied. Because at the heart of managing - and I think there is another question on inflation later - inflation, as members of the Anti-Inflation Strategy Group have been wrestling with, is a key challenge for the Island, especially as we go into economic recovery process.

[11:30]

One of the key levers in the battle against inflation is competition. I expect the new Jersey Competition Authority to be much more active and it looks into markets and how its work is funded is something we have to revisit.

**4.20 Deputy I. Gardiner of the Minister for Infrastructure regarding LibertyBus drivers: (OQ.225/2020)**

Will the Minister advise why the wearing of face masks by LibertyBus drivers is currently optional and not mandatory?

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

Jersey has no legislation to mandate the wearing of face coverings and for the health and safety of everyone on board our bus services the wearing of coverings for bus drivers must be for them to

choose. It is essential for drivers to be comfortable and to have nothing impairing their vision while operating large passenger-carrying vehicles. Masks can potentially cause glasses to steam up or rise up on the driver's line of sight.

**4.20.1 Deputy I. Gardiner:**

Would the Minister agree that the public policy should apply equally to all, similar to France, including clients and employees and that other countries have introduced mandatory face masks for the drivers to be sure that everybody is protected; why should we be different?

**Deputy K.C. Lewis:**

During summer 2020 the wearing of face coverings by passengers was made a condition of carriage by LibertyBus in order that buses can be restored to full capacity. This has the support of the public health authorities and recognises that bus passengers may be in close proximity to others for moderate periods of time, typically 10 to 30 minutes. Bus passengers are only in close proximity to the driver momentarily when they are hopefully scanning their AvanchiCard, students or other cards or fare collection is taking place. While travelling passengers are at least one metre distance from the driver, usually much, much more the cab area.

**The Bailiff:**

Deputy Maçon, you have asked to ask a question, that was the supplementary question afforded to Deputy Gardiner, as there was no indication anyone wanted a question before that; that is the final supplementary, I am afraid.

**4.21 Deputy K.G. Pamplin of the Minister for Infrastructure regarding mental health related projects: (OQ.216/2020)**

Further to my previous questions on this subject, and recent email correspondence I received from the Minister, will he provide an update on work on the place of safety project and the building of the new in-patient facility to replace Orchard House, including an estimated end date?

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

The relocation of Orchard House to Clinique Pinel is a project to adapt an existing building on the St. Saviour site and to create a dedicated acute mental health facility that includes 26 en suite bedrooms, a place of safety, a tribunal suite and a training facility. Works commenced on Monday, 7th September. The contract period is 72 weeks, with a completion schedule for January 2022. The contract is being expedited by reducing the number of phases of the project by running some in parallel.

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

Is the Minister aware that there appears to be a shortage of air conditioning in Clinique Pinel?

**Deputy K.C. Lewis:**

I am aware that the building is being updated. I have not seen the detail of that, but I am sure that will be addressed in the project.

**4.22 Senator K.L. Moore of the Assistant Chief Minister regarding the cost of Our Hospital project: (OQ.232/2020)**

What is the estimated price per square metre for the new hospital envisaged in the Our Hospital Project?

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

As the Senator may know, there is a pre-construction period in the development of the cost of the hospital. During this time, we will be in the process of constant work and negotiation with the

delivery partner to secure the absolute best value of money for the build of the hospital. If we were to start publicly quoting figures during this period, this could lend weight to the delivery partner working towards that sum as a target, which is something that we want to avoid, in the interest of delivering best value on the project. Clearly it would not be in the best interest of Islanders at this stage to do so, which I am sure the Senator will appreciate. However, we have already given a confidential briefing to the Scrutiny Panel and we will continue to share this information with Scrutiny on a confidential basis as we move through the process.

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

How is the Deputy Chief Minister and his team keeping an overview of the cost of the Our Hospital Project and the potential for it to exceed the sum of £467 million, which was so poorly received at the last elections for the previous hospital project?

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

I am not going to comment on the overall envelope of the total project at this stage, for the reasons I have just mentioned. The hospital oversight group is receiving regular updates on finances and negotiations from the officer team. When we get to the stage, and as I have said, to reiterate, we will be continuing to share this with Scrutiny, as we move forward. As soon as possible, as soon as negotiations reach their conclusions, we will then come for further political approval, through the Council of Ministers and ultimately to the States Assembly.

#### **4.23 Deputy M.R. Higgins of the Minister for the Environment regarding enforcement function: (OQ.229/2020)**

Given the criticism received by the enforcement function of his portfolio, both in official reports and in this Assembly, will the Minister explain what steps he has taken to deal with such criticisms and to ensure that enforcement issues are dealt with expeditiously, consistently and impartially?

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

I would like to take the opportunity to update the Assembly with the progress made by the G.H.E. team, since the report of the Comptroller and Auditor General and his comments also of Members of the Assembly. Of course, the executive, that is the G.H.E., responded to the report, to the C. and A.G. (Comptroller and Auditor General) and the recommendations we did in June. Their recommendations in respect of planning, building control, environmental health were accepted. I can confirm that action has already been taken to improve services in the longer term. Although it is correct there is still a backlog. The Planning Enforcement team is usually staffed with 2 officers. The department has now added another planning officer, by transfer from other work, to the group to deal with the particularly high level of work and a director of development control has taken personal management oversight of that team. Indeed, I am advised that the target operating model, which is one being developed by the D.G. (Director General), will be discussed with P.A.C. (Public Accounts Committee) and the Scrutiny Panel. That will seek to add further members to that team, by way of transfers from other functions. Of course, it is true that team has been historically under-resourced. So the programme of work, which has been delayed, will be commenced this autumn. Thank you.

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

In the written answers today, which I might add are a total load of rubbish, there have been no prosecutions in 3 years for listed buildings or places that have had problems. We know that the department has been aware of these things and has taken no action. When is the Minister going to get his department running properly?

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

I do not accept what the Deputy has to say. I know the Deputy has a particular interest in one enforcement matter, where he does consider the actions have not been sufficient. Of course I have

bent over backwards to arrange meetings with the officers to air that. Nonetheless he is entitled to his view. Of course, prosecution is a last resort. He would know that these matters of prosecution are decided not by the officers and nor by myself - nor should they be, because appeals, of course, are my responsibility; I have to decide them - but they are decided by the Attorney General. What I have provided him with and this “rubbish answer”, as he says, on 313, sets out the schedules of all the enforcement notices which have been served, in great detail there. We use the process that we have. It is true that the law can be strengthened and that is something which I will be seeking to do in the long run, but we have to work with the law as it is. Thank you.

#### **4.24 Deputy G.P. Southern of the Chief Minister regarding income inequality: (OQ.218/2020)**

Will the Chief Minister provide his assessment of which measures reported in the 6-month progress review of the Government Plan have contributed most to the objective arising from the Common Strategic Policy to reduce income inequality? Will he state what further measures, to achieve this objective, are under consideration for the new Government Plan?

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

The 6-month progress review of the Government Plan, which was the first time that has ever been done, includes a dedicated section of the C.S.P. commitment to reduce income inequality and improve the standard of living by improving the quality and affordability of housing, improving social inclusion by removing barriers to work. Obviously we have had the, and continue to have the, extraordinary situation of COVID-19 and the Government, during that period of time and continuing, have paid particular attention to those members of society who may have struggled more as normal life was disrupted. To give 5 of the areas that have been covered; extended community network set up to support vulnerable Islanders, which was Connect Me, which helped with emergency food distribution and access to benefits, as well as keeping in touch with people living alone during the lockdown. A fast track income support process was introduced to minimise the labour of dealing with the large number of new applications. An emergency housing team was set up to identify additional housing resources, while the normal housing market was unable to function. Do not forget the rent freeze and ban on evictions kept existing tenants safe in their accommodation. The co-funding payroll scheme has supported the wage costs of over 16,000 jobs. A new emergency support called C.R.E.S.S. (COVID-19 Related Emergency Support Scheme) provided financial assistance for people out of work with less than 5 years' residence. Despite COVID-19, additional employment rights were introduced on time to provide better support for working parents. Just to address this last part of the question: as Members will be aware, the new Government Plan is currently under development and we have agreed a timetable to share an early draft with the Scrutiny Panel before the end of the month. Subsequently then Members will be briefed accordingly.

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

In that long litany of actions which appear to have been taken, how many of those would lead to permanent change, permanent reduction in income inequality, rather than just temporary stop-gap measures?

#### **Senator J.A.N. Le Fondré:**

Of the list I gave, obviously many of them are, when I say temporary, although sometimes the fast-tracking of the income support process I would hope would be made a permanent or certainly an improvement, in terms of speed of transactions. The Deputy is right, a number of those were stop-gap measures to deal with and to continue to deal with the COVID-19 crisis. Obviously there are more items, for example the food cost bonus and things like that, which are permanent and which are detailed in the Plan.

**[Please note that the Minister for Health and Social Services subsequently provided the response below to the oral question from Deputy L.M.C. Doublet of St Saviour which was not asked due to time constraints.]**

### **Question**

Will the Minister explain why organised singing continues to be prohibited under the Level 1 guidance issued by the Government, highlighting the specific medical advice and research on which this guidance has been based? (OQ.230/2020)

### **Answer**

At Level 1, the Government was able to introduce a very limited package of changes, consistent with the careful approach recommended by the Scientific and Technical Advisory Cell (STAC) to Ministers corresponding to the rapidly increasing COVID-19 rates in countries around us and therefore the increasing threat to Jersey.

There continue to be multiple activities that continue to be limited or not permitted in Level 1 of the Safe Exit framework, including singing.

The evidence for transmission of COVID-19 through singing as well as the playing of brass and woodwind instruments is from both observational studies of aerosol spread or from studies where group singing preceded diagnosis in COVID-19 clusters.

In observational studies the spread of aerosols from singing, wood and brass instruments is projected and likely to be similar to that of loud talking and shouting. Studies relating to clusters of infection, including from choirs, found that multiple routes of transmission including, prolonged close contact, touching common objects, or sharing food, and poor ventilation had contributed to spread.

STAC concluded that the status quo in terms of singing and playing brass and wind instruments should be maintained. However, in preparation for school opening in line with the lower risk to children, music guidelines with appropriate mitigations to reduce risk have been provided as part of school guidelines. This will allow small group singing and playing of wind instruments to the minimum number required by exam boards to ensure students music learning is not negatively impacted. This is consistent with the appreciation that returning education to normal or near normal is paramount.]

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

### **The Bailiff:**

That brings the time allocated for this question period to an end. We now move on to questions to Ministers without notice. The first period of questions of 15 minutes is for the Minister for Education.

[11:45]

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

Can the Minister for Education describe what enhancements to mental health and well-being have been put in place for the schools and specifically for the students on the return to the new term?

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

I thank the Deputy for his question. It is extremely important, especially following what we have been through, to recognise, of course, many students may be very anxious, especially at the beginning of the school term. When we did the phased approach back in June/July time, we did offer some

social emotional mental health support, particularly in secondary schools. We have good pastoral care. The head teachers were identifying specifically children already anxious at school before the lockdown position. We have had great support from our psychology team, our educational psychologists, with the schools, putting in place the necessary emotional literacy support assistance within primary schools, as an example, to further support those students. Now we are into the new term and more children are back at school. We will be keeping a very close eye on how we can support those students further and support the head teachers at those schools.

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

Would the Minister assure the Assembly that student grants, for students attending universities or colleges after their formal education in Jersey, will not be reduced in the coming Government Plan?

## **Senator T.A. Vallois:**

Yes, I can assure the Deputy that the current grant system still stays into effect as it currently stands.

## **5.3 The Connétable of St. Helier:**

The Minister will be aware of the pressing need for more open space for Rouge Bouillon Primary School and also the fact that the former police station has been vacated now for some time. Will she press the Minister of G.H.E. with his responsibility for Property Holdings to use a certain amount of speed and determination to bring the feasibility project that we were told in the last session he is working on to completion? Will she press him to bring it to both her department and the Parish of St. Helier for consultation?

## **Senator T.A. Vallois:**

Yes, I am more than happy to work with the Minister and the Constable around the open space needed, not just for Rouge Bouillon School, but Springfield School, Janvrin School also. There is a wider piece of work that we have to look at, in terms of our St. Helier town schools in particular. Hopefully the forthcoming Government Plan will also address that. I will continue to work with both the Constable and the Ministers to identify the results of that feasibility study and take that forward.

## **5.4 Deputy L.M.C. Doublet of St. Saviour:**

Could the Minister, please, outline what the policy is on singing within schools, given that the advice on the gov.je is vague and appears to say that singing is permitted, but then goes on to say it is only for G.C.S.E. (General Certificate of Secondary Education) and A-Level classes?

## **Senator T.A. Vallois:**

I thank the Deputy for the question. In terms of the children's needs and interests being extremely important, we also have to manage the risks within the schools. Of course, we recognise that with musicality you can do very different things in terms of creativity with different age groups. The focus is primarily on school exam syllabus, particularly with regards to things such as wind instruments and singing, whereby the medical advice places a higher risk in terms of droplets, the aerosol spray that is exhaled. That is where the high risk comes from. We are allowing things like being able to use keyboards and cleaning them afterwards, reducing the amount of sharing of equipment, in terms of musical instruments. However, the focus at the moment, in terms of managing the risks for students as we move into this new term is that the focus would be on the exam syllabus for the singing side of the educational offering.

### **5.4.1 Deputy L.M.C. Doublet:**

Does the Minister not agree with me that this does not make sense at all, given that we have children who are being schooled within bubbles where they are allowed to have physical contact with each other? So not allowing them to sing together and for the teacher to sing with them, within those

bubbles, just does not make sense. Would the Minister, please, given that the evidence on the extreme benefits of singing to children, particularly in the early years, agree to review this policy with haste?

**Senator T.A. Vallois:**

I would be happy to go back and look at this. However, I would say to the Deputy that, of course, it is not just the risks to children that we have to consider, it is the adults within the school as well. Not just primary schools, but also secondary schools. Like I say, it goes back to that risk management process. We started out very well in terms of the new term. Things are moving very well for the schools, thanks to all their hard work, but I am happy to look at this and respond to the Deputy once I have reviewed with officers.

**5.5 Deputy S.M. Ahier:**

Will the Minister explain her rationale for closing schools this Thursday? Thank you.

**Senator T.A. Vallois:**

Yes, this Thursday would have been the Battle of Britain. Unfortunately, it has been cancelled. However, every Battle of Britain day is set aside for training and development for our teachers, which is extremely crucial for educational outcomes for our students. This is always put in place in advance, so that parents, families, students can plan readily for that day. So it is already described as an inset day. Our teachers will be in, but they will be in training and development.

**5.5.1 Deputy S.M. Ahier:**

Did the Minister consider moving the training day to the October half-term, thereby avoiding any disruption to children's education? Thank you.

**Senator T.A. Vallois:**

No, because they will still receive the full complement of 187 days during the academic year for school offering and the teachers will still be obliged through the contractual requirements of the 190 days for the academic year.

**5.6 Deputy I. Gardiner:**

As the travel restrictions and the isolation terms are constantly changing, some of the children might need to self-isolate on their return from half-term. Parents are asking if the schools are ready to a hybrid system of online home-schooling and physical. If yes, if this absence will not be counted in their rate of absence?

**Senator T.A. Vallois:**

I thank the Deputy. It is important that we have some form of flexibility. However, in terms of the ability to a hybrid system, it will depend on the school and the offering. What we have learned from the lockdown and the home-learning is that not every school is equivalent in terms of their offering with regards to their I.T. (information technology) infrastructure. So we are working to fix that at this present time. But we would be able to, and I am sure head teachers and teachers would be in a position to provide work from home, should that be the case.

**5.6.1 Deputy I. Gardiner:**

Supplementary, the second part of the question, Sir? Would the absence, because of the self-isolation requirement, count towards their rate of absence overall?

**Senator T.A. Vallois:**

As I said at the beginning, we have to apply some flexibility to this, which we recognise in terms of the attendance. There are also concerns from families who are in vulnerable households or who have vulnerable children, who may have received medical advice, so we need to recognise that this is not



a normal time and that we are managing the risks the best that we can. We need to be flexible around the requirements on the attendance.

**5.7 Senator K.L. Moore:**

Does the Minister monitor vacancy rates and staff turnover within her department? If so, is she concerned by them?

**Senator T.A. Vallois:**

I thank the Senator for her question. I do not personally monitor the vacancy rates. I do not have the numbers in front of me right now. We have had some peaks and troughs in terms of vacancy rates. Usually this comes around the May time when there is movement of teachers between schools. If the Senator would like further information and details on the vacancy rates, I am happy to get that sent to her.

**5.8 Deputy G.P. Southern:**

What is the Minister's initial reaction to the recent report on recruitment and retention of teaching and other education staff?

**Senator T.A. Vallois:**

I thank the Deputy for his question. My initial reaction is one of particular concern. I think one of the biggest issues that we may have is around the cost of living right across the public sector in terms of retention and recruitment and may struggle going forward, particularly in specialised fields. I recognise that we need to do much, much more in terms of training and development for our teaching staff - all of our staff - in terms of providing good educational outcomes.

**5.9 Deputy M. Tadier:**

Could I ask the Minister whether teachers are being told to prepare for a second closure in the case of a new wave of COVID-19? If so, will she ensure that they are given adequate time and resources for online planning to deliver their lessons, *et cetera*?

**Senator T.A. Vallois:**

I am not aware that we are telling staff to be prepared to close schools. I prefer to be in a position of us not having to close schools again. Hence the reason why we are carrying out fairly closely the risk management in terms of opening the schools and getting all students back to school. We will keep abreast of this. Our officers are regularly meeting with the medical experts. We regularly meet with the unions and relevant head teachers. We will keep them as up to date as quickly as we can with the relevant guidance and information as we move through this term.

**5.10 Deputy R.J. Ward:**

Would the Minister agree that any delay to a youth facility in the north of St. Helier, as agreed in the Common Strategic Policy, would be detrimental to young people and contrary to the priority of putting children first, particularly given the vast amount of building planned in this area? Thank you.

**Senator T.A. Vallois:**

Yes, I would tend to agree. However, I think there is a higher risk in that if we do not move with regards to the development and move on the north of town youth centre, there is a risk that there would not be land or a parcel of land that we would be able to utilise for that provision. It is extremely important, especially with the number of housing developments that are going on within that area these days.

**6. Questions to Ministers without notice - The Chief Minister**

**The Bailiff:**

There are no other questions for the Minister for Education. That brings this period of questions for this Minister to an end. There are now questions for the Chief Minister.

### **6.1 The Connétable of St. Helier:**

The Chief Minister will have heard the Deputy Chief Minister in responding to an oral question from me earlier this morning, describe a political involvement in the selection of the new hospital and, I quote: “Tinkering, not based on a proper long-term vision.” Does the Chief Minister support that view of political involvement in these kinds of decisions? The Deputy Chief Minister also said that the next decision will be “a States decision”. Does the Chief Minister, therefore, agree with his Deputy, that the last decision on P.5, ruling out People’s Park, was not, therefore, a valid States decision?

