

# STATES OF JERSEY

## OFFICIAL REPORT

**TUESDAY, 11th MAY 2021**

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[9:30]

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

## **COMMUNICATIONS BY THE PRESIDING OFFICER**

### **The Bailiff:**

There are no items under A.

## **QUESTIONS**

### **1. Written Questions**

#### **1.1 Deputy M. R. Higgins of St. Helier of the Minister for Social Security regarding a list of delegation of powers (WQ.168/2021):**

#### **Question**

“Further to the response to Written Question 125/2021, will the Minister:

- (a) provide a consolidated list of all the powers which she has delegated to her officers since coming into office, giving the date and reasons for each such delegation; and
- (b) provide a list of any powers which have not been delegated to officers, explaining for any such power why she has not done so?”

#### **Answer**

As stated in the answer to Written Question 125/2021 all Ministerial Delegations are recorded in public Ministerial Decisions published on the gov.je website and also published as a Report to the States and on the States Assembly website. Each decision includes the date of the decision.

(a) The main delegations made by the Social Security Minister are currently set out in MD-S - 2021-0016 and R.20/2021. The full text of the delegations was included in the answer to Written Question 125/2021. It is repeated below.

The Minister renewed additional delegations relevant to the Covid19 situation from 01 April 2021, this is recorded in MD-S-2021-0029 and R.49/2021 to extend the delegations previously included in MD-S-2020-0060 and R.105/2020 as Covid19 restrictions remain in place. The full text is provided below

Each delegation was made by the Minister to ensure efficient and robust decision making and administration in an area or areas under her control.

(b) Generally, the Minister delegates statutory, operational, administrative, and financial matters to officers up to certain limits (see part a) to enable the effective running of operational matters. Each delegation will specify the specific circumstance in which it can be exercised. As there is no detailed codification of all of the Minister’s powers, a list of powers that have not been delegated cannot be compiled. Specific powers exercised by the Minister are not delegated for many reasons. This will include the decision being a major one – for example, signing a contract worth more than £1,000,000 or a power that is rarely used and has not needed

to be set out in a delegation report – for example, the power to substitute the evidence normally required in some specific part of a benefit claim process.

Main delegation MD-S-2021-0016 R.20/2021

Minister for SOCIAL SECURITY - Delegation of Functions

### Purpose of the Report

To update existing Ministerial delegations under article 28 of the States of Jersey Law 2005 in respect of the Minister for Social Security as of 10 February 2021.

Article 28 of the States of Jersey Law 2005 permits a Minister to delegate, wholly or partly, functions to an Assistant Minister or an officer.

The Law states, inter alia –

“28 Power of Minister to delegate functions

(1) A Minister may delegate, wholly or partly, functions conferred upon or vested in the Minister by or under this Law or any other enactment of the United Kingdom having effect in Jersey, to – (a) one of his or her Assistant Ministers; b) an officer.

(2) A Minister shall not delegate – (a) any power to make an enactment; (b) any power to decide an appeal under an enactment; (c) any function the delegation of which is prohibited by an enactment.

(3) The delegation of functions by a Minister under this Article shall not prevent the Minister exercising those functions personally

### Decision

The Minister for Social Security confirmed a decision regarding delegating certain of her functions under Article 28 of the States of Jersey Law 2005 as shown below:

Delegation of financial authorities:

#### Budgeting

Legislation	Public Finances (Jersey) Law 2005
Delegate	Director General -Customer & Local Services Department1 Finance Business Partner
Function Delegated	Submission of Budget Estimates for the Medium-term Financial Plan under Article 38.

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<sup>1</sup> The chief officer is referred to as the ‘Controller’ under the Social Security (Jersey) Law 1974

Legislation	Public Finances (Jersey) Law 2005
Delegate	Director General -Customer & Local Services
Function Delegated	Approval of non-contentious inter-departmental budget transfers of up to £100,000 under Article 18.

#### Expenditure

Legislation	Public Finances (Jersey) Law 2005 Social Security (Jersey) Law 1974 Health Insurance (Jersey) Law 1967 Long Term Care (Jersey) Law 2012
Delegate	Director General - Customer & Local Services
Function Delegated	<ul style="list-style-type: none"> <li>• Approving individual orders and the payment of individual invoices</li> <li>• Accepting tenders</li> <li>• Approving store requisitions</li> <li>• The entering into of contracts</li> <li>• Approval of Grant Expenditure</li> </ul>
Scope of delegation	Not exceeding £1,000,000

Legislation	Public Finances (Jersey) Law 2005 Social Security (Jersey) Law 1974 Health Insurance (Jersey) Law 1967 Long Term Care (Jersey) Law 2012
Delegate	Director General -Customer & Local Services
Function Delegated	Approval of Losses and Special Payments.
Scope of delegation	Not exceeding £50,000

Legislation	Public Finances (Jersey) Law 2005 Social Security (Jersey) Law 1974 Health Insurance (Jersey) Law 1967 Long Term Care (Jersey) Law 2012
Delegate	Director General - Customer & Local Services, and in his/her absence, Group Director Customer & Local Services
Function Delegated	Approval of Instalment agreements, including deductions from benefit payments.
Scope of delegation	Not exceeding £1,000,000

Legislation	Public Finances (Jersey) Law 2005 Social Security (Jersey) Law 1974 Health Insurance (Jersey) Law 1967 Long Term Care (Jersey) Law 2012
Delegate	Director General -Customer & Local Services and in his/her absence, Group Director Customer & Local Services
Function Delegated	Appointment of Budget-Holders to undertake: <ul style="list-style-type: none"> <li>• Approving individual orders and the payment of invoices</li> <li>• Accepting tenders</li> <li>• Approving store requisitions</li> <li>• The entering into of contracts</li> <li>• Approval of Losses and Special Payments</li> <li>• Approval of Instalment Agreements</li> <li>• Approval of Grant Expenditure</li> </ul> Within defined limits.
Scope of delegation	Limits must not exceed those delegated to the Director General

#### CASH, BANKING AND INVESTMENT

Legislation	Social Security (Jersey) Law 1974
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Delegate	Director General - Customer & Local Services, and in his/her absence, Group Director Customer & Local Services
Function Delegated	Article 31 (1) to transfer monies from the Social Security Fund to the Social Security (Reserve) Fund.
Scope of delegation	To transfer available cash from short-term investment into the Reserve fund for onward investment by Fund managers.

Legislation	Health Insurance (Jersey) Law 1967
Delegate	Director General -Customer & Local Services Department, and in his/her absence, Group Director Customer & Local Services
Function Delegated	Article 21 (3) to transfer monies from the Health Insurance Fund to the Treasurer of the States or an investment manager for onward investment.
Scope of delegation	To transfer available cash for onward investment by Fund managers.

Legislation	Long Term Care (Jersey) Law 2012
Delegate	Director General - Customer & Local Services and in his/her absence, Group Director Customer & Local Services
Function Delegated	Article 11 (2) to transfer monies from the Long-Term Care Fund to the Treasurer of the States or an investment manager for onward investment.
Scope of delegation	To transfer available cash for onward investment by Fund managers.

Legislation	Public Finances (Jersey) Law 2005 Social Security (Jersey) Law 1974 Health Insurance (Jersey) Law 1967 Long Term Care (Jersey) Law 2012
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Delegate	Director General Customer & Local Services and in his/her absence, Group Director Customer & Local Services
Function Delegated	Administration of the Funds' bank and cash holding accounts, including: <ul style="list-style-type: none"> <li>• Requesting the set-up of new Bank Accounts (to be approved by the Treasurer of the States)</li> <li>• Submitting authorised signature lists to the Treasurer of the States for approval</li> <li>• Transfer of monies between Accounts within the department without limit</li> <li>• Physical payment of expenditure approved in line with expenditure approval limits</li> </ul>

#### APPOINTMENT OF DETERMINING OFFICERS

Director General Customer & Local Services, and in his/her absence, Group Director Customer & Local Services is granted the following delegated powers

Legislation	Function delegated
Article 28 of the Health Insurance (Jersey) Law 1967	The power to appoint Determining Officers for the determination of any question arising under or in connection with the Health Insurance Law, including any claim for benefit.
Article 33 of the Social Security (Jersey) Law 1974	The power to appoint Determining Officers for the determination of any question arising under or in connection with the Social Security Law, the Food Costs Bonus Regulations, the Social Security Bonus Law and the Television Licence Benefit law, including any claim for benefit.
Article 9 of the Income Support (Jersey) Law 2007	The power to appoint Determining Officers for the determination of any claim under the Income Support Law, the Food Costs Bonus Regulations and the Social Security Bonus Law.
Article 8 of the Long-Term Care (Jersey) Law 2012	The power to appoint Determining Officers for the determination of any question arising under or in connection with the Long-Term Care Law, including any claim for benefit.

#### APPROVED REGISTERED PERSONS

Legislation	Income Support (General Provisions) (Jersey) Order 2017, Article 5B
Delegate	Director General -Customer & Local Services and, in his/her absence, a Group Director or Head of Work & Family
Function Delegated	The power to appoint, suspend and remove approved registered persons who may make assessments for the purposes of Article 5 of the Income Support (Jersey) law 2007

Legislation	Long-Term Care (General Provisions) (Jersey) Order 2014, Article 12.
Delegate	Director General Customer & Local Services and in his/her absence, Group Director Customer & Local Services or Senior Manager Pensions and Care
Function Delegated	The power to appoint, suspend and remove approved registered persons who may make assessments for the purposes of article 5 or article 7 of the Long-Term Care (Jersey) Law 2012, or both.

#### APPROVED CARE HOMES

Legislation	Long-Term Care (General Provisions) (Jersey) Order 2012, Article 13.
Delegate	Director General -Customer & Local Services and in his/her absence, Group Director Customer & Local Services or Senior Manager Pensions and Care
Function Delegated	The power to approve, suspend approval, and revoke approval in respect of an approved care home under the Long-Term Care (Jersey) Law 2012.

#### APPROVED HOME CARE PROVIDERS

Legislation	Long-Term Care (General Provisions) (Jersey) Order 2012, Article 13A.
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Delegate	Director General -Customer & Local Services and in his/her absence, Group Director Customer & Local Services or Senior Manager Pensions and Care
Function Delegated	The power to grant, provisionally grant or refuse an application in respect of an application from a provider of a home care service under the Long-Term Care (Jersey) Law 2012.

## HYPOTHECS

Legislation	Social Security Hypothec (Jersey) Law 2014, Article 2.
Delegate	Group Director Customer & Local Services, Senior Manager Pensions and Care, Team Manager Pensions and Care
Function Delegated	The power to submit an application to the Judicial Greffier to register a Social Security hypothec in the public registry. The power to give notice of the registration of the Social Security hypothec to the debtor.
Legislation	Social Security Hypothecs (Jersey) Law 2014, Article 4.
Delegate	Finance Business Partner
Function Delegated	The power to cancel a Social Security hypothec, following its extinguishment. The power to provide notice to the Judicial Greffier of the extinguishment of the debt.
Legislation	Social Security Hypothecs (Jersey) Law 2014, Article 5 and Royal Court (Jersey) Law 1948 Article 13
Delegate	Group Director, Senior Manager Pensions and Care, Team Manager Pensions and Care
Function Delegated	The power to submit an application to the Judicial Greffier to register a Social Security hypothec in the public registry.

	The power to execute the form of notification of the Social Security hypothec.
Legislation	Social Security Hypothecs (Jersey) Law 2014, Article 5 and Royal Court (Jersey) Law 1948 Article 13
Delegate	Finance Business Partner
Function Delegated	The power to provide written confirmation to the Judicial Greffier of the extinguishment of the debt.
Legislation	Long-Term Care (General Provisions) (Jersey) Order 2012, Article 13.
Delegate	Director General - Customer & Local Services and in his/her absence, Group Director Customer & Local Services or Senior Manager Pensions and Care
Function Delegated	The power to approve, suspend approval, and revoke approval in respect of an approved care home under the Long-Term Care (Jersey) Law 2012

## DATA SHARING

Legislation	Social Security (Jersey) Law 1974
Delegate	Director General -Customer & Local Services and in his/her absence, Group Director Customer & Local Services
Function Delegated	Article 49 (2)2, notwithstanding anything in the Controller's oath of office, the Controller may disclose such information as may be required for any purpose approved by the Minister

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<sup>2</sup> Article 49 of the Social Security (Jersey) Law 1974 has been interpreted to cover the administration of all Laws for which the Social Security Minister is responsible. This excludes Control of Housing and Work (Jersey) Law 2012 and the Register of Names and Addresses (Jersey) Law 2012, although these are administered by Customer & Local Services.