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

To cut to the chase, certainly there is a view, which I support, that the previous process of the hospital selection sites was dogged or blighted by, for want of a better expression, political interference at the wrong time. What we have tried to do, what the Deputy Chief Minister sought to do in chairing the political oversight group is to follow the process, even though on individual decisions politically Members may have felt slightly uncomfortable in certain areas.

[12:00]

But all the way through, to be really clear, both the political oversight group and at Council of Ministers, there have been discussions around different sites and the merits of different sites. However, all the Members to date have said: “Okay, we will follow the process and we will let that process run.” That means it is continuing to let it run, such that when it does come to the Assembly for a decision, Members will have the reason why the final outcome was agreed to come to the Assembly and with the appropriate costs and consequences. That is where we have gone. I do not disagree with the Connétable in his views from a personal perspective on People’s Park and the difficulties of the Assembly decision. However, to date, we have let the process run but we are very mindful, and I am sure will remain very mindful, of that Assembly decision when the choice between those final 2 sites are made. At the moment, the crucial message is we have let the process run to avoid the traps that people fell into in the past, because of political interference.

#### **6.1.1 The Connétable of St. Helier:**

Was the Chief Minister not then himself fairly guilty of political interference in the process? Is he regretting his involvement in that Scrutiny process? Is he able to say whether the next States decision on the preferred site for the new hospital will be any safer than the decision that we made in February last year?

#### **Senator J.A.N. Le Fondré:**

In my role as a Member of the Assembly, I certainly do not regret. What I was referring to was the actual process of bringing those decisions to the Assembly. To date, I endorse Senator Farnham’s comment earlier that we have made significant progress over the last 18 months compared to years before then. However, let the process run. It does not have much further to go. Then it has to go to Council of Ministers, briefings to Members and then a final debate for the Assembly.

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

I would like to start by congratulating the Chief Minister in part of keeping the Island safe during the pandemic. However, will he today apologise for the delay of P.88 as amended by the Government, my Proposition, in its delay, not meeting its deadline, of 1st August, but still outstanding in the various parts of the Proposition as it stands today.

#### **Senator J.A.N. Le Fondré:**

I always have to apologise if an apology is necessary. I briefly need to reflect on P.88, which for members of the public, if I am correct, was the publication of S.T.A.C., minutes. Some have been published. I believe the delay on others being published has purely been due to some very hard-working members of S.T.A.C. being on annual leave. I am sure that will be resolved as soon as possible.

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

Thank you, Chief Minister. Yes, at the moment there are 2 S.T.A.C. meetings on the website, from April, so it is very much out of date. Equally the specific area of the test, track and trace particular page is also not there. I know the amended part of the Proposition about press engagements is also one to review. Will the Chief Minister simply review my Proposition and either talk to me directly or review it, so we can just get this all in place as we enter the next critical stage of this pandemic? Thank you.

#### **Senator J.A.N. Le Fondré:**

I am always very happy to have a discussion with Deputy Pamplin, as he knows. I will have a look at the Proposition. I will just say, in terms of press engagements, there has been press engagement of the right sorts, weekly and all the way through, since that debate. Obviously it will continue.

#### **6.3 Deputy L.M.C. Doublet:**

In the Chief Minister's response to a letter from the Jersey Community Relations Trust, he made a commitment to collect ethnicity data for COVID-19 swabs. Can he confirm that this is happening and identify where this information is held and where it is published, please?

#### **Senator J.A.N. Le Fondré:**

I understand it is happening. I will go back and find the information the Deputy is seeking. It is possible that the numbers are that low-level that there are concerns around publishing it for identification. In other words, for the risk of identifying individuals, which obviously would go completely against all the principles that the health services operate under. I will ask my team to go and look and respond to the Deputy directly, and obviously copy it to States Members.

#### **6.3.1 Deputy L.M.C. Doublet:**

Could the Chief Minister also commit to analysing any inequalities that are revealed by the data, please, and acting on any inequalities that are revealed?

#### **Senator J.A.N. Le Fondré:**

I will obviously look at the data and then if there is any information that comes out, then undoubtedly the health teams will be working on them. I have to say, I am not aware of anything at this stage.

#### **6.4 Deputy M. Tadier:**

Given the fact that the Chief Minister and his Government are committed to putting children first and that housing standards have been strongly interlinked over the years in various reports with children's positive outcomes, will he and the Council of Ministers be lending their full support to P.106 this week, which seeks to introduce basic standards for health and safety in rented dwellings? If not, why not?

#### **Senator J.A.N. Le Fondré:**

The stance of any individual Minister or Assistant Minister in relation to any Government Plan debate, as the Assistant Minister well knows himself, is a matter for that Minister.

#### **6.4.1 Deputy M. Tadier:**

Can I take it from that answer that the Chief Minister and the Council of Ministers, therefore, has decided no longer to submit to its engagement to put children first and also similarly to reduce income inequality in the Island?

**Senator J.A.N. Le Fondré:**

No, you cannot infer that, Sir.

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

Would the Chief Minister agree that any delay to a youth facility north of St. Helier, as agreed in the Common Strategic Policy, would be detrimental to young people and contrary to the priority of putting children first, particularly given the vast amount of building planned for this area? Thank you.

**Senator J.A.N. Le Fondré:**

In a theoretical ideal world, I would absolutely agree with the Deputy. Unfortunately, in the real world we just incurred huge financial costs, which obviously Members will see in full context later on, over the next few weeks, in dealing with Islanders, COVID-19, keeping people alive and avoiding many of the impacts that we have seen in other jurisdictions. That has had a consequence. While the funding still remains in the capital programme for the north of town youth project, the issue will be on timing, bearing in mind as well all the delays that have arisen as a result of COVID-19.

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

Can I assume from that then that the Common Strategic Policy priorities are equally as theoretical? Does any delay not risk the losing of sites, so that in the end a facility will be impossible and, yet again, we will let down the people of St. Helier North and young people?

**Senator J.A.N. Le Fondré:**

No, I do not think the Deputy can assume that.

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

Will the Chief Minister explain to the Assembly how he feels he is holding his Chief Executive to account effectively?

**Senator J.A.N. Le Fondré:**

There are 2 issues here. One is, and to place on record, in my view, the Island has a huge debt of gratitude to everyone who has brought us to the place now in dealing with COVID-19. That also applies to the chief executive and his senior management team. In terms of holding the Chief Executive to account, as the Senator will be aware, because it does include Members of the Assembly as well, the appraisal process for the Chief Executive commenced earlier in the year, just before COVID-19. It has been significantly delayed because of COVID-19. I had the last meeting on that last week. As the Senator is aware, we will be publishing the appraisal report by the end of the month.

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

How will the Chief Minister express his view on the Chief Executive's meeting his K.P.I.s (key performance indicators), as agreed with the Chief Minister, particularly in light of the failure to meet the efficiencies that they had agreed together?

**Senator J.A.N. Le Fondré:**

Two things, one is the appraisal report will address that and there will be a covering note on the front of it. Secondly, as I make the point, many things have been delayed as a result of COVID-19. We need to recognise it. I am absolutely very, very clear in my opinion that without the present senior management leadership and the revised structures that have been put in place, we would have been

in a very different and far worse position. In other words, if we had been having to deal with this crisis under the old structures and the old regime - I am talking about within the organisation - from my perspective, the structures that have come through, the restructuring that has taken place, have put us in a very good position that has enabled us to deal with COVID-19 in the way we have done.

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

The 2020 Jersey Opinions and Lifestyle Survey shows that between 2018 and 2019 there was a significant fall in life satisfaction, feelings of being worthwhile, happiness and a significant increase in anxiety across the Jersey adult population. I was wondering if the Chief Minister would confirm whether he is concerned about the significant fall between 2018 and 2019? Would he venture to give reasons as to why he thinks such a fall in happiness, *et cetera*, has taken place?

#### **Senator J.A.N. Le Fondré:**

I am still absorbing the contents of that report. I do agree that the fall in happiness, although there was a slight increase in 2020, if I recall correctly, is always concerning. However, there are always points in time and not only this year, bearing in mind we are talking a different period, we obviously have had COVID-19, which in theory should have impacted quite significantly, we have also for at least the last 2 years, if not longer, depending on when you want to count it, had Brexit. Things of that sort of uncertainty will also have impinged on people's view of the world, not necessarily the problems of living in Jersey, more the external challenges that we continue to face.

#### **6.8 The Connétable of St. Saviour:**

Given that the U.K. seems to have the virus going rampant around it at the moment, is the Minister considering closing the borders with the U.K., so that at least the Island will be able to have family Christmases and not be isolated, as that seems to be where we are heading at this moment in time? We seem to be hoping that the testing facilities that we have are going to solve all our problems. However, I do feel that with England sort of losing control of the virus why should we have our borders remaining open and spoil Christmas for all Islanders?

#### **Senator J.A.N. Le Fondré:**

The crucial thing here is to say we have one of the best - external comments to this - rated testing and tracing regimes in Europe now. We should be very, very proud of that. Obviously the reason we put the new laboratory up at the airport, which I believe will start testing items shortly on a limited basis, as it is being commissioned. We continue to invest in that side. That is about protecting Islanders and keeping them safe. It is about their well-being as well. We do monitor the position daily and very, very regularly. That is also why we are applying a regional system of testing to people coming into the Island. Obviously if somebody is coming from an amber region, which we can react to very quickly, they do have to self-isolate for the 5 days, until they have had the 2 tests and those 2 tests have come back negative. If they continue to come back from a green area, so that is not subject to some of the conditions that the Connétable is referring to, then that still remains, in the medical opinion of S.T.A.C., low risk.

[12:15]

That is what we are maintaining to do, is balance the risk. We are doing it always on the medical advice and we will continue to review it. I know that is a concern for the Connétable, but that is the best advice we are receiving. It has stood us in very good stead to date, but we will continue to monitor it. At the moment, if people travel in from a green area it is rated as low risk, but they are still being tested. As has been evidenced in the last few days as well, if people are coming from amber or red areas and they breach their conditions, it is being enforced and people are being fined. I hope that also gives some comfort to know that we are serious in maintaining the safety of Islanders, while we continue to navigate the crisis.

**The Connétable of St. Saviour:**

May I have a supplementary, please, Sir?

**7. Questions to Ministers without notice**

**The Bailiff:**

I am afraid not, Connétable, that brings the time allocated for questions to the Chief Minister, under this part of the Order Paper, to an end. Of course, there is now another hour of questions for all nominated Ministers. What I have done is I had a note that Deputies Perchard and Truscott had questions for the Chief Minister and I have carried those questions forward into the questioning period that now follows. I have put them in the strict list that they have been posed, so the first question is Deputy Higgins for the Chief Minister.

**Deputy M.R. Higgins:**

No, Sir, it was for the Minister for Children and Housing.

**The Bailiff:**

The Minister for Children and Housing, I apologise, Deputy, I cannot read my own note.

**7.1 Deputy M.R. Higgins:**

Earlier in my questioning of the Minister for Children and Housing, I mentioned the clients of the Children's Service are having to resort to tape-recording all interactions with his department's officers, who are accused of making false entries in their records, which are being used by the courts to determine whether or not children are taken into care. Does the Minister think it is right for his officers to threaten these people with data protection breaches for these recordings when they are not breaking the Data Protection Law? What will he do about the recordkeeping, which had many false entries?

**Senator S.Y. Mézec (The Minister for Children and Housing):**

I can say that I am aware of at least one instance where a recording of a meeting did help figure out that mistakes had been made. In that instance it was helpful in getting that acknowledgement. I do not think that the service should be threatening people who come into contact with it. I am aware of some concerns that some members of the public have. I am raising those with my officers. I am due to do so again shortly for an update on how some complaints are being handled that, frankly, I am not pleased with how they have been handled and the length of time that it has taken to deal with some of that. I am happy to speak to the Deputy about some of this, provided his constituents are happy to do that. I am not sure we have had a discussion recently about some of that, but I am happy to do that with the Deputy.

**7.1.1 Deputy M.R. Higgins:**

I will take him up on that. What is the Minister going to do about the recordkeeping? Will he allow all clients of the service to have access to their records, so they can point out the errors, the omissions and falsities?

**Senator S.Y. Mézec:**

The Deputy may well know that we acknowledge that there have been difficulties in recordkeeping over the years. Some of that has been systematic in that the systems that have been used to record details of service users has not been good enough and that there have been updates to that system since I have taken office. The feedback we are getting is that it is a better system for enabling that to happen but it is also true to say that there have been wrong entries that have been put in the system that ought to be corrected, and those who have had misinformation recorded ought to be apologised to for that. I am sure it is the case that they do have the right to access their records and ask for that

and I would certainly undertake that where mistakes are made and information is inputted wrongly, then that ought to be corrected.

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

I am just following on from a question previously asked by Senator Moore regarding the appraisal of the Chief Executive. It is our understanding that a final draft of the appraisal was due at the end of January in order to be shared with contributors. Why therefore has there been such a delay, given that this draft was due at the end of January? Was it complete at the end of January and, if not, why not?

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

I will go back and double-check but my understanding is that it is meant to be later in the year. I am going to say the end of June and I think that was why COVID caused the delays that it has done but I am happy to go back and check to make sure that is accurate.

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

Chief Minister, I am referring to the final draft, not the final published version. Was there a draft appraisal written and, if so, has the draft been completed and shared with contributors?

## **Senator J.A.N. Le Fondré:**

Two points there. I believe the report would not have been drafted in January on the basis it was the appraisal to the end of the year and it would have been quite an ask to get it done within those 4 weeks after New Year. However, the final report has been concluded and the process is that various individuals are asked for their opinions. I do not know that side because I do not see that side but there are a variety of people who are involved giving their opinions on how the Chief Executive has performed. The discussion I had, which was the conclusion of my thing, the final draft as it were, was last week. That has now been concluded and, as I said, we are intending to publish that by the end of the month.

## **7.3 Deputy R. Labey:**

Can the Minister confirm that a senior member of the executive team of Ports of Jersey has been made redundant and advise whether further redundancies are being contemplated?

## **Deputy S.J. Pinel (The Minister for Treasury and Resources):**

I thank the Deputy for his question. No, I cannot confirm that. For Ports of Jersey, the Assistant Minister for Treasury and Resources has the responsibility so he may know more about any further redundancies than I do so I cannot answer the question directly. I will attempt to get an answer to the Deputy later. Thank you.

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

As we have discovered today, the lodging of the Jersey Care Model now is delayed until I believe 22nd September. Can the Minister for Health and Social Services explain why that delay is there and give us further reasoning about other delays in putting together the Care Model?

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

It is simply that the PwC addendum to their original report has recently arrived. We wanted to give that due consideration and then to work on the Proposition which we intend putting before the Assembly for debate. Simply timescales meant that we have suggested a deferral until the first meeting in November. Thank you.

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

A quick supplementary for the Minister. Is he also aware of the concerns of us, the Scrutiny Panel, in allowing us the time that we need to review and request everything that we have been asking for throughout the process so we do not come to an impasse when this is debated? Thank you.

**The Deputy of St. Ouen:**

Absolutely, I would want to work closely with the Scrutiny Panel and I believe we have done thus far to ensure that the panel has everything it needs to prepare its usual excellent quality report on this issue. I would invite the Deputy or panel members to seek any other information but I have spoken with my P.A. (personal assistant) this morning about what further information we could give. I have just referred to the addendum from PwC which I want to make sure gets to the panel very soon. Thank you.

**7.5 Deputy G.J. Truscott:**

Governments all around the world are having to borrow significant sums of money to effectively fund their way out of difficult unprecedented economic circumstances caused by the COVID-19 pandemic. Could the Chief Minister advise if there is a unified appetite within the Council of Ministers to effectively borrow large sums of money within the Council of Ministers to do likewise? Thank you.

**Senator J.A.N. Le Fondré:**

Yes, I think the Deputy for his question. The short answer in terms of an appetite for borrowing, there is an acceptance that we will need to be borrowing. There are some probably differing views as to the magnitude of the borrowing with some people wishing to borrow more and some people preferring to borrow less but I think there is an acceptance for borrowing as a whole. Just to stand back and put that into the context - and as I said, we will give the full information to Members and to Scrutiny over the next few weeks - we have had to spend significant sums of money in protecting Islanders, both individuals, people on a low income, all Islanders, many people in employment and obviously preparing for economic recovery and stimulus. As we know, we have a debate shortly on the reduction of 2 per cent in the Social Security rate which, again, was on economic advice and is again designed to assist individuals, many Islanders, over the forthcoming months and all that does come at a cost. We have been very fortunate, we have good reserves and the plan is to maintain those reserves. My very fundamental principles are I used to be very much against borrowing. Obviously, in circumstances, particularly like these exceptional ones, I have had to revise my opinion as well but I am quite clear. I can condone borrowing for paying off effectively, one of course for COVID, for capital projects but I do not condone it for funding recurring revenue expenditure because that would not be prudent. I am satisfied that provided the borrowing that we are contemplating can be paid off in a reasonable period of time and that we are not saddling future generations with significant debt, then it is the right way to go and it is supported by the advice from the Fiscal Policy Panel.

**Deputy G.J. Truscott:**

I thank the Minister for his reply.

**7.6 Deputy S.M. Ahier:**

Will the Chief Minister advise the Assembly whether the Customer and Local Services office in La Motte Street will reopen for drop-in visits and, if so, when? Thank you.

**Senator J.A.N. Le Fondré:**

This is the question, unfortunately, we did not get to in normal questions. The response would have been so C.L.S. (Customer and Local Services) is open on an appointments basis and advisers are seeing customers face to face every day as well as offering a comprehensive online and phone service. Now so far the option for an appointment is being positively received by Islanders using the service and, at this stage, there are no current plans to open the department to drop-in visits. Just to elaborate,



one of the issues is trying to manage the footfall coming into the building enabling physical distancing to occur and customers who are coming in to feel safe. Therefore, by doing this, the department can control the maximum volumes of people at any one time to ensure the building does not get overwhelmed because there were significant numbers previously, and that could have an impact on the confidence of our ability to operate safely. What we are typically finding or the department is typically finding is that many people who thought they wanted an appointment when they phoned in initially realised that the question or the issue could be sorted out over the phone and are happy to have it resolved there and then without needing to physically come in. So the number of booked appointments therefore remains relatively low and that is why at this point, particularly with the issues I have already referred to around COVID, there are no current plans to open the department to drop-in visits but by appointment visits are being managed and, to date, the feedback is that they are being managed fairly well.

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

I have received many phone calls from people who have been unable to access the building and are requiring forms or wish to make cash payments and they have not been permitted to do so. Does the Chief Minister accept that all public offices need to be open and available to all? Thank you.