Scope delegation	of	<p>To enter into Data Sharing Agreements – sharing information for which the Minister is the Data Controller for the agreed purposes of:</p> <ul style="list-style-type: none"> <li>• minimising the necessity for customers to provide information to different Departments</li> <li>• validating of the accuracy and quality of data received</li> <li>• enabling research, development and evaluation of Ministerial policy with regard to the services provided by each Department (and potentially other parties)</li> <li>• deterring, preventing and detecting of fraud</li> </ul>
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#### ADMINISTRATION OF SOCIAL SECURITY CONTRIBUTIONS

Legislation		Social Security (Collection of Class 1 and Class 2 Contributions) (Jersey) Order 2013
Delegate		Customer Services Advisor, Customer & Local Services
Function Delegated		Social security numbers and contribution liability notices (Article 2)
Scope delegation	of	<p>As per article 2, by providing new or replacement registration cards.</p> <p>2 Social security numbers and contribution liability notices</p> <p>(1) A person on becoming an insured person must apply to the Minister for –</p> <p>(a) a social security registration number; and</p> <p>(b) a contribution liability notice.</p> <p>(2) The contribution liability notice shall take the form of a code comprising –</p> <p>(a) the letters “FR1” in the case of a person who is liable for contributions; and</p> <p>(b) the letters “XR1” in the case of a person who is not liable for contributions.</p> <p>(3) The application must be made –</p> <p>(a) not later than the end of the month in which the person becomes an insured person; and</p> <p>(b) in the manner directed by the Minister.</p>

		<p>(4) An insured person who has a contribution liability notice in the form “XR1” and who becomes liable for contributions must, within 7 days of becoming so liable, apply to the Minister for a contribution liability notice in the form “FR1”.</p> <p>(5) An insured person who has a contribution liability notice in the form “FR1” and is no longer liable for contributions must, as soon as reasonably practicable, apply to the Minister for a contribution liability notice in the form “XR1”</p>
Function Delegated		Administering periods of absence of insured persons
Scope delegation	of	<p>As per article 3, through information provided by an insured person:</p> <p>3 Periods of absence</p> <p>If an insured person whose liability to pay contributions ceased during a period of absence from Jersey returns to Jersey and becomes ordinarily resident in Jersey, the person must, within 7 days of becoming ordinarily resident, inform the Minister.</p>

Legislation		Social Security (Collection of Class 1 and Class 2 Contributions) (Jersey) Order 2013
Delegate		Group Director, Customer & Local Services
Function Delegated		Application for supplementation of contributions of insured persons
Scope delegation	of	<p>As per article 14 paras 1-3</p> <p>This is automated through rules set in the NESSIE computer system, based on earnings information provided by employers or income information provided by self-employed/non-employed people.</p> <p>14 Application for supplementation</p> <p>(1) This Article applies where a person claims to be entitled to have his or her contributions supplemented out of the Social Security Fund in accordance with Article 9 of the Law.</p> <p>(2) An application for supplementation must –</p> <p>(a) be made in writing in such form as the Minister may approve or direct; and</p>

	<p>(b) be accompanied by such evidence of the applicant's income and contributions the applicant has paid or been credited with as the Minister may require.</p> <p>(3) The Minister shall not approve the application unless it is satisfied that the sum of the contributions that the applicant is required to pay and entitled to be credited with entitles the applicant to have those contributions supplemented in accordance with Article 9 of the Law.</p>
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Legislation	Social Security (Collection of Class 1 and Class 2 Contributions) (Jersey) Order 2013
Delegate	Comptroller of Revenue, Revenue Jersey
Function Delegated	Application for supplementation
Scope of delegation	<p>As per article 14 para 4</p> <p>14 Application for supplementation</p> <p>...</p> <p>(4) Despite paragraph (3), the Minister shall not approve the application if it is satisfied that applicant has intentionally arranged his or her affairs to take advantage of Article 9 of the Law.</p>

#### ADMINISTRATION OF INCOME SUPPORT

Legislation	Income Support (Jersey) Law 2007
Delegate	Determining Officers appointed under the Income Support (Jersey) Law 2007
Function Delegated	<p>Article 5 (3A), to require</p> <p>(a) an assessment to be made for the purpose of ascertaining the nature and degree of a person's physical, sensory or mental impairment;</p> <p>(b) approval of a care package in respect of a person's physical, sensory or mental impairment; or</p> <p>(c) both an assessment to be made in accordance with sub-paragraph (a) and an approval to be given in accordance with sub-paragraph (b),</p>

		in support of a claim under Article 4 to entitlement of the person's household to the special component referred to in paragraph (3)(b).
Scope delegation	of	To require an assessment or approval of care package in order to entitle a household to claim for the special component referred to in paragraph (3)(b) of the Law – in respect of a physical, sensory or mental impairment
Function Delegated		Article 13, Recovery of awards wrongly made
Scope delegation	of	to require that awards wrongly made are repaid; and/or recovered from any other payment made under this Law
Function Delegated		Article 14, charges over property. To require the payment of interest and specify how much interest is required to be paid. Or, to require repayment by means of instalments.
Scope delegation	of	where a special payment has been made in the form of a loan; or the Determining Officer seeks to recover an award; or the determining officer has exercised his or her discretion under Article 7(3),  the amount in question may be secured by means of a hypothec charged on any immovable property owned by the claimant or a member of the claimant's household, or a security interest in shares that confer on the claimant or a member of the claimant's household entitlement to occupy any immovable property, as the case may be.  The Determining Officer may require the payment of such interest, if any, as the Determining Officer may specify; or the repayment of the amount in question, plus any interest to be charged, by means of such instalments as the Determining Officer may specify.
Function Delegated		Article 15, administrative expenses. To pay remuneration and expenses to a member of a tribunal mentioned in Article 9(2) of this Law
Scope delegation	of	To pay to any member of a Tribunal mentioned in Article 9(2) who exercises any functions under this Law, and any other person whose advice or assistance may be required for the purposes of this Law by either of those Tribunals or by a determining officer, such remuneration and expenses as the Determining Officer may determine

Legislation	Income Support (Jersey) Regulations 2007
Delegate	Determining Officers appointed under the Income Support (Jersey) Law 2007
Function Delegated	Article 4: Person treated as available for and actively seeking work. To arrange interviews for this purpose

Scope of delegation	For the purposes of Article 3 of the Law, to arrange interviews to determine that a person is to be treated as available for, and actively seeking, remunerative work