#### **Senator J.A.N. Le Fondré:**

If there are specific issues, I am very happy to arrange for the Deputy to sit down with the people responsible for operating C.L.S. to see if there are ways to manage the problem but, as I have said, while I fully accept the point he is making, I am also making the point that we are trying to manage dealing with volumes of people in a COVID situation which has not yet gone away. Therefore, this is to date the best way of managing volumes of people coming into the system while protecting both staff and the individuals visiting the building. If he wants to give us some specific examples, I am very happy to arrange a meeting for him to sit down with the head of the department and see what issues can be resolved.

[12:30]

#### **7.7 The Connétable of St. Helier:**

I wish to ask the Minister for Infrastructure a further question about the No. 19 bus to Broad Street. I think he misunderstood my use of the word “portray” in an earlier question and I will ask him the question again. Does the fact that he has been dragging his feet in organising a trial portray the fact that he was hoping that Broad Street would be reopened before that would become necessary?

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

No, we continue on this same path. Nothing has been portrayed. I am still discussing with LibertyBus the best way forward. Nobody knew how this was going. We are not out of the woods yet, nowhere near with COVID, and we proceed to make the best arrangements for the people of Jersey whether that is another bus or whatever.

#### **7.7.1 The Connétable of St. Helier:**

The Minister has said that re-routing the No. 19 bus in the manner I have suggested around Library Place will cost £109,000. Would he please provide me and any other Members of the Assembly who are interested with details of how that figure has been arrived at and will he also supply us with details of the discussions that have been held with LibertyBus so that we can scrutinise them and, if necessary, challenge them?

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

Yes, it is over £300 a day. The bus itself is one matter but, obviously, it is the payment for the driver that is the lion’s share of that cost. I am more than happy to provide that.

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

I was not sure whether this should be for the Minister for Economic Development, Tourism, Sport and Culture or the Minister for Treasury and Resources so I had changed it to Minister for Treasury and Resources in the chat.

### **The Bailiff:**

Well, if you wish to ask the Minister for Treasury and Resources, it is your turn to ask a question and you can ask whichever Minister you choose.

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

We will find out whether I got it right or wrong with the quality of the answer. So for the Minister for Treasury and Resources: what data will be collected by the Government when Islanders use their £100 voucher cards that are being provided as part of the fiscal stimulus? So what level of data and what type of data will be collected?

### **Deputy S.J. Pinel:**

Thank you, Deputy Morel. The issuance of cards of course is going to be very carefully done because it will be sent personally by post to the addressees providing Social Security have the addresses. Some people move and do not tell Social Security. Then the data on how they are spent will also be carefully monitored as to whether they are spent in a hospitality situation, i.e. restaurants, bars, cafes, hotels or whether it is in retail. As the Deputy will be aware, the exception for spending is bookmakers but it will all be very carefully monitored and assessed as to how it was done before we make any further additions to the expenditure. Thank you.

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

Will the spending be able to be cross-referenced with the individual making the spending, so will it be possible for the Government to see who is spending what and where?

### **Deputy S.J. Pinel:**

No, I do not think so because of a data protection situation but it will be possible to see how the money is being spent, as I said before, whether it is in hospitality or retail because obviously spending online is not permitted with the cards.

## **7.9 Deputy J.M. Maçon:**

For the taxi industry, of course it has been incredibly difficult in the past and many drivers are finding it very difficult. Therefore, can I ask the Minister: has he issued any more taxi driver licences in the last month and, if so, how many and explain the rationale as to why? Thank you.

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

Yes, I am not sure of the exact number. There have been a handful issued. Several drivers, quite a number of senior years are furloughed because of their risk from COVID so other drivers are taking up the slack, shall we say, and several new drivers have come online. I do not have the exact amount with me but I can let Members know that.

### **Deputy J.M. Maçon:**

Thank you. That would be appreciated.

## **7.10 Deputy M. Tadier:**

Does the Minister expect that he will have support from his fellow Ministers for P.106 on the rented dwellings when it comes to the States given that it is also a housing matter of importance and, if he will not have their support, why not?

**Senator S.Y. Mézec:**

It is a good question. At this point, I do not know. I certainly hope it will have support, not just of ministerial colleagues but across the whole Assembly. I think, to put it bluntly, this Proposition has been done to death. It has been around in circles already more times than necessary. The work that the Minister for the Environment and his officers have done I think has been exemplary. We have an excellent product in front of us that is ready to go and ready to be implemented to support those living in bad housing conditions that deserve our support so I hope it will be adopted overwhelmingly.

**7.10.1 Deputy M. Tadier:**

Will the Minister feel let down by his ministerial colleagues if he does not get support from them in reasonable numbers for this key piece of legislation?

**Senator S.Y. Mézec:**

I certainly will but, at the end of the day, I think the people who deserve to feel let down will be those who live in terrible housing conditions out there who are, frankly, too scared to complain or too worried about what may happen to them if they rock the boat and try and get the rights on minimum standards enforced. These will often be families on lower incomes who cannot afford to move. It will be families with children who might be settled into a nursery or school in a catchment area and have their life together where they are but who worry that if they are seen to be a troublesome tenant by complaining about damp on the walls or windows that do not work or heating that costs them too much because of structural problems in the building, they will just not get their tenancy renewed when it is up for its yearly renewal and have to go through all of that upheaval. That is the sort of thing that this legislation is trying to stop and trying to improve people's lives on. Those will be the people who deserve, rightly, to feel let down if we do not go ahead with this important piece of legislation.

**7.11 Deputy M.R. Le Hegarat of St. Helier:**

When will the free supply of P.P.E. (Personal Protective Equipment) by the Government cease and can the Minister advise what negotiation has occurred with local businesses who have been adversely affected by the action of Government providing it for free? Thank you.

**Deputy S.J. Pinel:**

I think this is more of a question for the Minister for Health and Social Services as to how much further demand we will need. It is not possible to estimate quite what we needed in the future but as long as there is a need, it will be provided in the same way as testing and tracing is being provided, in fact increased considerably, to enable the Island to cope with this current situation. I am not quite sure what the Deputy said about her second part of her question. Could she repeat it please?

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

Yes, what I want the Minister to advise is that while the Government is providing P.P.E. for free, which is a good thing, can she explain what negotiation has been made with local companies who would ordinarily provide this equipment to businesses? What negotiation has been made with local companies because, obviously, the fact that the Government has been providing it for free has an adverse effect on those companies who were initially providing it? This is a procurement question so I thought that it was appropriate for the Minister for Treasury and Resources to answer it.

**Deputy S.J. Pinel:**

Yes, thank you. Any procurement is based on tenders so, initially, it would have been whichever tender from the U.K., I have to say, provided it as quickly as we could possibly access it and so it carries on doing that on a tendering basis. So if local companies can compete with what we can

access from the U.K. through the U.K. Government, then it is down to whatever is the most reasonable tender.

**7.12 Senator K.L. Moore:**

Following on from my previous question to the Minister, I thank her for her answer. The Minister has previously told the Corporate Services Panel that she is content with the situation of staff turnover and vacancies in her department. If I could explain to the Minister some of the feedback that we have received from members of staff, both current and former, who have told us about the distress that is sometimes caused by poor management and the high pressure that they experience in their working day due to that and a lack of support which is felt. One person told us of seeing people regularly crying at their desks. Will the Minister reconsider her position in relationship to her contentment over staffing in her department?

**Deputy S.J. Pinel:**

I am not quite sure that I have ever expressed contentment over staffing because, as I mentioned in my answer to the Senator, there has been a severe quantity of vacancies, certainly in the revenue management system and Revenue Jersey and these are now being filled. There were 17.18 per cent with 110 posts in total filled up to the end of July and we are expecting to fill another 5 by 31st December. It has been a very difficult time for Revenue Jersey, as the Senator will appreciate, and I think most people do, with the revenue management system being introduced after a 35 year-old computer system being replaced, combined with a move from Cyril Le Marquand House physically to La Motte Street and the online filing system for tax returns being introduced. It has been a very busy time and I think Revenue Jersey have coped admirably with it but of course any move or change as large as this is going to have an effect on some of the staff, for which of course I apologise profusely, but it is a huge improvement on what it was now on staffing.

**7.12.1 Senator K.L. Moore:**

Could I ask the Minister what she will do to ensure that there is further change and improvement rather than simply a turnover of staff please? How will the Minister deal with the underlying issues that are causing the turnover situation?

**Deputy S.J. Pinel:**

I would not call it "turnover". It is recruitment and we have been very successful at filling a lot of the vacancies. There are still more to go and we are constantly monitoring the staff's well-being, I think is the word, and have fulfilled a lot of the vacancy requirements, as I have just said, so the situation is improving on a day-to-day basis. Thank you.

**The Bailiff:**

Very well. We are now very close to being the time by which we formally adjourn over the luncheon. Deputy Pamplin has asked for clarification as to the sitting times in the Assembly specifically from the chair of P.P.C. (Privileges and Procedures Committee). Deputy Labey, do you have any observations to make on the sitting times at the moment prior to our adjournment?

**Deputy R. Labey:**

No, Sir. I am happy to propose the adjournment now and we will return as normal and we hope to finish today before 5.30 p.m.

**The Bailiff:**

The times allocated at the moment, as I understand them, are the ordinary sitting days for today, tomorrow and the day after and, at the moment, there is no suggestion that we will need to sit beyond 5.30 p.m. on either day. Is that correct?

**Deputy R. Labey:**

That is correct.

**LUNCHEON ADJOURNMENT PROPOSED**

**The Bailiff:**

Very well. The States therefore stands adjourned until 2.15 p.m.

[12:44]

**LUNCHEON ADJOURNMENT**

[14:17]

**The Bailiff:**

There is a further 30 minutes of questions and next to ask, Deputy Doublet has a question for the Minister for Health.

**7.13 Deputy L.M.C. Doublet:**

I will refer to the answer to the oral question which I was not able to ask, which the Minister has very helpfully circulated. The question was about singing and why singing is still prohibited in level one, and in his answer he states that: "In observational studies the spread of aerosols from singing, wood and brass instruments is projected and likely to be similar to that of loud talking and shouting." So I would like to ask the Minister for Health and Social Services why, if loud talking and shouting is permitted in activities such as sport and in the pubs and clubs around St. Helier and around the Island, if it is a similar risk profile in singing which is a lot more beneficial to mental health and physical health, why is singing still not being allowed please?

**The Deputy of St. Ouen:**

I believe the advice would be that at all times to desist from loud talking and shouting because it is known that that is a significant spread of aerosols. Certainly there would be greater risk indoors. In sporting activities, I think that is heavily mitigated so there would be controls on shouting between team members. We can continue to look at the reasons around this but the advice is clear that observational studies have shown that any of those projections of the voice will spread aerosols, will run the greater risk of spreading the virus. So it is a matter of regret that singing has not been able to be resumed but it is on medical advice.

**7.13.1 Deputy L.M.C. Doublet:**

Given the evidence which I believe is widely known about the benefits of singing, one of which is sustaining a healthy immune system, would the Minister please reconsider this and perhaps would he arrange a meeting with some of the figures in the Island who are very keen to see this rule change just to examine whether there might be ways we can mitigate any risks and to have a closer look at the research please?

**The Deputy of St. Ouen:**

All our measures are regularly under review and if the Deputy would like to forward the evidence she refers to I can pass it on to the members of S.T.A.C., and I believe there have been meetings held with leaders of choirs but we can certainly engage further if the Deputy would like to put forward any names that she would wish our medical experts to confer with.

**7.14 Deputy G.P. Southern:**

Can the Minister confirm: earlier on he said that the details of the Jersey Care Model will not be available until early November? Did I hear that correct, November, or was it October?

**The Deputy of St. Ouen:**

I did refer to early November but that was a debate date so of course the Proposition needs to be lodged well before then. I hope to lodge a proposition with full details very soon.

**7.14.1 Deputy G.P. Southern:**

My recall is that the Minister was due to lodge today but has failed to do so. Is he talking about the next session or still further on? So in a fortnight's time or not?

**The Deputy of St. Ouen:**

Yes, it was my intention to lodge today, it is just that usual time pressures have conspired against lodging today but it does mean that the intention is to have a debate at the next available sitting within a fortnight after the date I had originally been hoping for. So there is nothing sinister in this, it is just the need for the lodging period and the pressures of time.

**The Bailiff:**

Deputy Higgins has asked what has happened to a question that he gave notice of. I could inform Members my practice which I have used over the last sessions where we have this one hour of questions is to give priority to people's first question in strict order in which they are asked. Therefore, those who are asking a second question will be called when all the first questions have been dealt with.

**7.15 Deputy R.J. Ward:**

Does the Minister discuss how much LibertyBus returns in terms of monetary contributions to its parent company, the HCT Group?

**Deputy K.C. Lewis:**

We do have it on record but I would need notice of that so I could consult with obviously my team and LibertyBus. But I believe it is a matter of public record, but I need to check that out.

**7.15.1 Deputy R.J. Ward:**

Is it not important that these discussions are had because if we are subsidising ... and it seems that every reason for not making change - be it a No. 19 bus route, free buses for children, free buses in general, thoroughfares - is down to money. If the discussion is not had of how much is being returned to a parent company and going off-Island, how can we make the decision that we as an Island cannot afford to do that with our bus service?

**Deputy K.C. Lewis:**

Indeed. As I say, we have all that on record but the problem is of late because of COVID the takings for LibertyBus have been absolutely decimated. We had to consult with our colleagues at Treasury and the Minister for Treasury and Resources to basically sign money over to them just to keep the bus company going, it has been that bad. Things are picking up a little bit now that young students are back at school, but I believe we are still down about £9,000 per day on last year.

**7.16 The Deputy of St. Mary:**

It appears that the Jersey Dental Association have not yet been advised of the name of the dental adviser appointed to S.T.A.C. to assist in matters and discussions relating to the present practice guidelines. Will the Minister please confirm that such adviser has in fact been so appointed and arrange to email me with the relevant details so that I can in turn forward them on to the J.D.A. (Jersey Dental Association)?

**The Deputy of St. Ouen:**

I have made inquiries on this thanks to the Deputy's earlier questions and I understand the present situation is that there will not be a specific named adviser on dentistry to S.T.A.C. in the same way there are not specific named advisers in many fields, because the purpose of S.T.A.C. is to take evidence from across all sectors and apply it to the Jersey context. So in the context of dentistry, S.T.A.C. have been looking to guidance including Public Health England, the General Dental Council and the Faculty of General Dental Practice. So within all that body of evidence we will try and work out evidence that applies to Jersey. The Deputy's question does raise the issue that Jersey does not have a chief dental officer. My view is that we would benefit from a degree of proper regulation of dentists in Jersey with a Chief Dental Officer being there as the overseer of a regulatory regime. But that is not in place at the moment and S.T.A.C. is receiving its advice in the way I have said.

**7.16.1 The Deputy of St. Mary:**

I thank the Minister for his reply but which does nothing more than highlight the problem which the J.D.A. have that they wish to be able to discuss direct with the person giving such advice on matters in the guidelines which materially affect their financial situation, and they wish to be assured that such person fully understands the rate of their claim and they cannot do that if they do not know even which jurisdiction they are qualified in. So could I ask him to revisit that position please and identify for J.D.A. the relevant person?

**The Deputy of St. Ouen:**

I am happy to go back to the chair of S.T.A.C. and discuss that but it would be surprising I think if S.T.A.C. relied on just a single person in each and every field in which they were asked to provide guidance that they need to seek, and I would support them in seeking a range of views across all areas of expertise.

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

At a very recent meeting senior officers from the Environment Department told me and others that the Draft Wildlife Law was to be lodged yesterday. Can the Minister confirm that that was done or if not when it will happen?

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

I signed the ministerial papers yesterday and I imagine we will see it appear during the Assembly's session this week.

**7.18 Deputy I. Gardiner:**

The hand sanitiser requirement to be available at the entrance to retail and other businesses is in place. There are an increasing number of businesses who are not meeting this requirement and I would like to ask the Minister who and how often checks are carried out to make sure that businesses are meeting this requirement.

[14:30]

**The Deputy of St. Ouen:**

We have a monitoring and enforcement team which would be charged to visit retail premises. I do not know at the present time how often they have visited specifically retail premises but they are active in ensuring compliance with guidance in all areas throughout the Island. I will pass on the Deputy's concern and I will try and get more specific answers as to the premises that have been visited and the findings. I know the Deputy has raised this question before; it is important to have the correct alcohol strength in the hand sanitiser available.

**7.19 Deputy M.R. Higgins:**

It follows upon Written Question 314 today. It was with regard to each category historic building and in the answer to part (c) it says: “No cases have been referred for prosecution involving listed buildings or places in the last 3 years.” However, according to his officers at a meeting I attended earlier this year cases were referred to the Law Officers’ Department for prosecution. So have his officers either been lying to me and the other witnesses at the meeting, or is his information wrong? If so, what action will the Minister take against officers if they have lied to Members of the States and the public?

**Deputy J.H. Young:**

I am concerned to hear the Deputy’s allegation there and I can only say I will have to do as he says and follow it up and get to the bottom of it, although it does occur to me there is a difference between cases being referred to the law officers and actual prosecutions taking place in the courts. But obviously I need to follow that up and I will ensure the Deputy receives an explanation. I have accepted the information I was given on face value in my Written Answer 313 and what I have tried to do is to be as open and honest as I can with the Deputy because I know he has a particular concern about this. I have invited the Deputy to meetings which unfortunately the Deputy has so far not been able to attend, but I will do as he has asked and follow it up and provide an explanation. I will make sure all Members have that answer because having an allegation of officers lying is something which is a very serious matter and I will have to make sure it is properly dealt with.

**7.19.1 Deputy M.R. Higgins:**

I thank the Minister for following up on it. Again explaining this, the meeting I asked for was a meeting with the officers who I attended earlier on in the year. In fact the Minister has been suggesting a meeting with a person who I think could be part of the problem, so will the Minister please go away and try and find out and if he can arrange for the meeting that I have requested and then perhaps this matter can be progressed.

**Deputy J.H. Young:**

I think I need to put on the record these meetings. As a result of questions raised in the Assembly by the Deputy during I think it was July, I arranged a meeting with the officers. It was a virtual meeting but unfortunately the Deputy was not able to join us and so I gave instructions that that meeting was to be set up with the officers and I would join it virtually while I was out of the Island. I have advised today and I check up whether that meeting happened and I have been told that all efforts to reach the Deputy about that meeting have so far not succeeded. So I am sorry, I will again resurrect this and we will set a date and a time for that meeting to take place about one specific case that I think the Deputy wishes to pursue.

**Deputy M.R. Higgins:**

I was told about 2 officers taking part, not all the ones.

**The Bailiff:**

I am sorry, Deputy, that was the question and that was the answer.

**7.20 Deputy K.F. Morel:**

I would like to ask my question of the Minister for Economic Development, Tourism, Sport and Culture, if possible, and it will be a rerun of the question which dropped off, question 26, from this morning. What analysis, if any, has been undertaken of the potential inflationary effect on prices of goods for sale in the Island should the U.K. leave the E.U. without any trade deal in place? If such an analysis has been completed what level of inflation is expected in this scenario?

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



It is difficult to predict the effect on Jersey's inflation rate of a Brexit no deal because it depends on a range of key assumptions, not only around tariff and non-tariff barriers to trade but also - and crucially - any movement in the sterling exchange rate. Jersey imports nearly all of its goods and analysis by our economic adviser and his team shows that inflation in Jersey for goods and services excluding houses is strongly influenced by inflation in the U.K. This means that U.K. scenarios for the inflationary effect of leaving the E.U. without a trade deal can be used to inform prospects for Jersey. In their September 2019 advice the Fiscal Policy Panel provided economic assumptions for a no deal Brexit scenario and their analysis draws on the Bank of England's predictions for the likely implications of a disorderly U.K. exit from the E.U. This is underpinned by a set of worst-case assumptions such as severe trade disruption and, as I mentioned earlier, significant fall in sterling. The worst case is that inflation in Jersey is expected to rise until 2022 and then gradually fall back, but I would remind Members - and especially against the backdrop of COVID-19 - those estimates remain highly uncertain.

**7.20.1 Deputy K.F. Morel:**

Reports in the media recently have suggested that the average price of food could increase by 5 per cent in the U.K. With that in mind, could the Minister explain what work the department is doing to try to avoid or to mitigate such large rises in the cost of food in the Island?

**Senator L.J. Farnham:**

Well 2 courses of action that we have started is the reformation of the Anti-inflation Strategy group, so that has already reported and will continue to work. Secondly, again as I mentioned in a previous answer, one of the biggest weapons against inflation is competition so I am very much hoping that the newly formed Jersey Competition Regulatory Authority will start to be more proactive in looking at competition and exploring competition and making sure we have working competition across a number of sectors, including the food markets. But outside of that we are largely, as I said, reliant on, because we import the vast majority of our products and food from the U.K., the overall impact of Brexit in the U.K. so if that does mean there will be inflationary pressure in the U.K. across markets there is very little we can do to avoid it over here unfortunately.

**7.21 Senator K.L. Moore:**

Returning to the issue of political intervention in the hospital process, I refer the Deputy Chief Minister back to the author of the report R.54 which was published last year, *The New Hospital Project: Next Steps*. It is widely known and reported that that report was written by the former Assistant Chief Minister, the Constable of St. John. Does the Deputy Chief Minister feel that it is appropriate that that author of the report, which set the future steps of this Government to the hospital and its approach, had earlier in the same year on 24th January given an interview with Channel Television where he visited the site of Overdale and expressed to CTV exactly why he felt that was the best site for the hospital to be built on?

**Senator L.J. Farnham (Deputy Chief Minister):**

I am disappointed that the Senator is playing political games with this really, really important issue. Are some Members determined to hold this hospital build up? The Constable of St. John was not the author of the report; the report was tabled by the Chief Minister. The process that we are following now can be, and I would expect it to be, audited and scrutinised as it, I believe, will be a piece of work that will underpin and support the work we are doing to date. I am not going to keep looking back; I am not going to participate in these political games that seek to blame others. We are where we are, we are going to keep moving forward and this Assembly has a duty to deliver a hospital for the long-term healthcare of Islanders for generations to come and I wish Members would just focus on that instead of trying to drive wedges and I think hold up the progress we are making.

**7.22 Deputy R.J. Ward:**

Does the Chief Minister feel it appropriate for members of his Government to be political consultants for lobby groups?

**Senator J.A.N. Le Fondré:**

I think the Deputy needs to clarify. Does he mean paid political consultants?

**Deputy R.J. Ward:**

I am afraid I do not have that information. All I know is that on a particular website a Minister and Assistant Chief Minister, to be, is listed as a political consultant and I just want to know the Chief Minister's policy, one might call it, on having consultants within his cabinet.

**Senator J.A.N. Le Fondré:**

I am assuming - I do not know the circumstances - that the Deputy is getting slightly hung up on terminology. I am not aware of the particular position, however, it would seem that all Members at various times will receive input from different groups and they will seek to represent those different political views in the same way in terms of representing constituents. I think that has always been the nature, I rather assume, in the same way as past members of trade unions will represent some of their members, former colleagues, as people who have worked in different professions will sometimes be contacted to represent the views of those professions. At the end of the day, that seems to be the nature of politics in Jersey at times I suspect, and in a somewhat wider term in politics in the rest of the world. I think there might be a different stance if it was remunerated in any shape or form. I have to say I do not know whether other organisations do sometimes contribute to Members funds and I assume that has to be declared and I would expect that to be and, therefore, under that basis people have to abide by either the code for Members or the Ministerial Code.

**7.22.1 Deputy R.J. Ward:**

With direct access to central Government and a strong lobbying group, does the Chief Minister not see any conflict of interest there? It is a genuine question whether there is seen a conflict of interest there at such a high level?

**Deputy J.A.N. Le Fondré:**

I do not think I can really add anything more. The position of any Assistant Minister is privileged in the same way as almost the position of any States Member. It is the same high standards that we would expect in every place and, therefore, they have got to adhere to the Ministerial Code. Obviously if somebody breaches the Ministerial Code they have to account on that front, as we have demonstrated already, and in the same way that I would expect Members as a whole to apply and adhere to the Member Code.

## **STATEMENTS ON A MATTER OF OFFICIAL RESPONSIBILITY**

### **8. The Minister for Home Affairs will make a statement regarding the response of Home Affairs services to COVID-19**

**The Bailiff:**

There are some 4 minutes remaining of time allocated for questions. Does any Member wish to ask any more questions? Very well, the period of questions to Ministers is now at an end. There is nothing under J and we now come to K which is Matters of Official Responsibility and there is a statement to be made by the Minister for Home Affairs regarding the response of frontline services to COVID-19.

#### **8.1 The Connétable of St. Clement (The Minister for Home Affairs):**

Can I just say to start with that I am sorry we are not meeting physically today and trust that very soon those of us who wish to may be able to return to the Chamber once again. I am really looking

forward to that day. I hope we may now have avoided the worst of the pandemic and I feel that this is an appropriate moment for me as Minister for Home Affairs to express my sincere and unreserved gratitude to all members of the emergency and frontline services and the wider Justice and Home Affairs Department for their service, dedication and commitment during the turbulent and challenging period.

[14:45]

Justice and Home Affairs services have truly been on the front line of preventing and containing the spread of COVID-19 in our community. They have had to work in uncertain and difficult circumstances to keep Islanders safe. Most did not, as we did, have the option to work from home. Many put themselves in the line of risk every day to continue to provide the excellent services we all benefit from and have rightly come to expect. Staff at the Ambulance Service faced significant disruption from an early stage to overcome challenges responding to the impact COVID posed to their normal operations. They acted rapidly and with great flexibility to ensure they were prepared to operate under the restrictions of the pandemic and they showed an incredible amount of goodwill in doing so. Teams at the Customs and Immigration Service have worked tirelessly to process applications for the essential travel scheme which enabled those with an important reason to leave or enter the Island to do so and kept our vital travel links alive. They have also supported the opening of borders since early July as well as dealing with vast increases in the postal traffic arriving into the Island, which has had a significant impact upon resources to prevent the importation of illegal substances into the Island. The police have done a brilliant job under tough circumstances, enforcing the stay-at-home restrictions while supporting our community using their 4 Es approach. Overall this has worked well and the public have been largely compliant and supportive, although it has not been without its challenges. Under such circumstances the police have shown all of the patience and professionalism I would expect. It is a huge compliment to say that the prison has operated for the most part normally during this time. Unlike prisoners in the U.K. and elsewhere, Jersey prisoners have been able to continue with educational and physical activities rather than being constantly locked up. I have no doubt that this is thanks to the farsighted and dedicated preparations of all staff in the prison and it is a really significant achievement of which I hope they are rightly proud. The Office of the Superintendent Registrar has had to adapt to starkly different ways of working during this time. They have been agile in adapting their processes to allow people to continue to marry and register births and deaths despite the limitations imposed, and have been integral to ensuring the public and Members have had access to vital statistics related to COVID deaths. We have also seen impressive joint working and collaboration with teams from the Health and Safety Inspectorate, the Fire and Rescue Service and the Field Squadron supporting cross-government work on emergency planning, the Nightingale Hospital, personal protection procurement and distribution and the testing programme. The States of Jersey Police have benefited from an excellent working relationship with their colleagues in the Honorary Police and the Ambulance Service, and the Ambulance Service have received invaluable support from their volunteer partners at St. John Ambulance and Normandy Rescue. Finally the J.H.A. (Justice and Home Affairs) leadership team in collaboration with their colleagues at Strategic Policy, Performance and Planning have played a major and fundamental role in directing the overall response to this pandemic. They have worked long days, evenings and weekends to ensure the efficient operation and co-ordination of the Government's response to this virus. I commend them wholeheartedly for the efforts they have made during this difficult time. I thank you, Mr. Bailiff, and Members for indulging me and I know that colleagues will join me in congratulating all of those who have delivered truly exemplary service in the most challenging of times. Thank you.

**The Bailiff:**

Thank you very much, Minister. There is now 15 minutes of questions but before we move to 15 minutes of questions I am going to suspend the meeting for a few minutes because there are some

technical difficulties and one or 2 Members cannot get in and cannot contribute. It may be necessary to issue a further invitation but that will be made known to Members in the next few minutes or so. When we resume we will resume with 15 minutes available for questions to the Minister for Home Affairs. We stand adjourned and we will come back shortly.

[14:48]

## **ADJOURNMENT**

[15:04]

### **The Bailiff:**

There is now a period of 15 minutes of questions to the Minister for Home Affairs. I am afraid I did not note if anyone had wished to ask questions, so could anyone who wishes to ask a question could they indicate now on the chat.

### **8.1.1 The Connétable of St. Helier:**

I would like to endorse very warmly the words of the Minister for Home Affairs with respect to all of our emergency services and I was very pleased that he mentioned the Honorary Police who have worked so hard across all the Parishes and continue to do so throughout the pandemic. I simply wanted to ask him if he would agree with me that the service displayed in the community by our municipal workers at Parish level and at States level has been enormously appreciated? Many of them have been working very much at the front line in areas such as cleansing and refuse disposal and they deserve our thanks as well.

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

Obviously I concur totally with the Constable's comments about the Municipal and Parish staff. Of course they do not come under my ministerial responsibility but certainly as a Constable myself I have been extremely proud of the team in St. Clement. We have been open and available to parishioners to provide service to parishioners throughout the pandemic, and particularly those who are most needy and vulnerable, and I am equally proud of them as well as the emergency services and the others that I mentioned.

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

Thank you, and I also commend the hard work put in by emergency services. I ask the Minister that perhaps the best way to recognise that hard work and their commitment to this Island and the people is to ensure that they do not have to battle for a decent pay rise and they do not have to battle to have a decent standard of living as they perform their duties. Would the Minister agree with that?

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

I am sure that the employer will do what is right and appropriate in all of the circumstances.

### **8.1.3 The Connétable of St. Ouen:**

I would just like to echo everyone else's comments and really the purpose is from St. Ouen's perspective to thank the emergency services, particularly the States of Jersey Police and their chief for their assistance with a number of very serious problems in our Parish and we are eternally grateful for their help and co-operation.

### **The Bailiff:**

There are no other questions for the Minister, therefore, the period for questions to the Minister for Home Affairs are now at an end and we now move on to Public Business.

## **PUBLIC BUSINESS**

## **9. Draft Public Health and Safety (Rented Dwellings) (Licensing) (Jersey) Regulations 201-(P.106/2019)**

### **The Greffier of the States (in the Chair):**

The first item of Public Business is P.106/2019, which is the Draft Public Health and Safety (Rented Dwellings) (Licensing) (Jersey) Regulations, lodged by the Minister for the Environment. This Proposition was subject to a reference back and has been relisted for debate today by the Minister so we will be starting the debate afresh and I will ask the Greffier to read the citation shortly to refresh everyone's memory of that. At the same time I will then be asking for Members to declare relevant interests, and that would principally be Members who are landlords or Members who are members of the Landlord's Association. If Members could declare in the chat then I will also ask the Greffier to read out the relevant declarations. First I ask the Greffier to read the citation.

### **The Assistant Greffier of the States:**

Draft Public Health and Safety (Rented Dwellings) (Licensing) (Jersey) Regulations 201-. The States, in pursuance of Article 5 of the Public Health and Safety (Rented Dwellings) (Jersey) Law 2018, have made the following Regulations.

### **The Greffier of the States (in the Chair):**

There are a number of interests being declared on the chat so I am going to ask the Greffier to read them out rather than have everyone declare their own interests, but when we get to the end of the list and after their name has been read out if any Member wishes to say something more specific then of course they can. So if I can ask the Greffier to give the list.

### **The Assistant Greffier of the States:**

The interests declared: Senator Le Fondré, the Connétable of St. Helier, the Deputy of St. Martin, Senator Moore, Deputy Tadier, Deputy Guida, the Connétable of St. John, Deputy Gardiner, the Deputy of St. Ouen, the Dean, Senator Mézec, Deputy Morel, the Connétable of Grouville, the Deputy of St. Peter, Senator Gorst, Deputy Ash, the Deputy of Grouville, the Deputy of St. Mary, the Connétable of St. Ouen, Deputy Pinel, Deputy Young, Deputy Truscott and Deputy Labey.

### **The Greffier of the States (in the Chair):**

Senator Le Fondré, you wanted to speak?

### **Senator J.A.N. Le Fondré:**

Yes. Just to say obviously I have declared an interest as a landlord, also family members are also landlords, and also I am obviously an honorary landlord in my capacity as trustee of Les Vaux Housing Trust. Given my particular position and with that number of declarations I will not be taking part in the debate and I will be abstaining at the end.

### **The Greffier of the States (in the Chair):**

I should make clear that the Members whose interests were declared were landlords or who had partners who are landlords, and that will be reflected in the minutes. There are one or 2 Members who are tenants who strictly do not need to declare an interest but they have done, so I want to make that clear, it is Senator Mézec and Deputy Ash who are tenants, and Deputy Tadier also a tenant. Members do not need to declare that they are tenants but they have done so. I think if we are happy to move on, Constable of St. Ouen, did you want to speak about interests?

### **The Connétable of St. Ouen:**

Yes, firstly just to refer to Senator Mézec's item on the chat, he is entirely correct, I think it is not enough for us to declare our interests on the chat. I think those interests need to be declared publicly in the States Chamber or electronically. I think also we need to have a ruling from the Chair as to

whether we are required not to speak and not to vote or whether he is happy for us to carry on and speak and vote. In this particular debate I think it particularly important because there has been an awful lot of comment about vested interests and I think we need to be entirely clear before we start the debate that we are happy to proceed as declared.

**The Greffier of the States (in the Chair):**

Firstly, we have declared the interests publicly because all of the people with interests have had their names read out - and I should add Deputy of Trinity to that list - and I have said that they are all landlords or their partners are landlords, other than Senator Mézec and Deputy Ash who are tenants. Deputy Tadier also declared that he was a tenant and has a partner who is a landlord. That information will also be published. Any Member when they are speaking can also add more information if they wish about the nature of their interest, and any Member in fact can speak now if they really want to add more to it, but I was hoping to speed things up slightly. But the names of all the Members who have declared an interest have been declared as well as the nature of that interest. As for the second point, this is not the first time we have debated this and we have had this issue come up before and been ruled on, and all of these interests have been declared but there is nothing in the Standing Orders to say that Members cannot take part in the debate or vote, having declared these interests because they have the class of indirect financial interest in terms of Standing Order 106 because being a landlord is an interest widely shared with a reasonably large number of people in the Island. It is not a specific direct interest that means the rule about withdrawal from debate comes into play. Obviously if Members choose to withdraw from the debate that is up to them, but there is nothing else to rule on. The Deputy of St. Peter wants to make it clear he is a committee member of the Jersey Landlords' Association. I think I am right in saying the Constable of St. Ouen is also a member of that Association Committee.

**The Constable of St. Ouen:**

I am not a committee member, I am a member of the Association but my wife is a past president of that Association.

[15:15]

**The Greffier of the States (in the Chair):**

Before I call the Minister to speak does anybody else wish to say anything about interests or ask a question or ...

**Deputy M. Tadier:**

I did ask for a point of order but I think you have clarified ... I was only listening with one ear but did I hear that the Chief Minister said that he would not take part in the debate?

**The Greffier of the States (in the Chair):**

I believe he has told Members that he intends not to take part in the debate or to vote.

**Deputy M. Tadier:**

Could I ask the Chief Minister to reconsider that? He is the Head of Government, this is a key policy and he was not here at the last sitting and electors will not know what his position is on this key piece of legislation if he does not vote on this. He has not been required to leave so could I ask him to reconsider for the sake of the public?

**The Greffier of the States (in the Chair):**

I am sure the Chief Minister will have heard your points. It is not a point of order for me to rule on and it is a matter which can be touched on in debate I am sure. If there are no other points to make about interests I would like to call Deputy Young to introduce the projet.