Legislation	Income Support (General Provisions) (Jersey) Order 2008
Delegate	Determining Officers appointed under the Income Support (Jersey) Law 2007
Function Delegated	5A Assessment of impairment and approval of care packages  To require an assessment to be made by an Approved Registered Person
Scope of delegation	To require an assessment to be made for the purpose of ascertaining the nature and degree of a person's physical, sensory or mental impairment, or approval to be given of a care package in respect of a person's physical, sensory or mental impairment, or both, under Article 5(3A) of the Law
Legislation	Income Support (General Provisions) (Jersey) Order 2008
Delegate	Director General of the Customer & Local Services Department, and in his/her absence, a Group Director or Head of Work and Family
Function Delegated	Article 6 (Manner in which claims are to be made). To specify the manner in which claims are to be made
Scope of delegation	To require that claims for Income Support are made on an approved form, to approve that form, to refer defective claims to the claimant, and to treat amended claims as if they were made amended in the first instance
Function Delegated	To require notification of change of circumstances and furnishing of information)
Scope of delegation	As per Article 8 (Notification of change of circumstances and furnishing of information), to require that a household in receipt of Income Support notify the Determining Officer of any change of circumstance that might affect their

	claim. To require that the person furnish any information that may be specified and required as a consequence of the change of circumstances.
Legislation	Income Support (General Provisions) (Jersey) Order 2008
Delegate	Director General of the Customer & Local Services Department or a Group Director or Head of Work and Family
Function Delegated	To appoint a person to act on a claimant's behalf
Scope of delegation	<p>As per Article 9 (Persons unable to act)</p> <p>(1) In the case of a claimant who is unable to act who –</p> <p>(c) does not have a tuteur,</p> <p>the officer may, on receipt of a written application, appoint a person to act on the claimant's behalf.</p> <p>(2) However, such appointment shall terminate –</p> <p>(a) if the claimant is received into guardianship, or has appointed, in relation to him or her, such a person as mentioned in paragraph (1)(b) or a tuteur;</p> <p>(b) at the request of the person appointed;</p> <p>(c) if revoked by the officer; or</p> <p>(d) if the claimant becomes able to act.</p> <p>(3) In this Article "claimant" includes any member of a claimant's household who is required, under Article 7, to furnish information and evidence in support of a claim</p>
Function Delegated	As per Article 11, to require information in respect of a claim for child personal care
Scope of delegation	In the case of a claim for child personal care, the information to be included in the claim is such information as the Determining Officer requires to be satisfied that the requirements and criteria for that payment are met.



Legislation	Income Support (General Provisions) (Jersey) Order 2008
Delegate	Determining Officers appointed under the Income Support (Jersey) Law 2007
Function Delegated	As per Article 13A, to determine (set) the particulars in a notice of determination or decision
Scope of delegation	<p>13A Notice of determination or decision</p> <p>(4) In the case of an award being granted, a notice under this Article must also specify –</p> <p>(a) the manner and method of payment of the award; and</p> <p>(b) such other particulars as may be determined by the determining officer.</p>
Function Delegated	As per the conditions specified in Article 13C, to administer changes in circumstances affecting payments of Income Support
Scope of delegation	As per all of the conditions specified in Article 13C (Changes in circumstances affecting payments of income support), to determine the increase or decrease of a claim and the date from which this change will take effect. To require further information for purposes specified in Article 13C

Legislation	Income Support (Special Payments) (Child Personal Care) (Jersey) Regulations 2014
Delegate	Determining Officers appointed under the Income Support (Jersey) Law 2007
Function Delegated	As per the conditions of Regulation 2 and 3, to make special payments of child personal care

Legislation	Income Support (Special Payments) (Long-Term Care) (Jersey) Regulations 2014
Delegate	Determining Officers appointed under the Income Support (Jersey) Law 2007  OR the Long-Term Care (Jersey) Law 2012
Function Delegated	As per Regulation 2, to make special payment to meet the costs of long-term care
Scope of delegation	To make a special payment to meet costs of long-term care, if the person meets the conditions specified under Regulation 2

ADDITIONAL DELEGATIONS RELEVANT TO THE COVID19 SITUATION FROM 01 APRIL 2021, THIS IS RECORDED IN MD-S-2021-0029 AND R.49/2021

In addition to the main Ministerial delegations the Social Security Minister has extended the following additional delegations due to Covid19.

#### Background

Article 28 of the States of Jersey Law 2005 permits a Minister to delegate, wholly or partly, functions to an Assistant Minister or an officer.

The Law states, inter alia –

“28 Power of Minister to delegate functions

(1) A Minister may delegate, wholly or partly, functions conferred upon or vested in the Minister by or under this Law or any other enactment of the United Kingdom having effect in Jersey, to – (a) one of his or her Assistant Ministers; b) an officer.

(2) A Minister shall not delegate – (a) any power to make an enactment; (b) any power to decide an appeal under an enactment; (c) any function the delegation of which is prohibited by an enactment.

(3) The delegation of functions by a Minister under this Article shall not prevent the Minister exercising those functions personally

#### Purpose of the Report

In light of Covid19, to ensure continued efficient administration, the Social Security Minister Deputy Judy Martin has extended the following delegations to ensure that there is ongoing capacity to act regarding Social Security matters.

This decision extends (MD-S-2020-0060) which ends on 31 March 2021, to take effect from 1 April 2021 until 31 December 2021, as required and subject to review by the Minister.

Decisions:

1. Delegation of powers to Assistant Social Security Minister

The Minister for Social Security has decided to delegate all powers and functions vested in her, including the power to make enactments and all other areas where the Minister has authority to act to Assistant Social Security Minister - Deputy Scott Wickenden so that if she is unavailable Deputy Wickenden is able to cover her functions.

2. Delegation of powers to make exceptional payments of Income Support under Article 8(2) of the Income Support Jersey law 2007

Temporary Application Scheme for Short Term Incapacity Allowance following Government Advice to Self-Isolate –to pay equivalent amount as an Income Support Special Payment

The Minister has decided to delegate the power to make exceptional payments available to her, under Article 8(2) of the Income Support (Jersey) Law 2007, to Determining Officers appointed under that Law. This will allow exceptional payments of Income Support up to the maximum value of 21 days of STIA to be made, under ministerial guidance, to people who would not normally qualify for Short Term Incapacity Allowance (STIA).

Delegation of powers to accept applications for Income Support without written proofs required by the legislation

The Minister has decided to delegate the ability to make decisions under Article 8(2) of the Income Support Jersey Law 2007 to Determining Officers appointed under the Income Support Law. Determining Officers will have the power to make payments of Income Support to a household which would not normally be entitled because they have not supplied all of the written proofs required by the legislation

To note, these Covid19 related delegations are separate to the main delegations covered in MD-S-2021-0016 signed on the 16 February 2021.

**1.2 Deputy S.M. Ahier of St. Helier of the Minister for Treasury and Resources regarding Stamp Duty (WQ.169/2021):**

**Question**

In relation to Stamp Duty, will the Minister inform the Assembly –

- (a) of the amount of Stamp Duty paid to the Treasury over the last three years, broken down by quarter, including Quarter 1 of 2021; and
- (b) when the changes in rates of Stamp Duty, as agreed in the Government Plan 2021-24, came into effect?

**Answer**

- (a) Stamp Duty (excluding Land Transactions Tax and including the stamp duty on Wills and Probate)**

£'000	Q1	Q2	Q3	Q4	Total
2018	6,739	9,930	6,383	8,712	31,765
2019	5,602	7,490	6,847	12,208	32,147
2020	6,897	6,078	9,034	12,552	34,562
2021	12,153				

(b) Articles 27 and 39 of the Finance (2021 Budget) (Jersey) Law 2020 gave effect to the changes in rates of Stamp Duty agreed in the 2021 Government Plan from 1 January 2021.

### **1.3 Deputy R.J. Ward of the Minister for Health and Social Services regarding the Le Seelleur Fund (WQ.170/2021):**

#### **Question**

Will the Minister advise –

- (a) what oversight has been undertaken of any spending of the Le Seelleur Fund, and what spends have been made in the last 5 years; and
- (b) what due diligence was undertaken when selling the main Le Seelleur building in central St. Helier, and what oversight there is of the remaining buildings gifted to the States in this legacy?

#### **Answer**

- a) In 1996, nine sites were bequeathed to the public of the Island ‘for the benefit of the aged, infirm and needy residents of the Island’ by the late Mr Harold Ernest Le Seelleur.

In accepting the bequest, it was decided that the administration of the estate should be carried out by the Minister for Health and Social Services (formerly the Health and Social Services Committee).

In May 2014, the Minister for Health and Social Services adopted a property strategy which recommended the sale of several of the properties and requested that the Treasurer invest the non-property (cash) assets of the fund in the Common Investment Fund. Proceeds of £4.655 million from the property sales were attributed to the Le Seelleur Fund.

As at 31 December 2020, the balance of the Fund, including the value of the property, was £9.39 million, of which £2.1 million was held through property ownership, £197,000 was held in bank accounts, and the remainder held in the Common Investment Fund. Performance of the Investment Fund investments is reviewed by the Treasury and Investment Management team and overseen by the Treasury Advisory Panel.

In June 2020, the Minister for Health and Social Services agreed the distribution of £1.02 million from the Le Seelleur Fund. £0.8 million was used to fund additional palliative care services at Jersey Hospice Care. This was to ensure that patients continue to be cared for consistently in their preferred place of care, with advanced care planning, palliative care support and system-wide expertise in end of life care.

The remaining £0.22 million was used to purchase 34 defibrillators and two automated external defibrillators (portable defibrillators) to replace equipment originally purchased in 2010 which was in need of renewal.

In July 2020, the Minister for Health and Social Services agreed the distribution of up to £50,000 from the Harold Ernest Le Seilleur Fund to the Charity Age Concern Jersey to meet the costs of procurement of kitchen equipment to fit out a commercial standard kitchen in the new Age Concern facility that will provide meals in-house and for delivery for the aged, infirm and needy service users of the charity. Following completion of the kitchen, £49,000 was distributed to the Charity in March 2021.

Income from the Fund has been used to carry out maintenance and refurbishment works to the Le Seilleur properties. Maintenance works include electrical works, plumbing works, and building and grounds maintenance.

The Le Seilleur Fund is overseen by a government-wide Charitable Funds Oversight Board, which provides an independent assurance function for all charitable trust funds. A proposed operational structure is currently being considered for the future management of funds. This will run first as a pilot during 2021 to allow for full evaluation before any permanent, government-wide structure is adopted.

b) Following the bequest of the Workshops to the then Health and Social Services Committee (H&SS) in the late 1990s, several public-purpose uses and private community uses for the premises were investigated, including one by the former Employment and Social Security Committee (E&SS) for sheltered workshops.

However, factors including the listed status of the property, its condition, and the very basic standard of construction, led to the schemes being deemed unfeasible. For example, the E&SS scheme in the 1990s was costed at c£1million, excluding the site purchase price from H&SS.

It was therefore decided that the property should be sold and it was marketed for sale on two previous occasions, but the disposal was not concluded.

Prior to the property being sold in 2017, a scheme to convert the property into residential units was submitted to the Planning Department and approval was granted. This was done with the intention of increasing the value of the site by having development consent in place.

The property was then marketed by a local property agent, with advertising in the usual media.

Whilst there was a high number of viewings of the property, only two bids were received by the closing date. It is understood that the cost of altering and upgrading the historic building simply wasn't attractive, financially, to prospective developers. This reflected the position that the States found itself in when looking at development schemes.

The property was deteriorating and incurring increasing costs in safety maintenance and unauthorised entry, and the sale of the property was therefore recommended to the highest bidder.

In relation to continuing oversight of the remaining properties in this legacy, in 2015 Health and Community Services (HCS) agreed with Jersey Property Holdings that JPH should take over the letting and maintenance responsibilities for the Le Seilleur properties, and a Service Level Agreement was set-out between the two departments. Prior to that, HCS had maintained and managed the portfolio direct.

The purpose was to keep the properties properly maintained, and occupied as leaseholds, with the rental proceeds being used by HCS for the purpose of the bequest.

#### **1.4 Deputy G.P. Southern of the Chief Minister regarding the impact of Covid-19 on job security (WQ.171/2021):**

##### **Question**

With reference to the recent analysis from the Resolution Foundation of the impact of Covid-19 on U.K. levels of income inequality and job security, will the Chief Minister state what measures he will be introducing to address similar issues in Jersey; and if he does not intend to introduce any further measures, will he explain why not?

##### **Answer**

The Resolution Foundation published a report "[After shocks Financial resilience before and during the Covid-19 crisis](#)" last week. The report considers income and savings across British, French and German households and examines the impact of Covid on household finances. Strengths and weaknesses are identified across all 3 countries.