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

Before we get into the debate on the Regulations I want to remind the Assembly that this Assembly passed a law in December 2017, almost 3 years ago, and I want to read the purpose of the law because it tells us why we are here today. It says: “To promote the health and safety of persons in rented dwellings, and for connected purposes. The Minister [who at the present time is me and it will apply to all subsequent Ministers] shall be responsible for introducing measures to ensure minimum standards of health and safety to be met by rented dwellings.” The law authorises the Minister to bring forward a scheme to the States for the purpose of the safety of rented dwellings and the health and safety of persons occupying such dwellings. Nothing else about regulating landlords, it is about how we achieve health and safety of persons. That law was passed by this Assembly unanimously in December 2017, but of course it did not come into effect until 2018 where the current Assembly, all of us, voted to bring that law into force unanimously. We have then spent almost 2 years now on the issue of how that law is put into effect and how we can deliver what that law promised and was given Royal Assent that we should have that. Of course it is absolutely in accordance with our common strategic priorities that we have all signed up to for our Government term, and I will read it to you again: “(2) To improve Islander’s well-being and mental and physical health. (4) Reduce income inequality and improve the standard of living.” Now, sadly we know that not everybody in Jersey enjoys the standard of housing and living that we want them to have. I feel sure that Members of the Assembly recognise that we are collectively in a privileged position and those of us that are landlords, the majority of us, have that duty; a duty to ensure that the premises that we let out to people as their homes where they live and bring children up are safe. Not any luxury facilities but safe, and they are not going to come to harm. I think that is what I want today. Today, as far as I am concerned, is decision day and I would ask Members please, face that decision, allow the principles of these Regulations to be voted upon and then we will know where this States is because otherwise what we will have is a law which effectively is useless to us. Of course we started this debate before the pandemic and we are still in the pandemic, and of course it is not over, but it is good now that 6 months later we are able to lift our eyes beyond that immediate situation and make this decision. What we have had is a number of propositions. We had the new Assistant Chief Minister bring in a proposition, which he is entitled to, requesting information on a digital register and that information has been produced not by me but by the Chief Minister and the officers there, who have set out clearly that the vision of the Assistant Chief Minister to be is doable. But it has got a lot of cost, it has got a lot of time, and it does not achieve the objective that we have here today in these Regulations - which I had to pinch this phrase but I am going to use it - which is “oven ready” to go. Pass the principles today and that law and we can have the Regulations in place commencing on 1st November. Of course since we started on this journey I have done an enormous amount of amendments to respond to the points that Members raised. Members raised worries about costs. Well, I have stripped those costs out for all existing landlords. There will be no cost for a licensing for existing landlords during the grandfather arrangement, which will run for 6 months until the end of April. I suspect that it will be common sense, the majority will do it and we will have a small number that will delay but, nonetheless, I have also changed the licence period to 2 years. I sincerely hope these principles are adopted but we have got a debate to come on the Amendment from the Scrutiny Panel for a different period. I think there is merit in our discussing that but I really hope we get to it. What else have I done? I have amended the order to ensure that things like electrical tests are only done every 5 years because that was an issue that was certainly very valid. Nobody pays us a cent until 2022. So I have done my very, very best to strip this scheme down to the barest essentials because what we want is a register, a register of what properties we have got so that we can have a process in place to ensure that where standards do not meet the minimum standards and we have unsafe dwellings there is a process to bring them, working with the Environmental Health team, which have been at this I understand ... and it goes right back to previous Ministers, several previous Ministers wanted to do this since 2008. This is very overdue and I hope today the States can step up to the plate, accept the

responsibility and make the decision. If you do not want it then it is Members' choice. I will not be happy with that but, nonetheless it is democracy and we must have that vote. So minimum standards then, I am convinced that we need to have them. We have seen over many, many years ... I have only been in Jersey 41 years, I am not an original native Jersey person but over the years one is very aware of the times when unfortunately bad situations have happened. I do recall we have even had a loss of life due to faulty boilers, defective removal and so on where we dealt with that in the minimum standards. In the minimum standards one of the key things is carbon monoxide monitors; they are lifesavers. Please, Members, do not just think it is testing the appliances that may be in that building. People in flats and apartments may be suffering from emissions from buildings or below them and so on, and that is why we need to register them - houses and flats. I hope you will support me. I think there are mixed views, I have to acknowledge that. This is a highly charged or has been a highly charged debate - that is, I think, unnecessarily so - but nonetheless I accept it is the stuff of political life; there are mixed views. But what I would ask is let us be clear about that. For those Members that do not want to have regulation please let us have that clear in what Members have to say rather than find devices and obfuscations and reasons why we can put the decision off or why we need to go back and look at the details again and again and again. Of course I reminded myself of this; since I first started speaking to the Assembly there have been 31 sets of exchanges, meetings, letters, correspondence, emails between the Scrutiny Panel and myself and the officers. We have dealt with every single point being raised except a view that some Members do not want to see this section regulated and we should, therefore, rely on a voluntary system where good landlords do what they carry on doing already, and I number myself in them. I have found this work that I have had to do very helpful, for example in a property that I have I spent money on the electrical system which I was not aware needed work. I had several other people say to me the same thing. It was really good to have a yardstick whereby one could bring that up because nobody wants to have the experience of being responsible for owning a property that one leases out which is unsafe or potentially unsafe and there are dangers. Of course the whole point of health and safety legislation is to have arrangements in place so that we identify and we stop things at source and then we do not have to wait until an incident occurs before we deal with it. I think the public will see that. Of course I can see why people do not like ... I do not particularly welcome interventions but I think it is a feature of modern life that we all live in a very small community, we are close together with a high level of density, houses in multiple occupations, flats and so on and that is increasingly likely to be more so. I think we do need to have frameworks in place where people can feel confident that the regulatory standards work and, therefore, we have civil servants. I praise the Environmental Health team here; they are absolutely so vital to us. Look no further than the fact that who are the team from now doing the work on COVID work? It is the Environmental Health people making interventions every day. Yes, there have been some areas where we have not been able to do things like previously in our questioning session enforcement matters on planning; but in the things that are important about health and safety we have tried to do and I support the officers and their expertise. Of course I draw a distinction here; when we all received a letter from a property management company, a young man I have got a high respect for, but he was saying: "Please Members do not do this because the experiences in the U.K. with licensing schemes are very bureaucratic." But of course the difference is that we are not regulating landlords; we are regulating properties. In the U.K. they do fair and proper tests. There is a high degree of intervention and investigation of landlords and so on in the U.K. schemes. None of that features here. This is a very simple, stripped down scheme that I think is an appropriate one for Jersey's character and our jurisdiction. It is an appropriate one and I have confidence that the officers will implement these Regulations with a light touch and without bureaucracy and people will be able to do licensing online.

[15:30]

There are no fees to be paid so it is just a simple matter of registering, I am renting a property, how many bedrooms is it, is it a house or a flat, where is it, boom, boom, and that sort of very, very basic



information. I think perhaps we need to look no further than what we have seen for the last months during COVID lockdown. Fortunately I think most of us have got very comfortable homes and we have got plenty of space for doing States meetings and what have you. But of course we must know that many do not. Many people are in those homes and having to spend or have had to spend in recent months very much longer than they would have wanted. We know where those minimum standards have not been in place why we need to have a modest system of checks to bring them to standard. Things that I have spoken about, carbon monoxide, but there is also mould. Mould is catastrophic to respiratory disease and in winter children particularly are badly affected with that and can be. Then obviously you have got the question of danger due to perhaps bannisters, safety rails, things which are potentially dangerous. Windows without a barrier where a child could fall out and so on. Those sort of things are really very, very important. There is no luxury test here. Of course costs; I have brought it down, the proposal is at the moment £100 for a 2-year licence. If you adopt the principles and the Amendment which makes it 5 years, as far as I am concerned as Minister that £100 will stay because the law of course gives the power for the Minister to decide that. But I have no intention; this never has been a money-making scheme to balance the books. This is about how we implement those minimum standards. Of course it said about rental increase; I have already spoken about my own property where I spent money on an electrical system and I did not care. I am pleased that I feel comforted that that has been done, but of course I have had to spend money on it. But is it right that we do not have those standards, because otherwise we are open to the fact to say to people: "Okay, if you want to live in a poorer quality property you could live in it as long as it does not cost you a fair rent." I think that is a bad principle for our society. I think we should try and bring that standard up. Of course people have said: "Well are you going to use this income to subsidise other uses?" Absolutely not. It will not even cover now the cost of doing the Regulation. People have said: "How can you do the enforcement?" Well, we are very fortunate, we have 6 Environmental Health officers, experienced and competent on the housing enforcement, and it is true in recent months they were seriously reduced because of the work on COVID but I am assured that by the time the Regulations come in if the Assembly adopts them those 6 will be released and we will be able to get back. At the moment we have served Notices in the law to give you a flavour because it is said there are hardly any; 73 Notices have been already served on landlords since the law came in and we believe there is approximately 100. Those Notices are notification of where problems occur and they need to be put right. But I am very pleased to report that up to the moment ... because people said one of the things that did get in the way of our debate was about this Rent Safe Scheme. Rent Safe Scheme is a voluntary scheme and it still is there and it will stay, giving those people like me - I have spoken of what I wanted to do was to make sure my house was up to standard - to register. I did in the Rent Safe Scheme and so have 3,000 other landlords, properties, and 156 people, letting agents and others who are doing it. So I think you will find that people are embracing. Who else is thinking that these Regulations today are important? The list, here we are, our Medical Officer of Health, the very colleagues who have helped us through this awful pandemic situation so far and are the key to doing that are saying to us there are really important links between the standards of housing and people's health. It is not just physical it is mental health, and of children. If we trust them to help us with COVID we should trust them here. We have learned the importance of health in the last 6 months. Boy oh boy, has it really been brought up to us. Also the States of Jersey Police, I am advised, they see it as ensuring the well-being of tenants with a focus on setting standards, and one that seeks to avoid exposure and support the elderly through appropriate living conditions. Also the Commissioner for Children and Young People has made her support absolutely plain. The Fire and Rescue Service, Jersey Consumer Council, Jersey Homes Trust and the Chartered Institute of Environmental Health. Of course I suppose I have to refer to the Jersey Tenant's Association, which is a new body, which I am pleased to see their voice is coming forward. Some may consider, of course, that is a vested interest but equally the Jersey Landlords. I have done my very, very best to respond to all of the points that the Jersey Landlords asked me about costs, about timescale and about things like the electrical checks and so on, and so I have really stripped things down. I think people

are really worried about inspections. If the Assembly approves the Regulations all of the grandfather applications - those existing tenancies or existing properties that put registration during the 6 months - not only will not pay a fee they will be automatically registered and licensed. There will be no inspections as part of their registration. None. It is automatic. Of course after that new licences will be subject to selective checking. It is not to create a Big Brother environment, no, it is about being very selective and where perhaps properties ... I mean, I have heard examples where the officers have visited a property where people smelt fumes in a flat. I kind of referred to it a bit earlier. Well, was there a heating system? No, there was not but that was coming from a restaurant below. What did those officers do? They did not say: "Shut this place; finished." No: "We will leave you and put a carbon monoxide monitor in there." Thankfully the monitor sounded off and proved that there were fumes coming from adjacent properties and that enabled them to follow that up and deal with it. Those are the sort of things that I think we should not overlook. Then we have got worries about are people going to go around with others. Well, there might be a building surveyor, for example, and there might be some technical expert, but I think there should not be any excessive notes there. Now, I think what I am going to do ... and I just looked at how long I have been speaking for, I have been speaking for 23 minutes. I think this is a really important debate. I think the Assembly's credibility in many ways is at stake here; 3 years since we passed the law, 2 years since we put it into effect, a year since we started work on these Regulations, 31 exchanges between Scrutiny and ourselves. I really hope that Members will debate on the principles. I absolutely respect those Members who believe that this going down a route of regulation as a principle is not a vision they want. I would just ask those Members to think; you also signed up to the common strategic priorities and how important it is to look after the health and safety of our community, particularly the members of our community that do not enjoy the standard of housing or ideal conditions. Of course we know what happens in that case: mental health issues, physical health issues and illness. Who pays for that price? Society as a whole. I ask Members please to reflect on that. It is about finding where we draw the balance and I believe these Regulations are very balanced and are a very appropriate intervention at the present time, and they can be kept under review. We will see how they go. Further debates or propositions can be brought if they require amendment, that is all possible. Of course I will certainly report while I continue as Minister through my term hopefully to give reports to keep Members updated. But I ask Members please to support the principles of the Regulations. Thank you.

**The Greffier of the States (in the Chair):**

Are the principles seconded? [**Seconded**] Constable of St. Brelade, you had a point of clarification for the Minister?

**The Constable of St. Brelade:**

Really it is for the Chair, if I may. Are we speaking to Amendment 4, given that the Minister has suggested that the report should be the primary document? Could you give some clarification on that please?

**The Greffier of the States (in the Chair):**

We are debating the principles of P.106. Technically the Amendments do not come up until we pass the principles. If that happens then the Articles are debated, but obviously Members can touch on aspects of the Amendments just as they can touch on aspects of the detail during the debate. I hope that helps.

**Deputy J.H. Young:**

What I think the Constable may be referring to; obviously the Order Paper includes not only the resumed debate on the principles but also later on there are 2 Amendments, one from myself as Minister, which changes the implementation dates in the draft Regulations because they have been entirely superseded, but also the report in there sets out the revisions that I have made to the scheme.

It is in there for convenience; it could have been produced as a separate document but, nonetheless, it just for convenience sits at the back of that. It may well be that point which the Connétable is referring to so I do not know if that changes your guidance or view.

### **The Greffier of the States (in the Chair):**

Thank you. So we now come to the debate and the first on the list to speak is Senator Ferguson.

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

I know we have a problem, there is always a problem with rented property. It is one of these things that if you do not live in it you perhaps do not always notice the things that are wrong. But we are living with a fallacy that all landlords are of the Peter Rachman ilk, renting out substandard accommodation at Uber-standard prices. Wake up, folks. We may have some outliers doing this but on the whole those Dickensian days are long since gone. Yes, we have got a couple of facts, people have got to live somewhere and we are short of housing. There are a variety of reasons why people rent, it may be that they work here and plan to retire elsewhere or they may reside in Jersey to get the advantages of our services but buy elsewhere to have a bolthole away from the Island. It is not quite as simple as it seems. Looking at the private sector you also need to remember that landlords also have costs. They have repairs and maintenance, servicing of boilers, window cleaning, paths, drives and hardstanding maintenance, and much of the rent you get will go on cumulative things like that.

[15:45]

Having thought it over since the various debates we have had it strikes me that we need to consider the implications. What we should be looking at is what information do we need and the simplest, most efficient method of obtaining it. We are getting the usual bureaucratic approach, just add a layer of bureaucracy. We are trying to work towards OneGov and here we are clogging it up with another layer of bureaucracy. We need 6 extra staff for how many properties who have already been recruited. It really is the most cack-handed solution of a problem which is not quite of the same scale that I have ever heard of. Just add more bureaucracy to an over-bureaucratic system. Let us go back to first principles, we hypothesise that there is a problem with lots of people living in substandard and expensive accommodation. So you have got one answer, which is set up a whole new bureaucratic system, or empower tenants. Recall that the public are questioning the fact that they keep filling in forms to satisfy the Government's desire to know everything about you and often have submitted the same information several times. But the public are not stupid and I find that more and more they are questioning the necessity after a while. We have heard the comments by the Council of Ministers on the Proposition by the Deputy of St. Peter and this - as far as I can see - demonstrates that it is possible to get the information from the information within the system already. As Hugh Hefner said: "Do not tell me how I cannot do it, tell me how I can do it." Can we have some positive thinking? If you do not know how it can be done step aside and let those who can, do. We will have a few other bureaucratic ideas drifting across our ken, like rent control, but it does not work. It just builds up pressure within the system and once you release the controls all rents will go up. The rental market responds to market forces. If landlords see investment returns fall then they will pull out of the market and the effects are the opposite of those intended. Landlords will pull out, the market will shrink, rents may not rise but there will be fewer properties available, there will be higher dependency on Andium and the cost of labour will rise. Basic economics. But that never bothered the socialists. I forgot, we have 6 extra people doing the equivalent of inspecting the Forth Bridge as they inspect the significant number of flats, and there will be assistance to the inspectors, officers and other members of the department. This is opposed to a simple complaint system where they can lodge a complaint. I admit that tenants from abroad are often frightened that if they complain they will either be bullied out, have their rent increased or life made difficult. We have a great deal of legislation to prevent this and it is up to us, as the elected representatives, to fight this and if necessary to enlist the support of the consular representatives. It seems to me we need better communication between the

J.L.A. (Jersey Landlords' Association) and the Tenants' Association and all other tenants who are not in the Association. There was a gentleman on the radio talking about the 400 complaints they had had but it does not give us any idea of what the complaints are. Yes, we have had spasmodic ones like the one on the way to Corbière where the house burnt down, or the one near the airport where the whole thing burnt down. But we need communication so we do not get these outliers where we get too many people in the property. We have an opportunity to think systematically and efficiently and not in the same old way. Let us do it.

### **9.1.2 Deputy R.E. Huelin of St. Peter:**

I would like to start with saying there appears to be confusion in the media and with Assembly Members as to the difference between the licence and a register, and I noted our Minister for the Environment continually referred in his opening address as this is a register. It is not; it is a licence. A register is merely a database. A licence is granted with specific terms and conditions and in this case the terms and conditions can be changed at will by the Minister today or in the future. It is paid for and can then be revoked. It is fundamentally different and please let us not confuse this terminology and impact. Again, I will comment further in my speech. I, and virtually everybody I have met on this subject, have total respect for the 2018 minimal standard Regulations we have. Those need to be maintained and, as I say, respected. It is the bureaucratic, expensive enforcement measures that are the issue and I will continue with that later on. You will note, Members, via email during the lunch session that I circulated a document on the fact that the reference back has been ignored. Why? It was maybe misinterpreted; we can only speculate. The fact is clear: if the Environment Department get Assembly approvals today rents will go up. The question and the purpose of the reference back was to do some detailed research into how much. The Island, all tenants and the taxpayer need to know. To ignore I believe is wholly irresponsible, and then to proceed without being furnished with this fundamental requested information is quite frankly unacceptable. Next I spent my time listening to landlords, agents and tenants. I spent my whole summer doing it. I estimate I have had in excess of 30 direct communications and countless more informal ones. Of the 5 agents that contacted me 4 confirmed that some landlords had already sold up due to increased regulations and the others stated that they had clients who were considering doing so. One is collecting the statistics as they are so concerned. They state that this year that 10 properties have been sold or are on the market or are due to be sold when their current tenancies expire. They estimate 80 per cent directly due to regulations. Now, that excludes another 3 or 4 informal conversations I have had; they broadly support that. What is interesting, these are the very responsible landlords who use the services of reputable agents to do their administration and they are still choosing to invest elsewhere. Of the 30 landlords who have communicated with me the theme is similar. Most are ordinary people who rely on rental income for their pension. They all talk about having long-term loyal tenants who they care for. Many talked about crediting rents to tenants during the pandemic. One did not even ask about circumstances, just took £250 a month off each tenant's rent for that 3-month period. Another just deducted 20 per cent. There are very good stories out there, great tenants, let us respect them. I have also heard from elderly citizens who let their primary home to pay for care fees, and I have to declare my aunt is one of them, a captive audience. These Regulations when they are letting a quality home give undue stress to those in the autumn of their lives; and these are one-offs. I even had a one-liner from a tenant which I had to enjoy, and I had to say I had to question myself whether it was valid: "Please continue to oppose this register. As a renter I do not want anything to cause my rent to go up, especially during this time." I would just like to thank all those that have contacted me, both landlords and tenants and I thank them and that is why I will not be supporting these Regulations. Now, at the outset of the pandemic I contacted Citizen's Advice and I stated this in the Assembly; it was my personal goal that no cases get into court post 1st October. A big ask, probably unachievable, but you have to have a goal. Initially I was called to mediate about 5 cases. By and large all they required was explanation, mediation and both parties were ultimately happy. Since then I have made regular contact with Citizen's Advice to

be told that they have given advice successfully and they have not needed me to intervene. I take that as good news. The process is working. Another reason not to support this is the lack of evidence that there is wide-scale poor accommodation in Jersey. During the summer I visited and met with the Environment officers. I was shown the same photos of the 3 properties that were used during the roadshow last year. When I asked more probing questions like what sort of tenancy agreement was in place and what was the rent, I was told they do not keep this information, which is fair enough, but they would look into it and get back to me. I am still waiting. When I asked how they came across these properties I learnt that tenants had complained. How excellent; the process works. So where is the fear of so-called revenge evictions? We agreed it was a commonly used terminology and they would collate some examples. I am still waiting. The process that has been recommended of empowering the tenants does work. Basically if they have the evidence do you not think they would be delighted to share it with me? I would do if I was pushing for something. Even more frustrating is we have heard via social media - that reliable source - of the 448 complaints for the last 2½ years, which is just over 1 per cent. Why, therefore, did the Department for the Environment not tell me this when we met last month? I suggest some perspective is required and I would like to know the severity and outcome of these complaints. It has obviously caused no harm to the officers I met. Just as an example it could very easily be a neighbour's dog was barking and disturbing the tenant's peace. Is that really the landlord's issue and problem? Next I have respected the Minister's request and slowly studied the report attached to the fourth Amendment. I have absolutely no idea how this licensing scheme will work from reading this document. There is no definitive description on how inspections will work, nothing on their frequency. However we are told that a landlord will be fined if they do not submit leases and condition reports on time or fined if they fail to attend an inspection. In fact it seems to stress that it is the landlord's onus to do inspections, complete the reports and lodge the data on the licence portal. There is no clarification whether or not Andium or other social housing providers will be inspected or have to pay fees. I am sure you have all studied it but is this acceptable information to make an informed decision on a matter that will directly affect almost 20,000 family units in Jersey. I think probably the last accurate data was the 2011 census so I have used that as a basis. Do all Members feel fully informed to make this decision? Do all Members fully understand the practical working and financial consequences of this scheme, especially when from what I have read the associated report is very different to the original Proposition which makes the excellent Scrutiny report published in February somewhat redundant. It is clear this is not about legislation, as the Minister suggested at the beginning, and that is the Public Health (Rented Dwellings) Law 2018 and Public Health and Safety (Minimum Standards and Prescribed Hazards) Law 2018 and they are acceptable to all. This is solely about that heavy-handed, bureaucratic enforcement, and many have said it is a sledgehammer to crack a nut. Now, we get many references to U.K. licensing schemes. In England 50 out of the 343 councils have introduced selective licensing. Councils must have grounds to introduce a scheme such as persistent antisocial behaviour or poor housing. They must demonstrate evidence for their concern, look at alternative approaches - note that, look at alternative approaches - and consult widely. An independent review of selective licensing undertaken in 2019 found: "The research overall indicates that selective licensing can be an effective policy tool with many schemes achieving demonstrable positive outcomes."

[16:00]

"However [there is always a however] this study also indicates that when implemented in isolation, the effectiveness of selected licensing is often limited. Schemes appear to be more successful as part of a wider, well planned, coherent initiative with an associated commitment of resources." So not focused on a single task. Liverpool's scheme was recently denied a second term of 5 years after not proving its ground for licensing. Newham, for those that are familiar with London is a borough in East London, have 47,000 rented properties as opposed to our 20,000. They have 40 police officers and 100 enforcement officers and with all that resource can only manage 240 prosecutions a year or

0.5 per cent of rented properties, to put it in perspective. Now, given that Newham has just over twice the rental properties of Jersey, and Amendment 4 says there are no financial manpower implications, that cannot possibly be a realistic claim. Now to the finances. As seems to increasingly be the case, such propositions state there are no financial and manpower implications. This is clearly untrue. Previous documentation states they will require 6 F.T.E.s (full-time equivalent). Are they no longer required? Odd since I have been told at least 3 have already been recruited prior to Assembly approval of these Regulations. We must, therefore, rely on evidence collected by Scrutiny, which is laid out in their Amendment. They state clearly that year one will cost £640,000 and each subsequent year £591,000. In the report we learn that all existing landlords, which is the vast majority, while in the grandfathering period that the Minister discussed, they do not actually have to pay until 1st November 2022, which is the second anniversary. Now, given all the data I have to work with it means that licensing will cost this Island £1,231,000 before any significant income is generated. What about the cost of setting up the database, which is not in the reports to Amendment 4? Previous documentation said it would be £50,000. Now, £50,000 might not be a lot but one thing it certainly is, is a financial consideration and the Assembly should be informed. This Island is haemorrhaging money due to COVID; we have been discussing it in questions all morning. We have to build a hospital; discussing it all morning. An education funding review as an example has been published, and we want to spend the equivalent of 6 teachers' or 6 nurses' salaries on a totally unnecessary licensing scheme to try and honour the odd poor-quality property. A scheme where there is a viable alternative which achieves the same goal with little or no cost. So I say to Ministers who will be pushing for budget in the Government Plan, what would you rather do with £1.2 million? You will have received an email entitled "Empowering Tenants". This is very important and it outlines a way to achieve the same outcome without the bureaucracy. It involves 2 fundamental principles; education and that the tenant's voice will be heard. The front page of every lease should have contact and escalation procedure culminating in the Environment hotline. The second page should have a checklist of what entails minimum standards, including the expiry date of the electric and gas certificates. Nobody can deny the benefit of having those for the safety of those tenants that we are concerned about, all of us. Then the lease and the conditions required report. We need to ensure those in the Environment Department who take the occasional complaint about minimum standards are fully trained to understand the issues and negotiate remediation with the landlords. The cost will be negligible, the outcome similar. While I am unconvinced of revenge evictions I accept it is the fear of many. In all walks of life relationships break down, landlord and tenants the same, and I assure you it would be naive to think it is always the landlord's fault. Quite simply I believe such a breakdown can be handled with training and sensitive handling. Given the low level of complaints about minimum standards would this not be a far more effective way? No-one, regardless of which side of this debate we support, condones bad landlords. We all want them either out of the market or to up their game and provide at least that minimum standard accommodation. Market forces will then determine if their properties get let and at what price. The real issue we face is finding them. During the summer I asked for anonymous feedback from the Jersey Estate Agents Association. I asked about rogue and poor landlords. I learnt that the agents in this Island know who they are and it is interesting that they appear to refuse to take such landlords on as clients. So, do we need to disrupt the market with the vast majority of excellent landlords at vast cost in this current climate to find out what is already known? The Minister and his officers have gradually toned down this Proposition in order to make it palatable for marginal Members to support. Do not be kidded. Their intent is that this is the beginning of taking control of the rental market. I urge you to read Regulation 3, Article 4 and I quote: "Licence may contain such requirements as the Minister sees fit." Is that what we really want, for the Minister to add and change the terms of the licence at their sole discretion, save bringing in energy ratings, making heritage properties without the benefit of double glazing as per our Island Plan, effectively not lettable? I am sure our current Minister will take a considered view of this responsibility. However, we know we will have a new Minister for the Environment in 20 months' time and we have no idea who that will be or how they will handle

their responsibility. Let us vote against and ask the Minister to return with more proportionate measures that will gain the whole support of the Assembly and let us not forget the Island needs an additional 7,000 homes. Do not alienate the core people who can help provide them.

### **9.1.3 Connétable C.H. Taylor of St. John:**

Much of my thunder has been taken by the Deputy of St. Peter, a truly marvellous speech. This Proposition was referenced back for more information as to the need and the cost of this Proposition, P.106. By the summer I had received very little of anything, in fact nothing at all other than some amendments from the Minister as to the justification of this Proposition. I went with the Deputy of St. Peter and we met the officers and said: "Where is the evidence?" and we were promised some and we have not received it. It is quite simple. If the evidence is there please show it to us, and the officers, despite a personal request and going to see them, we have not received that evidence. This Island is facing very challenging times and we need to be well aware that there are going to be some very, very hard decisions as COVID-19 eases and the economic reality starts to hit home. Anything that is going to force up rents, and this will, is going to be counter-productive because it means wages will have to rise. Anything that pushes up government costs, and this pushes up government costs, we have heard 6 officers have already been taken on, that is the thin end of the wedge. This is going to cost more money and, as said earlier by the Deputy of St. Peter, we are building a new hospital, we are having a new look at education, we will need teachers, we will need nurses, we will need health workers, and which is more important? Listening to the Minister's speech I was really rather depressed because he spoke of minimum standards. This is a law that is already in place. We already have minimum standards and it is working. This is the next phase after minimum standards, which is not necessary, and it will drive landlords out of the industry. We as Members have a duty to ensure our population is housed. The latest figures show we need 7,000 new homes over the next 10 years. With landlords leaving the market where is the investment going to come from to provide the new homes we so desperately need? I must urge Members to vote against this Proposition because it is inflationary, it is unnecessary, it is unpopular and we will not be serving this Island if we should pass it.

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

Although I spoke on the principles initially on the previous debate things have changed a bit so I will speak with allusion to the fourth Amendment. We continue to discuss this Proposition, which seems to have changed its colours much since its P.66/2017 inception, so I therefore now speak to the fourth Amendment of P.106 which the Minister tells us is the primary document. My Scrutiny Panel has tried to contribute to the discussion and we have made some progress with the Minister with regard to the implementation of controls over the private rental sector. I feel this Proposition was blighted at the outset as while we passed the law some 2 years ago, the Regulations, despite nagging from my panel, did not appear until a year later on October 2019. The Proposition may now be ready from the Minister's point of view for his oven but it certainly is not the case for others. It needs thawing before going back into the oven. I join the Minister in giving appreciation to those officers in his department but also the very capable Scrutiny officers who have been tirelessly trying to get this resolved. I believe the Ministers are taking an unrealistic, blinkered view of how the private rental sector works. They need to talk to people at ground level, as many of us do. It is regrettable, however, that the Minister is dismissive of the opinions of private landlords and I would earnestly suggest that he needs to listen to them. He needs to provide a reasonable framework within which they can operate their private rental business so they are enabled to add and invest with confidence in the private rental market. We presently have a situation where Government appears to tenants and landlords alike to vacillate over the methodology of dealing with a shortage of rental accommodation and the present approach is doing nothing to encourage continued provision by the private sector. The Minister seems not to have taken a blind bit of notice of the landlords' considered views. I would submit that we need to encourage more people to invest in the rental market and give tenants choice and the

ability to move out of the accommodation if it does not come up to scratch. Politicians are so often accused of not listening. I do not want to be included in this bracket. Putting in place an over-prescriptive scheme inevitably results in consequential effects and costs that will inevitably be borne by tenants. That concerns me greatly and the suggestion by the Minister on page 10 of the amendment document, where he suggests that fees will be borne by landlords, is horribly naive, I have to tell him. It is sad that the Minister has chosen to separate the proposed licensing scheme from Rent Safe. This voluntary rating scheme works and is acceptable to landlords. Why cannot we utilise the successful systems we already have in place? We can enhance them if felt necessary and develop them to ensure compliance with current standards. I think we missed a trick by contracting the My Deposit scheme to U.K. administrators. We could have linked that more positively to the accommodation condition, and this deserves further explanation. I do appreciate that this is not under the Minister's remit. I cannot accept there are no manpower implications anticipated arising from adopting these proposals. There must be manpower implications, otherwise it simply will not happen and surely that defeats the whole object. It has already been indicated by the Minister in a question from Deputy Higgins earlier that the department is under-resourced. The Minister already notes that the income stream is unclear and is likely to need review. I would contend that this makes a poor business case and supporting the Proposition on this basis certainly raises questions. It is a sad fact of life that there are bad landlords and bad tenants. There is evidence of poor standards in private accommodation put forward by the Minister but only anecdotal evidence of bad tenants. Landlords have no recourse when a poor tenant trashes a property and that cost, if it cannot be retrieved, will end up being added to future rental charges.

[16:15]

It is not in the landlord's interest to have bad tenants and therefore there is already an incentive to provide decent accommodation so that this can be avoided. My panel is as keen as anyone to support good legislation but cannot condone a proposition seriously biased against one particular section of our society. To this end my intention is to call this in so my panel can contribute to a proposition that will give rise to less controversy than the present offering. I commit to contributing in achieving a palatable, more rounded solution within the requisite time and assure Members this is not what some might consider as a wrecking motion but simply a proposed solution to achieving a more satisfactory result.

**The Bailiff:**

Does any other member wish to speak on the principles?

**Connétable R. Vibert of St. Peter:**

I would like to have a word or 2.

**The Bailiff:**

Then we will have Deputy Morel after you.

**9.1.5 The Connétable of St. Peter:**

I am rather disappointed in that I had technical difficulties to start with and I have only just been able to rejoin the debate so I believe I should declare that I am a landlord. The important issue with any accommodation is that it is safe to occupy. It should also be wind and watertight. It should have all services working and be checked as safe and compliant on a regular basis by a qualified person in that service industry probably every 12 months, or at least every tenant change, whichever is the sooner. It should be the responsibility of the property owner to ensure the names of people occupying the property along with a certificate of satisfaction for the essential services to be forwarded to a central office within 7 days of a tenancy change. This could be administered by the department for a very small charge. There should also be registration rather than regulation, although it should be a regulation to register. The tenant should have the right to inform the office of a failure of any service



is not being attended to. There should be a process in place to prosecute the property owner and compensate the tenant for any blatant failure to provide the agreed service. This scenario does not just apply to tenants having improved accommodation. It also applies to the property owner who wishes to gain the benefits of insulation, which is something we should all consider in trying to reach our eco target. A good example of this is a case in St. Mary in which one of our parishioners wishes to improve his home but has fallen foul of our planning authority and having been heavily fined in the Royal Court is unable to complete the work to his property. Although he is technically able to do so having received the approval of planning on everything he was prosecuted for minus, of course, the £50,000 fine or compensation, and this severely affects his tenants in the adjoining building in the very same way. There is in fact no need for this Regulation. The rental market is far more efficient if left to self-regulate with regard to providing better standards where possible. The tenant should also have the choice to rent cheaper accommodation, even if it does not comply with a certain standard apart from the safety aspect, perhaps in order to save a deposit for their own home. As to providing a uniform standard of accommodation, this is not practically possible due to the large variation of property types involved. It is very easy to set a standard on new accommodation but that becomes very difficult or impossible with older accommodation especially if an elderly property owner just wishes to let out part of their house. If the house is old it may be listed so it may be impossible to improve the quality of accommodation regarding insulation and double glazing, *et cetera*. These things can sometimes be done. However, the cost of implication would not make it practical to do so. Therefore it would be more beneficial not to let.

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

I just want to concentrate on a couple of points with regard to this Proposition because there is no question that people who have spoken before me have covered off many of the issues and done so incredibly eloquently, not least the chair of the Environment Panel, the Constable of St. Brelade. One of the major issues I have with this is the fact that it is going to lead, there is no question, to many large increase in the number of people employed in the Department for the Environment in order to police this scheme. There is no way, as has been shown in the U.K., that this can be effectively policed without hiring many people to do that job because of the need for inspections. To suggest otherwise is incorrect and there is no doubt in my mind, at a time when Government and public finances are being stretched and decimated, that to be bringing in legislation that is incredibly labour-intensive is a very negative thing to do. The other point I would like to pick up on the scheme is something touched upon by the Constable of St. Brelade, the one-sidedness of the scheme in terms of how it only focuses solely on private landlords. I think you can see that most clearly in the table of charges whereby social housing providers receive 100 per cent discount on all charges. When questioned about this the Minister has said social housing providers provide a social benefit. That in itself is to deny that private rental accommodation providers offer a social benefit because they clearly do. Indeed there are many thousand units of accommodation rented out privately, that are rented to people who are on income support and receive payments for that accommodation by income support. If it was left solely to the social housing sector there would be thousands of people homeless in the Island because they are only being housed by the private sector. To give 100 per cent discount to social housing providers means that the private sector is absolutely fully subsidising the social housing sector. That, in my view, is deeply immoral and wrong. The costs of the scheme should be shared equally across all landlords and not just across one type of landlord and I think that is where I really fall with this Proposition and find it impossible to support, because of the clear prejudice that has been in the Minister's mind as he sculptured this and created what is a really inappropriate piece of legislation for the Island and for dealing with the problems he is getting to or trying to address. Indeed, in his speech he convoluted the idea of minimum standards with this licensing scheme. All the legislation for minimum standards has been brought in and the Regulations are there. They bind everybody equally whether they are private landlords or social housing landlords, they are bound by the minimum standards laws. This licensing scheme does not bring in minimum standards. It will

not in that sense make anybody safer. All it does is add a bureaucratic layer that could be dealt with more easily if we had a proper OneGov approach to this Proposition whereby existing data was used, and that has been attempted to be addressed by the Deputy of St. Peter but been ignored by the department. So, if the Assembly was to adopt this it is truly adopting a flawed piece of legislation or a flawed proposition, but it is not yet but it would be legislation. I therefore urge Members not to support it and to give the Minister the signal that he needs to come back with something that is fair to all landlords and is fair to tenants as well and so does not feed into inflation in an Island where the cost of accommodation is already too high, often driven by the social housing sector itself, which has increased rents in many cases beyond the private sector. That is another reason why this subsidy of the private sector to the public sector should not be allowed to take place but that is what this legislation does.

#### **9.1.7 Deputy I. Gardiner:**

I would like to follow Deputy Morel, that mentioned several systems that we have in place already that were not connected. The COVID-19 crisis brought to my attention a very big part of this legislation that has to be addressed, from my perspective, before we are going forward. I would like to bring Members' attention to the primary legislation in paragraph 1.4 that the dwellings that were occupied for reward by 2 persons will not be considered rented dwelling by this law. What does it mean? It simply means if somebody, a lodger, renting a room or 2 lodgers renting 2 rooms in private accommodation, they will not be covered by these Regulations as they are not covered by primary legislation. To change it we need to change primary legislation. During the COVID-19 crisis most evictions that I dealt with in my district were from this type of accommodation. It is usually people who do not speak perfect English, unqualified, and they do not know their rights and they do not have contracts. From my perspective they are one of the most vulnerable ones that will not be covered by these Regulations. This is something we have to address. I am not sure how other Ministers, and I would like to see the Minister's point how they are going to address; it is a big gap. Another point, also during the lockdown how we know that legislation that already exists works because it was a complaint about a specific apartment in my district where the place was found uninhabitable so basically the person had to leave and during the lockdown; he is still in the guest house and still cannot find accommodation and he can still not see his daughter. So, we are talking about people's lives and how important it is for us to protect the safety but I have a problem that this is not covering whatever we would like to cover. We need to separate between registration and licensing. There are so many schemes. We have basically Rent Safe, we have My Deposit scheme and why would we not enhance these schemes, why would we not continue with what we have already? Something to think about, I look at the G.V. (Government valuation) and we can see the landlords, the private rental sector is the second biggest sector to income on the Island. We are very careful with what we are doing with finance. Maybe we need to be as careful with what we are doing with the private sector because our private sector will have lots of people, and I am dealing now with another case in my district, it is probably not only my district, that we cannot find social housing accommodation and we are looking where we can find on the private market, and probably it will be private market. What I am trying to say is I am in 2 minds. I think as any business, renting property business needs to have a licence but to make it right we need to put registration to connect the systems, not to create another system within a system that will not be connected to anything we have already. Let us do it right, put the proper registration in place and after we will talk about the licences as any other business. I am not against the licence; I am not against the safety. We do need it but we need to make it the right way and not create another unnecessary thing that sits in our computers and will not connect to anything.