All countries have taken significant steps to protect households from the economic impact of covid. In Jersey, the Government has provided the following support during 2020:

- £97.9m on the Co-Funded Payroll scheme. At its peak the scheme supported 17,000 jobs, or one-in three private sector workers, and support was provided to nearly 3,500 businesses
- £11.6 million on the Spend Local Card scheme and increased Income Support payments.
- £6.5million on additional benefits costs, including £6m on Income Support, which supported an additional 1,000 households.
- £540,500 provided via the COVID-19 Related Emergency Support Scheme (CRESS) which assisted those who have been working in Jersey for less than 5 years and who lost their job due to the outbreak of COVID-19 and were not eligible for Income Support and - because of the restrictions on travel - were not able to return to their home countries.
- £1.9 million to open schools for children of critical workers and for vulnerable children, supporting nurseries, and developing IT systems to support learning at home.
- An additional £380,000 (recently announced) secured to provide school students with additional online learning devices, following a major community and Government partnership project.
- A reduction of employee social security contributions from 6% to 4% between October 2020 and June 2021.

It has previously been stated that a family of four on median earnings would benefit from a £1,350 increase to their disposable income as a result of the measures taken.

Much of this support continues in 2021 while households and businesses continue to be affected by the ongoing impact of the pandemic.

The government has recently announced the first tranche of its fiscal stimulus programme. This programme seeks to stimulate the economy through supporting projects which provide:

- employment support
- business support
- skills training
- infrastructure and property improvements
- maintenance and investment in productivity improvements, for example through technology

Each successful project is designed to:

- assist in reducing the fall in output and employment in the short-term
- provide opportunities to assist in reducing the damage to the economy in the medium to long-term

nearly £23 Million of stimulus funding has been confirmed in the first phase of this programme with up to £50 Million available in total.

### **1.5 Senator S.C. Ferguson of the Minister of health and Social Services regarding the decant programme of services from Overdale (WQ.172/2021):**

#### **Question**

Will the Minister –

- (a) update the Assembly on the decant programme for departments and services temporarily moving from Overdale to the old Les Quennevais School site;
- (b) advise whether the timetable for the decant has slipped to the end of 2022;
- (c) advise whether any community-facing services will be provided elsewhere and, if so, state to which services this relates and the location from which they will be provided; and
- (d) state the planned project cost for the decant?

#### **Answer**

The States Assembly approved Overdale as the site for Our Hospital on 17 November 2020. It was then necessary to relocate the clinical and non-clinical services that currently occupy the site. Work was undertaken to gain an understanding of those services and their needs and an options appraisal was undertaken to identify a suitable relocation site. The former Les Quennevais School site was the only option which was large enough to accommodate the clinical departments and available within the required timeframe.

- (a) Through December 2020 and January 2021, a series of meetings was held with the departments concerned which clarified their current service models and accommodation occupied. From this consultation work, a Supplementary Functional Brief has been developed which confirms optimum departmental zoning and patient flows. This document was published on the Our Hospital website on Friday 16 April.

- (b) Having reached the stage of publication of the Supplementary Functional Brief, work can now begin to establish exactly what work is required in order to be able to relocate services. Once this has been established, a programme of works and timetable will be finalised and shared.
- (c) The Supplementary Functional Brief also includes an update on services currently located at Overdale which will not relocate to the former Les Quennevais School site. These services are being reviewed separately and suitable alternative premises which are available and best suit the needs of each are being identified through consultation with each of the departmental service leads. The latest update is as follows:
- The Horticultural Therapies Group – a relocation site remains under negotiation and will be confirmed in the near future
  - Hard and soft facilities management services, except where those services are required in support of services in the decant facility – these will be co-located with other HCS estates management services
  - The Pharmacy stores – these will co-locate with other HCS stores for efficiency purposes
  - The Assisted Reproduction Unit – will return to the General Hospital at Gloucester Street where it was originally located prior to the COVID-19 pandemic
  - The Health and Safety Training Room – this will relocate to a part of Orchard House not used or necessary for the delivery of mental health services.
- (d) An estimated investment of up to £15million is required based on the schedule of accommodation developed in the Supplementary Functional Brief. Further cost certainty will be gained as detailed plans progress.

## **1.6 Deputy K.F. Morel of St. Lawrence of the Minister for Infrastructure regarding empty properties (WQ.173/2021):**

### **Question**

Will the Minister advise how many unused properties the Government owns which could be used for affordable housing, either as empty sites or via property conversion?

### **Answer**

There are currently 44 Government owned units that are categorised as ‘vacant’. Most of these sites are not suitable for residential development, as they are temporary voids (such as Rooms and stores at Fort Regent, or OTC storage units), identified for non-residential development (Overdale Hospital) or commercial sites proposed for disposal (12 Burrard Street shop).

The most significant sites that could contribute to new housing supply from current Government owned sites, which have been identified as being suitable for future housing development, have been published in the Housing chapter of the draft Bridging Island Plan and are listed as:

- Ambulance Station
- Le Bas
- St. Saviour’s Hospital (part)



- Westaway Court
- La Motte Street offices

The Limes and South Hill are two Government owned surplus sites recently transferred to Andium and States Development Company respectfully and which are being developed for housing (both affordable and open market).

### **1.7 Senator K.L. Moore of the Chair of the Privileges and Procedures Committee regarding complaints of sexism (WQ.174/2021):**

#### **Question**

Will the Chair advise how many complaints or reports of incidents of sexism by States Members and civil servants have been reported to and recorded by the States Greffe over the past ten years, and will she provide this information broken down to reflect separately the number of any such complaints and reports by States Members and civil servants for each year?

#### **Answer**

Incidents of sexism by States Members may be reported to the Commissioner for Standards. Prior to the [creation of the role of the Commissioner in 2017](#) breaches of the Code of Conduct for Elected Members were reported to PPC for investigation by the Committee.

Incidents of sexism by civil servants would not normally be recorded by the Greffe: they should be raised with the relevant line manager for investigation according to HR procedures set by the States Employment Board.

#### **Incidents investigated by the Committee: 2011 – 2017**

In 2014 there was one investigation which involved an element of sexism.

#### **Incidents investigated by the Commissioner for Standards: 2017 - 2021**

The cases investigated by the Commissioner are available online [here](#).

#### **Incidents recorded which did not involve investigation**

Members approached the Deputy Greffier in relation to three separate incidents during 2019. After discussing each individual case with the complainants, it was agreed that whilst each incident in isolation might not necessarily warrant further investigation by the Commissioner for Standards, or be something a member would wish to report in itself, a record of those incidents would be retained by the States Greffe and any further complaints could be added so that they could be assessed cumulatively in the future. No further incidents have been reported since 2019.

#### **Future work**

The Greffier of the States has had a number of conversations with States Members about sexism since his appointment in late 2015, including during the preparation of the States Assembly [gender audit](#). The most recent meeting of the Diversity Forum included a discussion of behaviour and culture within the Assembly and steps which could be taken to secure improvements which will be taken into account in the current review of the Code of Conduct.

## **1.8 Connétable of St. John of the Minister for Health and Social Services regarding Minutes of the Scientific and technical Advisory cell's meetings (WQ.175/2021):**

### **Question**

Will the Minister advise –

- (a) what the delay is in publishing the S.T.A.C. (Scientific and Technical Advisory Cell) minutes;
- (b) when the S.T.A.C. minutes will be published for the January, February, March, and April meetings;
- (c) what he will do to ensure that the minutes of all future S.T.A.C. meetings will be published in a timely manner;
- (d) when the Emergencies Council received minutes for S.T.A.C. meetings held in January, February March and April;
- (e) when the Competent Authorities Ministers received the minutes of these meetings held in January, February March and April;
- (f) when the Council of Ministers received the minutes of these meetings held in January, February March and April; and
- (g) whether it is his assessment that any delays in publishing the S.T.A.C. minutes could have an impact on the public's confidence in how the pandemic is being managed?

### **Answer**

The Scientific and Technical Advisory Cell (STAC) provides a common source of health, scientific and technical advice to Government during emergencies. Minutes of discussions are published on gov.je in accordance with the STAC Terms of Reference, which state that:

“Advice is published as soon as it is reasonably practicable to do so, whilst upholding the safe space to debate live issues. It is likely that the policy development, security and/or personal information FOI exemptions may apply and this may mean that some information needs to be redacted or omitted before any publication. The timing of any publication will also need to be considered, with the most appropriate timing often being after the emergency is over.”

To date, all STAC minutes have been published without any redactions to the content. From March, minutes will include the names of participants and not just job titles. All minutes up to and including those for February have been published. Minutes for meetings held in March have already started to be published and minutes for April will be published as soon as possible.

STAC ensures that timely health, scientific and technical expertise is made available to inform Government during emergencies. The Chair and Vice Chairs of STAC are standing invitees to meetings of Competent Authority Ministers and Emergencies Council. They are also invited to attend Council of Ministers meetings as necessary. As such, the advice from STAC is generally conveyed in person as part of considering live issues, rather than via the subsequent circulation of minutes of STAC meetings, supporting good-quality and timely decision-making. As a result, once minutes are cleared by the Chair, they are able to progress straight to publication, rather than first being circulated within Government.

The public can be confident that Jersey has an effective mechanism in STAC through which to provide health, scientific and technical advice to Government during emergencies. That effectiveness of that mechanism is founded upon the preservation of the ‘safe space’ for members of STAC to consider issues properly, balanced by the transparency of publishing

STAC minutes as soon as reasonably practicable and in accordance with Freedom of Information principles.

**1.9 Connétable of St. John of the Chair of the Privileges and Procedures Committee regarding a return to States meetings in the Chamber (WQ.176/2021):**

**Question**

Given the States Chamber was able to accommodate 17 Members at last week's meeting of the Assembly, and there was a maximum of 12 Members present during the 3 and a half days (with an average of 8 Members and a minimum of 4 Members present in the Assembly), will the Chair advise –

- (a) what action the Committee is taking to ensure Members who are able to attend in person are actually in the Chamber and not taking part in States meeting in a virtual manner;
- (b) when the Committee expects the full Assembly to be able to return; and
- (c) what alternative locations, if any, are being considered for an early return for all Members?

**Answer**

Throughout the pandemic the Assembly has endeavoured to comply with public health guidance, particularly limits on gatherings and rules on physical distancing. Standing Order 55A enables the Bailiff to permit Members to participate in Assembly proceedings by means of electronic communication if he considers that “it might not be possible to convene or maintain a quorate meeting of the States in view of substantial risk to the health of members of the States or any other person”. This Standing Order has been invoked at every States meeting since April 2020 and currently enables the use of the hybrid format, whereby up to 17 Members are able to be physically present at every sitting.

Members are required by the terms of their oath of office to attend the States when required to do so, unless they have a valid reason for absence. However, under Standing Order 55A, no distinction is made between attending in person and attending remotely. Consequently, there is no basis on which PPC may act to require Members invited to attend the Assembly in person to do so in preference to participating remotely.

The Committee is hopeful that, as public health guidance continues to be relaxed, it will be possible for the Assembly to return to full physical sittings in the near future. However, Members should be mindful that seats in the Assembly are too close to provide for 1m physical distancing. If this guidance remains in place then PPC will consider finding an alternative location for sittings where 1m physical distancing can be maintained. However, there will be significant cost implications, particularly in relation to providing an audio-visual system.

**1.10 Deputy M.R. Higgins of St. Helier of the Minister for Home Affairs regarding fraud cases (WQ.178/2021):**

**Question**

Will the Minister advise members of the number of fraud cases involving financial services companies (banks, trust companies, lawyers, and accountants) and estate agents that have been investigated for each of the last 10 years; how many of them have been referred to the Law

Officers' Department for consideration of prosecution; and, if known, how many have been prosecuted and what was the result of the prosecution?

**Answer**

The material that has been requested by the Deputy is information held in multiple agencies and is not available in the form the Deputy has requested.

A proportion of this information is already available in [Jersey's National Risk Assessment of Money Laundering](#). The Government and relevant financial crime agencies in Jersey, as part of developing the Islands Financial Crime Strategy, is working to regularly collect and publish the type of data that is sought by the Deputy on a regular basis. It is anticipated this will begin in 2022.

**1.11 Deputy M.R. Higgins of St. Helier of the Minister for Home Affairs regarding suspicious transaction reports (WQ.178/2021):**

**Question**

Will the Minister advise members how many suspicious transaction reports have been made to the States of Jersey Police Financial Crimes Unit over each of the last 10 years by category (banks, trust companies, lawyers, accountants, and estate agents); and of those, how many have resulted in a police investigation, and how many of them have been referred to the Law Officers' Department for consideration of prosecution; and if known, how many have resulted in a prosecution and what was the result of that prosecution?

**Answer**

As was the case with written question 177/2021, the material that has been requested by the Deputy is information held in multiple agencies and is not available in the form the Deputy has requested.

A proportion of this information is already available in [Jersey's National Risk Assessment of Money Laundering](#). The Government and relevant financial crime agencies in Jersey, as part of developing the Islands Financial Crime Strategy, is working to regularly collect and publish the type of data that is sought by the Deputy on a regular basis. It is anticipated this will begin in 2022.