[16:30]

#### **9.1.8 Senator S.Y. Mézec:**

I was considering holding back a little bit later in this debate so I could try to round up some of the comments that have been made but with what has been contributed so far I ought to speak earlier to not let some of these points rest because I am afraid to say we have heard some things said by some of the contributors beforehand that have simply been manifestly ridiculous and able to be proved wrong sometimes just by applying logic but, secondly, just by doing a bit of research. This debate at its core in this principle stage where we are is about whether you believe the right to live in a secure and safe home ought to be a real right or a theoretical right. Members voted unanimously in support of P.95, the Appointed Day Act for P.66, which was the initial Regulations, that made perfectly clear within the reports that accompanied that, that landlord licensing was on its way and that it was the natural next step and that implementing the minimum standards in law was the first point. Then constructing an enforcement regime round it would be the next phase of that to make sure that these rights are implemented on the ground, can be enforced and, most importantly, we can revoke the rights of somebody to be involved in that business enterprise if they are not capable of providing those minimum standards to their customers or, at worst, are maliciously ignoring what they are meant to be upholding. That is what this is about. It is about the theory versus the reality. I have to say I think the Minister for the Environment has really bent over backwards here. He has provided amendments that look different to what was initially proposed. He has consulted this to death, in my view, and Scrutiny has already looked at it. Various stakeholders have contributed to that process and it is only now at the last minute that the Tenants Association has been formed and been able to provide what I think is an excellent submission in support of these proposals. That is why it gets to me when we hear from the Constable of St. Brelade who said something along the lines that we need to listen to those on the ground. Does he think we do not listen to people on the ground already? Does he think in this very long and difficult process we have gone through to get these Regulations to this point that we have not gone to speak to people? The Minister for the Environment listed a group of stakeholders that were engaged with and who are supportive. It just remains the case that one particularly significant stakeholder group is opposed to this. Not only are they opposed to it but they are quoted in the media today as being fundamentally opposed to it, which means some of the points that Deputy Morel and Deputy Gardiner made about going back on this yet again to try to come up with something better, that still will not appease that group because they just do not believe in regulation. They want a *laissez faire* approach and believe that the free market will magically solve all of this when all the evidence before us shows that it will not. Not only that but they do not speak on behalf of all landlords in the Island. When I have been on the ground, as the Constable of St. Brelade seems to think we have not been, I have spoken to many landlords who have said the Landlords Association in fundamentally opposing this does not speak for them because they recognise that having a fair regulatory regime for what is, as Deputy Gardiner rightly pointed out, the second biggest industry in the Island is a positive thing for everybody who is involved in that industry, rather than having what essentially exists now, which is a free-for-all. It is a free-for-all where, at its worst, it is people living in conditions that nobody should have to live in, having to live with the fear that if they complain under the rules that already exist that they will face comeuppance in some form or another. Deputy Huelin referenced the *Empowering Tenants* document from the Landlords Association, which I have spoken to I believe either the treasurer or the secretary of J.L.A. (Jersey Landlords Association) about this document, because it does no such thing in empowering tenants, because it misunderstands the points underpinning this. It spoke about revenge evictions. A revenge eviction is not this idea that you will be taken through court and be told: "This person complained about my property, therefore I want to get rid of them" because a court of course would not back that up and would not grant that eviction. It is about the instability that people have in their tenancies, with rolling tenancies that can simply not be renewed for any reason whatsoever and a tenant who wants to complain about something can live in fear that they will not be able to remain in their homes, that they may simply not have it renewed because they asked for their rights to be upheld. What the Minister for the Environment is proposing completely does away with that and does genuinely empower tenants, who will know that they do not have to make these complaints and that

these issues can be nipped in the bud. I know of landlords as well who would welcome the inspection regime because it means that with Environmental Health's light touch approach they will be able to sit down with them and say: "Right, I think I am doing a good job, but can you just reinforce that for me or can you tell me if there are a couple of bits and pieces I am getting wrong?" and the Environmental Health Department will be more than happy to oblige and explain to them: "Yes, it looks like you have a problem here with the building that you might want to address" or: "This part of the tenancy you are offering is not quite in line with what it is meant to be, so you might want to tweak that" and they can end up saving a huge amount of money in the long run by making sure that they have got their processes in order. I know that many of those landlords welcome that. I had quite an amusing text message from my landlord this morning, who said that the inflationary effect was something along the lines of 0.0042 per cent, so close to zero that it may as well be zero. There were some accusations, completely wrong, from some that have spoken beforehand, the Deputy of St. Peter and the Constable of St. John I think being the 2 main culprits of this, saying that the purpose of the reference back has been ignored when it quite clearly has not. The report to the fourth Amendment includes the information that those that supported the reference back were asking for. The problem is that it is not what they expected. The chief economist has looked at this, he has given his verdict and we are not in a position, I think, to contradict him. It is quite amusing really when the Constable of St. John asks: "Where is the evidence that this is not inflationary?" and then himself says with confidence that it is inflationary and he himself has not a shred of evidence to back that up. It simply defies logic, so I am really astounded that those sorts of comments can be made. The Deputy of St. Peter referred to the Liverpool scheme - they have a landlord licensing scheme as well - and referred to that being denied permission to continue as that being evidence that the scheme does not work. I hate to break it to the Deputy of St. Peter, but Liverpool is the most Labour city in the U.K. and up against a Government in the national Government that had the power to veto them, which did so for reasons which the local authorities in Liverpool believe is politically motivated because they regard their scheme as having been a complete success and that it serves as a disincentive for other councils for doing the same thing. There were other comments made by speakers that again I think defy logic. The Constable of St. Brelade made a point. I tried to make accurate notes of what they were saying, so it might not be word-for-word accurate, but he said something along the lines of that we need more people to invest in the rental market, and says that as if that is the prevailing orthodoxy here; we need more people to invest in the rental market. There is a couple of problems with that. Firstly, we cannot all be landlords, we cannot all have a property to own to rent. There comes a limit with how many people you can have as the optimum or as the equilibrium in a private rental market for things to work. The more homes that are bought out by investors, the fewer homes that can be bought to be lived in by families as owner occupiers. There is a tension there and it is simply not right to say that the Island necessarily needs more people involved in that industry. I think there is a perfectly reasonable argument that says we could do with having fewer, but higher quality. Deputy Morel described this as being one-sided, which is something I regard as being very strange. He spoke about some of the landlords who are providing good rent levels and the private sector landlords doing that, who will be required to pay a fee here, whereas the social sector will not be required to pay a fee. I would say that I personally would welcome more social housing providers in the Island. If there were people who were renting out accommodation with a social ethos behind it, then by all means register and they can get that discount too. I would struggle to argue against that, but he described this situation though as the private sector subsidising the social sector because the social sector will not have to pay this fee but the private sector will. I am sorry, but that is complete nonsense. Andium Homes provides a return to the Treasury of tens of millions of pounds. They do not get grants or free money with no conditions to provide their service, a much-needed service for a civilised society, a social housing offer, but the private rental sector gets around £10 million in subsidy through rental support in benefits. In actual fact, the social sector you can argue is subsidising the private sector through that because we do not have an adequate rent policy and that we do not have an adequate situation with the return being

provided through social housing. The investment that is being made in social housing is being paid by its tenants through their rent, through their income support and through their return to the Treasury. It is not the other way around and it is the case that through the benefits system the private sector is subsidised. It is not right to describe it as one-sided. Going back to the Constable of St. Brelade, who also said that this was biased against one side, I just ask Members to, if they can, think of landlords as ordinary business people, like there are business people in all sorts of different ventures in the Island, painters and decorators, plumbers or consultants or any of those sorts of things. Many landlords do not regard themselves as business people, but by law they are. It is a commercial enterprise. If you want to register your business name, you have got to pay £55 to do so. Landlords pay nothing. If you want to ... not if you want to, you have to provide your business accounts to the J.F.S.C. (Jersey Financial Services Commission) every single year. That is £100 that you have to do automatically. If you want to run a stall selling sausage rolls, you have to have a licence. If you want to sell alcohol, you have to have a licence and that costs money. Right now, landlords who rent homes to people, something that is fundamental to their well-being, currently pay nothing, so how can we say it is biased against landlords to say that at the end of this licensing process - for them to pay a single fee every 2 years, £100, which will be tax deductible, so in actual fact it will be worth £80, so that is £40 a year, which is less than a third of the price of a T.V. (television) licence - that this is somehow biased against them, that this is somehow prejudice, when at the end of this, by all other business standards, they will remain under-regulated? I am sure that I speak for the Minister for the Environment as well when I say that we are happy for it to retain that level of regulation when it comes to the minimum standards here. We do not have a desire to charge much greater fees than that, to put them on a sort of equivalent level with all other businesses. We want to just do what needs to be done to get the job. The Minister for the Environment is even proposing a grandfathering period so that those currently in the market now will not have to pay a penny to get registered in the first instance and to start getting the benefit that will come with that and the free advice basically from Environmental Health that will come alongside that as well. It is simply the case that a huge amount that has been said by Members opposing this so far just does not bear any resemblance to reality. I suppose the one that really got to me was the Constable of St. Brelade talking about how he would like something instead to be linked to the deposit protection scheme and laments the fact that it is contracted out to a U.K. firm.

[16:45]

Let me tell him, as the Minister that has legal responsibility for the deposit protection scheme, that I too would love to have an on-Island scheme, but I have very recently signed the Ministerial Order to have it reassigned to the current U.K. provider, which I am happy to do because they do a very good job, but it is not ideally what I would like. One of the things that has stopped me being able to develop an in-house offer is the fact that we do not have this landlord licensing scheme, because this would have been a very good piece of infrastructure internally to then be able to latch on to that scheme and get the deposit scheme connected to it in some way. I know that there are officers in Environmental Health who are very keen to be a part of doing that, but we could not because this has been delayed. It has been delayed, delayed and delayed and, guess what, today we find out it is going to be delayed once more as well. I am really disappointed with that. Sorry, somebody has not got their ...

**The Greffier of the States (in the Chair):**

I am sorry, Senator, I just have to interrupt. Somebody has got their mic on and is talking across the top of Senator Mézec, which is really unhelpful. If they could turn their mic off and, Senator Mézec, if you just want to go back a little bit to finish off so we can hear you properly.

**Senator S.Y. Mézec:**

Yes, it can be difficult when you lose like your flow like that, unfortunately. This has been delayed and this Assembly and the Government as well are experts on delaying things, so I reiterate what the Minister for the Environment said in that I think that if Members do not want a regulatory scheme, if they do not want this I think minimal intervention by the States in what is the second biggest industry in the Island ... I mean, compare the interventions we make or we are going to be making if this is passed in the second biggest industry in the Island compared to the interventions we make in the first biggest industry, the finance industry, where there is a huge amount of regulation to make sure that everything that goes on there is legitimate and which is very successful and which nobody would argue against. To say that we cannot even have this minimal regulation and the licence that goes with this scheme for the second biggest industry really I think takes some doing. Exceptionalism is what it is. It is not a bias against landlords, it is not prejudice. It is the defence of exceptionalism that says to this one unique business venture in the Island that there should be nothing in place to make sure that consumers are protected and that standards are upheld and that action can be taken against those who act in a way in that market which is at best incompetent, at worst malicious. Deputy Gardiner seemed to be on the fence on this. I say to her that there is nothing more that can be done here. The Minister for the Environment has put forward several iterations. When he comes forward with a graded fee structure, some people complain, so he says: "Okay, I will come back with a non-graded fee structure" and people also complain. We complain that the deposit scheme is not connected to it, and I say that if it had been implemented earlier, we may well have been able to connect it to it. Some of these are excuses and the fact is that we are not going to get any better than this. We need to ask ourselves that question: do we want the Environmental Health Department to be able to prevent a home from being rented out if it is not safe for people to live in that home? If the answer is no, I will be very sad about that. I think that would be a dereliction of our duty to some of the most vulnerable people in the Island. It is one of the reasons why so many stakeholders are in support of this, whether that is the Fire and Rescue Service, whether it is the Children's Commissioner, those who are in many respects at the coalface of dealing with people who face vulnerabilities and know the impact of poor quality housing on their health outcomes, on their educational outcomes. We will continue to have a reactive system that encourages vulnerable people ... and many of them, as Deputy Gardiner I know is interested in, will be people who do not know their rights or who have difficulties with English as not their primary language, and avoid the opportunity of instead having a proactive system that in the long run can save us money by nipping many of these problems in the bud, that can promote more professionalism in the second biggest industry we have in the Island and that has been a long time coming, which is a fundamental part of the minimum standards regime and always has been, right since the start of this journey. I urge Members to just try to think through some of the statements that have been made before that clearly do not make sense when you apply a bit of logic to them and give our wholehearted support to the Minister for the Environment, who is proposing something that ultimately is transformational and will improve the lives of some of the most vulnerable people in the Island. Let us put aside vested interests and do what is right for those people. Thank you.

#### **9.1.9 The Deputy of St. Mary:**

I apologise in advance because the point I am about to make is not really central to the main argument, but Clause 4 of the Regulations makes reference to appeals and yet again provides that a person aggrieved by a decision of the Minister may appeal to the Royal Court. I fully accept that is the only avenue that such a person has access to at the present time, but I do once again make reference to the Law Commission's report on access to administrative redress, when they recommended that an appeals tribunal be formed to avoid the need for what is really a heavy-handed approach, to go to the Royal Court with all the expense and formalities involved. I think the Minister himself would agree it is perhaps high time we had that appeals tribunal in place, but until we do, we are perpetuating what I regard as being a defect in legislation. I simply express the wish that hopefully the Minister

will bring what influence he can on his fellow Ministers to address that problem by perhaps hastening the creation of that new appeal tribunal.

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

I wanted to follow the speech of Senator Mézec because I wanted to say to Assembly Members I really hope you are listening to that concise and thought-through explanation of where we really are on with this piece of legislation. I think too often States Members just take time to find dubious and perhaps spurious reasons as to whether or not to vote for something, even though the principle is right. It concerns me every time and I think it is a symptom of why we do not move on as an Assembly and why people outside this Assembly do not believe we get anything done. We have talked about this legislation so many times now. We have the minimum standards law. This is simple: you have a minimum standard and in order to enact that minimum standard you have a licence for people who are renting out a home and from that licence there is a register of licensees. That is the confusion between a registration and licensing. There is no point having a list of names unless you have something to do with them. I have to draw a few really key points that I think need to be remembered by people. We have a generation of young people coming through who are renting who have very little chance to buy their own home, regardless of how good their income is, simply because of the cost of it, so they are forced to rent. They are paying 30 per cent, 40 per cent, 50 per cent of their income each month to a landlord and there is no requirement whatsoever for that landlord to register as a licence, as a business in any way. We would not - I would not - go to a restaurant unless I was certain there was some sort of licensing for the standards of the food in that restaurant. We rely on it, but because restaurants have a licence it does not mean that they have collapsed as an industry. I think we have got a number of red herring arguments going on here and it is based upon one simple principle, and I remind the Assembly that we are discussing the principles here, and that simple principle is that some Members do not want any form of regulation, but we cannot continue on this Island, with limited housing available, to have a free-for-all in that rental market, which has no control whatsoever. They are somewhat one would call tautological arguments here, and what is happening is we are, at one and the same time, having an argument whereby: "We have really good landlords, they do not need regulation" but at the same time: "The bad landlords will not want to rent anymore." Which is it? Are landlords very good or are there bad landlords? From the very informative report from the Jersey Tenants Association, which has only recently been formed, there are 448 environmental complaints about housing since the instigation of the Regulations. That is not a small number. That is for those who have had the courage to make a complaint. When you have no control and you are vulnerable and you need a place to live, making a complaint is not an easy thing to do. Now, there are good landlords. That is great. There is a morality to this and if you are providing a home, and we have heard it from Members of the Assembly, so many of whom are landlords, that they would look after their tenants and they would make sure they spend money on the home. That is great. Can I remind you that if you are a landlord and you spend money on that home, you keep that home at the end, you keep the investment you have made in that home so that if you were to sell it, it would increase the value? There are very few businesses that have that and so therefore that is an essential part of what we are saying. We talk about evidence. I think what we have got is an enormous amount of scaremongering. The real cost of this, if you take away the fact that it is tax deductible, is £40 per year to register for a licence. I think we would work it out as 14 pence per day. I cannot think of anything that only costs 14 pence anymore, to be quite frank. I do not even think a Wham bar is 14 pence anymore and they are everybody's favourites, so I do not understand that. This idea that it is unpopular, somebody said, I do not think it is unpopular with tenants and it is certainly not unpopular with good landlords. I too have had people contact me in my constituency and at my constituency drop-in who are landlords. I was expecting a conversation to justify why we would vote for this and what I got was: "Yes, absolutely needed. I have got no problem and actually some assistance with keeping up the standards would be much appreciated." There are good landlords there with the right ideas behind what they are doing. It is not inevitable

that a cost of £40 will be passed on. If you are taking rent of £15,000, £20,000, £25,000 a year, an extra £40, I am afraid you can take on that cost and I think that is the reality of this. The real data, as I have said, is the 448 complaints to Environmental Health. When we talk about what protection do landlords have, one of the protections they have is that they take a deposit. I wonder how many people in this Island, when they have moved out of a home and moved on, have lost some of their deposit for a very small detail of the home. It happened to myself over a garden, which I thought looked better than when I had moved in, but there was no comeback on that. Finally, I am quite disappointed that Scrutiny wants to delay and delay and delay this. We have had so much time, we have had so much effort on this that we really do need to come to a point where we move on. We have sort of dubious arguments set to derail and completely lose what is a reasonably watered-down - in my opinion - proposition. I urge those Members who are going through this ... I do not know, dare I say, in a contextual way, it is like a virus that spreads through the Assembly of looking for reasons to not accept something because it is different and it is new and it is needed, but it might be a little different. Please do not fall foul of that this time. If we do not pass this legislation yet again, we fail 20,000 households and we say to them: "You know what, you are on your own. If you have got a good landlord, then that is fine, good luck to you. If you have not, well, you better stand up on your own and make a complaint and let us hope for the best." That to me is letting down the people of Jersey and again we fail as an Assembly to put the well-being of Islanders first. I urge Members to support the principles and let us move this forward at last.

[17:00]

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

Firstly, I would like to point out to the Assembly that Regulations are already in place for those who find themselves living in substandard accommodation. Two important pieces of legislation were passed in 2018 which together establish minimum standards of housing and provide a mechanism for their enforcements. These are the Public Health and Safety (Rented Dwellings) Law and the Public Health and Safety (Rented Dwellings - Minimum Standards and Prescribed Hazards), October 2018. It has been suggested that the proposed legislation is necessary to prevent vengeful evictions or, in other words, to prevent landlords from evicting tenants who complain about housing conditions or rent increases. However, it is entirely within the remit of the court to decide whether any eviction should ultimately be carried out. Under the Residential Tenancy (Jersey) Law 2011: "The Court may order ... the eviction of the tenant if [and we may infer only 'if'] the breach is sufficiently serious to warrant termination and eviction." I have seen no evidence to suggest that the court has assisted landlords in unfairly evicting tenants. At the end of Appendix 2 of the Proposition, it is stated that the Government will continue to work hard to reduce the fees. I put it to the Members that if this Proposition is passed today, fees will only proceed in one direction, and that is upwards. The number of new staff members that will be required to regularly inspect thousands of properties will only increase with time, which means costs will eventually exceed any fees levied upon landlords. Bureaucracy will, as usual, need to expand in the future to support the expansion of bureaucracy that is under consideration and a rise in costs for landlords will likely mean in the long run an increase in rental costs faced by tenants, which I am sure no one here can possibly think is advisable. It is therefore my position that the legislation which has already been passed by this Assembly is sufficient and does not need to be replaced at this time. I hope that the Members will reject this proposal.

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

I would just like to thank the previous speaker. He spoke to some of which I wanted to refer to. In reading fully the Proposition and trying to make my own independent mind up here, because I have come to this debate fully open-minded, I am one of those rare breeds of politician where I am not a landlord. I have always privately rented, apart from my childhood, when I grew up in social housing here in Jersey, the old system which is now under Andium. I have never been a landlord, but I have rented off different types of landlords, being personal, so people who just have owned a property and



are doing it themselves, to estate agents, to companies, one of which I am renting off now. I have had various degrees of relationships with my landlords. I have to say most of them have all been pretty good. It does come down - it is a 2-way street, as others have been saying - it is about having a relationship and the respect is there for the property you are renting. You pay a deposit; you understand that if you break the terms of your contract you will be liable, that you may lose your deposit or further action is needed. I understand I am in a lucky fortunate position because I have a voice and I am confident in approaching people and having discussions and not everybody is like that, everybody finds those things difficult. I can only imagine those who are struggling with mental health or new to the Island or find themselves in vulnerable positions, it is very difficult to say something is wrong or they do not understand and that can be lost in translation. So there are loads of different examples here that I believe come into the mix; this is not a simple thing. On that note, again, if you just take this on face value as a proposition, it is very sad that we are here. It is one of those propositions that has caused division and the point of the Assembly and the point of us is to overcome that division and not be a divided place. You could be opposing a view and politically a view and you do not agree with the Proposition, but it is the wording and the feeling of it. It has caused quite divisive tones, and that has played out in the media, in social media; if you say the wrong thing you are classed as being this and if you have a thing to this you are classed as that. That unfortunately is a shame because we have just gone through something that has fundamentally changed the world and the reverberations of what we have gone through this year are going to go on for a long period of time. We are about to go through a very difficult new version of the recession and that means, over the next year, it is going to be tough for all of us grasping of how we pay back vast amounts of money that we borrowed and the work that has been put in place and what that is causing because of job losses and people are struggling to find work and pay for things. What I have been doing, and part of my research for this Proposition, is talking to landlords of all shapes and sizes and their concerns, they tell me, is they are worried that things that they may have to do, those prices may be put up and they will struggle in the costs and how they are going to afford it and obviously mortgage rates and inflation rates at the moment, everybody is a little bit nervous with Brexit coming and again the knock-on effects of the pandemic. Equally, as somebody who does privately rent, it does interest me about this whole talk about the prices of rent. I rent currently a 3-bedroom apartment, which is way under the cost value if I was searching for a 3-bedroom apartment to rent. It is way under. Looking to downgrade if I want to, now my son has gone to university and I want to rent a 2-bedroom place, I would have to ironically pay at least £800 more than I am paying now. That is the reality of the situation, rents are very expensive here, whichever way you look at it. The cost of living here is very expensive, whichever way you look at it, unless you are in a different financial climate, and I have no problem with that, but the reality is, for working people, for middle Jersey, the cost of living, the cost of renting, is very expensive. I do not say that in an apologetic sort of way, you pay your way in life and you make your choices, I have made mine. This is just not a simple thing. The reality is rent is going to go up probably anyway, there are things that probably people can do to help support that and full power to the Minister for Children and Housing, I think he has played a blinder in some areas through the pandemic. But I just do not like the tone of division of how people are being represented, this almost Charles Dickens description of landlords is a little unfair. What is true though, and I can certainly say that, and it is certainly my own position, where I have paid less rent I have suddenly found where things are not happening as they should be, a little bit less love is put into the property, but then I have to balance that with the fact you pay what you get, and is that right? But luckily, because of the person I am, I can make that work and come to a good relationship. I do worry about vulnerable people in this Island who are put into that position. So I am absolutely torn on this because I wanted just to debate the principles. There should be a more coming together on this Proposition because the principles about this is just making fairer, safer places of homes for all shapes and sizes, for all people of all demographics, that they can live in a clean environment and the intention behind this as well. That is why the Assembly have voted, as Deputy Ahier said, those rules - and thank goodness we have that Regulation - and we will totally

get behind the Minister for the Environment and the Minister for Children and Housing on this, but just the worry and concern of the financial burden that is being placed on all of us, we are in a different world when this was first talked about at the beginning of this year and the pandemic has changed that. So it is just not that simple and I just think why can we not just get together and make something work that is fair for everybody; that does not cause such division. Big ask, maybe, but this tone of division is not helping me make up my mind in voting for this Proposition. I do like the idea that the chair of Scrutiny is willing to pull this in and work with the Minister for the Environment so we can look at making this fairer for landlords of all shapes and sizes so we can get what we are needing here. On this basis, I will wait for summing-up until I make my own independent mind up on this open-minded debate and that is all I wanted to say.

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

I was not sure when or if I was going to speak in this debate. I am fully supportive of the Minister for the Environment and I will just explain a few reasons why and nobody wants a history lesson at 5.10 p.m. in the afternoon. I go back right to there was a Jersey Tenants Association from 1995 to about 2000 and I was the chair of the States Tenants Association at the time and worked then with many sitting Members who I, being both in registered and unregistered, found that, not just for myself, there was absolutely good and bad landlords in both sectors. I find most good landlords who have good tenants have a great understanding and they would rather keep the rent affordable or just go up with inflation where they can, and a good tenant will often do repairs and that works. But I really cannot get my head around today where we are saying it is too much red tape, more bureaucracy, when I absolutely look at the minimum standards we are asking a landlord to maybe provide on page 7 of the Proposition. Property inspections, well confirming that we have smoke detectors, carbon monoxide detectors, when were they last inspected? This is fundamental stuff that, if you are living somewhere, your children are living somewhere or your parents are living somewhere, you know that you want to be done and done. I really also wondered, and I am certainly not picking on Deputy Gardiner, I know she listens and I know she is really compassionate and she will be dealing with people, but she is absolutely right, this law if you are renting a back room will not cover. But that does not mean that you should not support the principles. Again, I am disappointed. All right, it is going to be called in, the Constable of St. Brelade has already said, another delay. I really cannot get my head around over 25 years of delay for total minimum standards for the right to know that it is safe to live. I also read on page 3 about it did not work when they pushed Eat Safe. Absolutely different. I can choose whether I go to a restaurant. I can choose whether I go to a takeaway. If I am forced, this is my only option of where I have to live, I am in real difficulty. Deputy Ahier said he does not hear too much about the courts evicting tenants when they really have a good case and the Minister for Children and Housing, Senator Mézec, made this, these cases very rarely get as far as the courts and it is because people are fearful, people, especially in different sectors, do not have many rights. This is about minimum standards. Today we should all get behind this, like we did the law, I am not dividing anybody. I am never Reform, I am not a Reform candidate, and we are not dividing this down the political line. Please understand that. This is about what is right for the people who live in Jersey and have to rent in Jersey and it is good for good landlords and it will also bring the very few that are not-so-good landlords up to the standard that we expect, as I say, for our children, our parents and ourselves.

[17:15]

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

It is difficult to know quite where to start. As I was listening to the Deputy of St. Peter I came over with these strange turns, I felt that I could see a host of angels around his head, a seraphim and a cherubim were all here, telling us how saintly 99.39 per cent of landlords were. They were on the side of the angels. Yet, despite the fact that so many of them are so excellent and good at looking after their tenants, the manpower cost of what is being proposed was enormous. It seems to me you

cannot have it both ways. You cannot have total minimum of abuse with maximum of policing. It does not work like that it seems to me. We heard today about how protective the Magistrate's Court would be in case of revenge evictions, for example. A revenge eviction is not one necessarily, it is simply you complain about some aspect of your accommodation and the landlord simply says: "Right, there is your 3-month notice, I want you out in 3 months so I can put somebody else in there who is going to be more compliant." Worse still, what happens is, and I have seen this happen on several occasions, you leave the property where you live and when you come back in the evening, after your day's work, you find that the locks are changed and you have to run around trying to find somewhere to sleep or some floor to stay on or to start picking up the pieces of your life because most of your life is either in the accommodation or out on the street. While you are doing all of this to try to put your life to rights again, you balk at going to the Magistrate's and saying: "Look what happened to me, this is unfair, please do something about it." Because it is unlikely that anybody is going to do anything about that. So a real revenge, the one where you come back in the evening and your locks have been changed, that is really hard to deal with. Yet that is reflective of the power relationship between landlord and tenant, who has the power in the relationship? Always worth examining that. It has to be the landlord. To go up against your landlord, you know that you risk becoming homeless in a very short space of time and that is the reality. I was just thinking about this host of seraphim who were praising landlords, and I thought what I know about the rental situation at the moment, and what I know is that rents, despite or because they have been held steady since whenever, until October, have been frozen until October. Rents are already threatened to go up and I am thinking of 3 couples I know; one single person who is being threatened, she has been in the accommodation for 2 years, she was expecting to renew her lease again, instead of which she is told that the landlord's agent has calculated that he can get 10 per cent more for that property. It is doubly ironic because this was one of the real angels, one of the nurses, that was looking after us throughout the pandemic, and she is threatened a short time later with eviction and the rent going up. Then I thought further, what is the relationship, what is the economy that we are talking about, and we are talking about a straightforward business. Here I am put in mind of what has happened at the Little Sisters of the Poor to the residents of the sheltered protected accommodation around them, and their services have been vastly reduced without telling them and their rents are likely to go up by some 15 per cent. I am thinking how does that happen where the power relationship is so one-sided that we cannot even protect the elderly in sheltered homes. It seems to me that it is obvious that we should, as a Government, be - call it what you like - interfering in this market because of that power imbalance. I urge Members, this is entirely appropriate we should be involved in this, and I urge Members to vote for the principles.

#### **9.1.15 Deputy S.M. Wickenden of St. Helier**

In this, I think that everyone agrees with the principles that we want people to live in safe and well-kept accommodation and that nobody should live in places that are unhealthy and unfit for purpose and the likes. They are the principles everyone can agree with. But what we are being asked to do here is to agree the principles of regulations as put out in front of us, and I have some problems with it. One point certainly that Deputy Johnson talked about was the fact that the only recourse for appeals is through the Royal Court, and that is a very expensive way to do things. I know there are other areas that I have looked at, like the issue of licensing, and it is not very well drafted law. There seems to have been more attention paid to the fact that there will be a register of licensed landlords than there is about what the wider aspects of these Regulations will affect. In Regulation 3(3)(a) it says: "Before issuing a new licence the Minister must inspect a dwelling." The Minister is not going to go out and inspect a dwelling. It does not say anything about delegating responsibility of that decision to officers within this Regulation. So is it the Minister who is going to go and walk into every dwelling and decide what will be licensed or not? Of course it is not going to be. But within the Planning Law the Minister obviously has rights to make decisions on planning and he delegates that authority to his planning officers, then his planning officers will make a recommendation on

approving or not approving working with the applicants. If there is a contention in that, it will come to the Planning Committee, who will then openly and publicly review and make a decision on that application. Then, if that is not happy, it goes to an independent inspector who makes a decision and then it goes to the Minister to the final decision. So there is a process within there that just seems to be completely missing on this side of it, giving the power directly to the Minister, but also it is written in a way that makes it say that, before issuing a licence, the Minister must inspect the dwelling. There are bits missing in there and it needs further looking at. I know an example from one of the planning applications we have seen where the planning officers made a recommendation to approve an application, it got contested by neighbours and it came to the Planning Committee and on the second iteration we approved it. It got contested and sent to a planning inspector, who looked at it and approved it, and then it went to the Minister and after everyone had gone through and approved it the Minister, on his own, hidden behind closed doors, this Minister decided to reject that application. So, are we putting the powers in a way that is open and fair and public, in a way that we would with a planning application, and is the process that is written out in these Regulations right and fair? Are they even written correctly in the fact that the Minister must look at the dwelling and inspect the dwelling and not have anything to say that he would be able to delegate the responsibility to officers to make recommendations? Where is that process within these Regulations? Do I agree with the principle that everyone should live in safe accommodation and that it should be able to be seen? Yes, of course I do. Absolutely nobody should live in substandard accommodation and I have seen a few in my time. But are these Regulations as set out doing the right thing for everybody? Is it paying attention to the wider application or implications of what these Regulations are written, and are they written correctly? I do not think they are, so I have to say I am glad that the Scrutiny are going to call it in, because these are the things that Scrutiny will be able to draw out, because I am not sure that these Regulations, as written, are correct, therefore I cannot agree with the principle of them. In that case I will be voting against the principles of these Regulations that I do not think are really done correctly and need wider thought.

**The Greffier of the States (in the Chair):**

We are coming up to 5.30 p.m. I have one more speaker today, the Constable of St. Ouen, on the list at the moment. I do not know whether, Constable, you have quite a short contribution or whether it might be the time to consider if someone wishes to move the adjournment.

**The Connétable of St. Ouen:**

Greffier, I am surprised you asked that question, because I am probably noted for my brevity of speeches and indeed if you ask me to speak I will do my best to keep it as short as possible.

**The Greffier of the States (in the Chair):**

I will leave you to it then, the Constable of St. Ouen.

**9.1.16 The Connétable of St. Ouen:**

I have listened to the arguments with great interest and a number of things stick in my mind, firstly there does exist in the law protection for tenants and I have voted for that in 2018 because I definitely believe that safeguards for tenants are important and the law was a good law. My concern with this Proposition is largely around the inspection regime. I do not have any great concerns about the fee levels because I do not think they are significant. As a lodging house owner, we are used to paying fees and, frankly, it is not a massive drag on our revenue. We are also used to being registered and that again is a pain in the neck but we have to do it because that is the law. Where my concern lies is with the inspection process and my concern with the legislation as drafted is that there are not enough safeguards on either side for landlords and perhaps even tenants. The inspection process that we have had to deal with in the lodging house market to my mind has been bureaucratic and sort of unstructured as well. I would have expected a list of things to come through beforehand and a pre-

inspection tick-list, all sorts of things that, as in the finance industry, you would get if regulators came to see you. The process certainly that I have experienced was very heavy-handed and I take issue with Senator Mézec's comment when he says it is a light-touch approach. It has certainly not been my experience. Other landlords in the lodging house industry might have had a different experience, but it certainly was not mine. Also we need to look at the impact that the inspection regime has had on the lodging house industry and it should raise concerns in our mind about the impact it likely or possibly could have on the wider rental market if we introduce it as it is at the moment. I have some statistics, I have not been able to check the accuracy of them to any great extent, but nevertheless here goes. Between 2013 and 2018, 8 lodging houses left the market. Between 2018 and 2019, when the new law came into force, 62 lodging houses left the market.

[17:30]

One could rightly argue that some of these lodging houses needed to leave the market, because I have contacts in the industry, people with lodging houses talk to each other, it is no surprise really, and quite a lot of people left the marketplace because it simply just became too difficult and they really could not be bothered and either turned the lodging houses into flats or sold them. It did have an impact in the lodging house market, some of it was probably intentional and good, but I have a fear that the law of unintended consequences is likely to apply and we will lose some of the housing stock unintentionally, which gives me great concern. In many ways I am quite glad that this is going back to the Scrutiny Panel and I hope that wider evidence will be taken and more structure will be given to the inspection regime that will give landlords a degree of certainty and a degree of control over the process so they know what is going to happen and indeed they can do some of the work up front. Certainly, we just got a letter saying: "We are turning up to inspect it" and then we got another letter with a list of things that had to be improved. The structure is important because it gives landlords certainty and there should be some sort of appeal process in there, a structured appeal process, such that if they are not happy with the comments of the inspectors that there can be an appeal process and a discussion to allow landlords to at least have a discussion about decisions. Because what we found was the decisions are arbitrary and there was no discussion, you either did it or prosecutions ensued. So also some of the comments I have seen from the J.L.A. about improving tenants' rights and setting up improving leases and protection from courts have a great deal of merit and I really hope that if Scrutiny do decide to call this in that these things will be examined, because the combination of a more structured inspection regime and greater empowerment of tenants is going to be a good way forward and, in my mind, would ensure less damage to the rental market than I think the current proposal will achieve. In summary, and I did promise to be brief, I need to be clear, I am not against the improving of standards for tenants and, as a landlord, I have always done my best to look after my tenants. Certainly we helped a number of them through some very difficult times that they had when they lost their jobs and they did not have any income and we have subsidised them, and I do not have a problem doing that. We are in difficult times and as a caring landlord we should do that sort of thing. Certainly, as a landlord, we made considerable improvements to our properties to improve tenants' lives and it is not out of altruism, at least partly not out of altruism, it is good business sense. Tenants are your customers and you need to look after them and any landlord who does not do that I think is going to suffer. I welcome Constable Jackson's suggestion that he is going to call it in and I hope that a wider consultation will take place, but certainly, as the legislation stands at the moment, I am going to find it difficult to vote for it.

**Deputy J.H. Young:**

Could I propose the adjournment?

**The Greffier of the States (in the Chair):**

The adjournment is proposed.

**Deputy R. Labey:**

Could we just ask, as a courtesy, the proposer, if he is happy to finish the debate tomorrow?

**The Greffier of the States (in the Chair):**

The adjournment has been proposed, Deputy, so in a sense it is not down to him; it is down to the Assembly whether it wishes to adjourn tonight and come back tomorrow or whether it wishes to carry on. I do not know whether Deputy Young wants to say anything at this point? It seems not. Therefore the adjournment is proposed. Does anyone wish to speak on the adjournment? I think not; there has been no reaction to it, so I am going to assume that by acclamation the Assembly adjourns until 9.30 a.m. tomorrow morning.

**ADJOURNMENT**

[17:34]