**1.12 Deputy M.R. Higgins of the Minister for Health and Social Services regarding Subject Access Reports (WQ.17/2021):**

**Question**

Will the Minister state the processes involved in hospital patients making a Subject Access Request to view alleged complaints made against them by members of hospital staff, and whether or not it is necessary for a patient to know the surname of the member of staff in order to access these records; if so, how can patients access this information, given that hospital staff name tags only detail forenames and not surnames (other than for doctors)?

**Answer**

Hospital patients can make Subject Access Requests (SARs) for access to records in the manner as described in my answer to Oral Question 102 (OQ.102/2021), where I stated that:

‘A member of the public is able to make a Subject Access Request (SAR) for their hospital records via the online SAR form on gov.je, via a paper form available at outpatient reception, or via email to HCS Information Governance. The identity of the applicant, or their authority to apply on behalf of another individual, is validated prior to the request being processed.’

There is no requirement to know the surname of the member of staff prior to making a request, however, hospital patients need to provide enough information for HCS Information Governance to search efficiently for data. Where necessary, further information or clarification will be required and the hospital patient will be contacted in order to provide this.

### **1.13 Deputy R.J. Ward of St. Helier of the Minister for Infrastructure regarding privately rented parking spaces (WQ.180/2021):**

#### **Question**

Will the Minister advise whether any record is maintained by his department of the privately-rented parking spaces that exist in the Island and of the annual income that is generated by such spaces to their providers; and, if so, will he provide this information to members?

#### **Answer**

The office of the Minister for Infrastructure is responsible for the regulation and administration of public parking through the Road Traffic Law (Jersey) 1956 and its various Public Parking Places Orders. The Minister for infrastructure does not have any vires with regards to “privately rented parking spaces” and so holds no records.

However, as part of the contextual information provided within the 2010 Sustainable Transport Policy, the following estimate was prepared and provided for town:

*“TTS provide approximately 4,000 off street parking spaces in the town area, but there are about 7,000 private non residential parking spaces. Planning policy presumes against the provision of private surface car parks in order to encourage better use of the sites...”*

While the estimate is likely to be out of date, the general order of scale might be considered informative.

Furthermore the 2020 Sustainable Transport Policy (STP) commits to undertake a study of car parking provision and charging, as part of a suite of transport studies, the scope of this is being developed. An update on progress with this work was presented to the States by the Minister 7<sup>th</sup> December 2020 STP status report, which explained the impact of the pandemic on this work. The report advised, *“The Plans will be completed by the end of 2021, rather than the Spring 2021 deadline envisaged by the STP.”*

### **1.14 Deputy R.J. Ward of St. Helier of the Minister for Health and Social Services regarding cases of “long Covid” (WQ.181/2021):**

#### **Question**

Will the Minister advise –

- (a) what provision is being made to address possible occurrences of ‘long Covid’, in particular for front-line workers who may have been at higher risk of exposure to Covid-19 and are facing longer-term health problems;

(b) who is responsible for coordinating the medical, psychological, and financial care of people suffering with 'long Covid'?

**Answer**

a) Prevention of infection from COVID-19 remains a key public health priority. Continuing to suppress the virus and keeping the prevalence low will prevent all islanders, including front-line workers, from catching the virus and therefore protect them from long-term health complications, including the possibility of developing Long COVID.

Long COVID is a new and emerging condition that is a serious yet largely unforeseen consequence of the pandemic. There is a growing body of evidence to support the condition and it is acknowledged that it can have a significant effect on people's quality of life. The recent recognition of long COVID presents challenges when trying to determine the best-practice standards of care. It is anticipated that a multi-disciplinary approach will be required.

Locally, patients admitted to the intensive care unit with COVID-19 are followed up on discharge. Patients with COVID-19 who were managed in the community would likely present to their GP if experiencing ongoing symptoms. National guidance on Long COVID has been produced by the National Institute for Health and Care Excellence (NICE), Scottish Intercollegiate Guidelines Network (SIGN) and the Royal College of General Practitioners (RCGP)<sup>3</sup>. Referral to a specialist based on the nature of predominant ongoing symptoms is the current recommendation.

In tertiary centres with a large catchment area, a more specific clinic could be set up. An example of this is the post-COVID clinic at University College London Hospitals. We may have to refer some of our patients to such centres, but have not yet needed to do so.

b) Scoping work on Long COVID began in early 2021 by the Strategic Policy, Planning and Performance (SPPP) department outlining policy areas for local consideration. SPPP coordinated the meeting of a working group in February 2021 with representatives from government departments, primary and secondary care.

Feedback and experience of this working group contributed to a presentation to STAC which supported the need for a Long COVID Response and agreed that it would be sensible to adopt the NICE/SIGN guideline locally and quantify local need. This is being progressed.

Increased recognition by primary and secondary care, employers and government agencies is welcomed and will help to facilitate support and provide the basis for planning appropriate services.

**1.15 Deputy R.J. Ward of the Minister for Social Security regarding subsidising G.P. fees for "long Covid" sufferers (WQ.182/2021):**

**Question**

Will the Minister state what consideration has been given to subsidising G.P. fees for patients suffering from 'long Covid' who may require repeat G.P. consultations, especially in the case of front-line healthcare workers who may have been at higher risk of exposure to Covid-19 and who may face longer term health problems.

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<sup>3</sup> [COVID-19 rapid guideline: managing the long-term effects of COVID-19 \(nice.org.uk\)](https://www.nice.org.uk/guidance/rapid-guideline/managing-the-long-term-effects-of-covid-19)

## **Answer**

Written Question 181/2021, presented by the Minister for Health and Social Services outlines activity to address long-covid, which is emerging as a new health condition. The National Institute for Health Care and Excellence defines long-covid as that where symptoms last more than 12 weeks. These symptoms can be mild in nature but for others can be debilitating and require referral to secondary care specialists. The long-covid response plan will identify how best to support people and it is anticipated that a role for occupational health and primary care will be identified and issues of access considered.

### **1.16 Deputy G.P. Southern of St. Helier of the Minister for Social Security regarding the Income Support scheme (WQ. 183/2021):**

#### **Question**

Will the Minister provide members with information about any one-off special payments made through the Income Support scheme to applicants, showing in each case for the period 2009 to 2019 –

- a) the total sum awarded;
- (a) the number of claimants;
- (b) the category of payments; and

will she provide her analysis of any trends apparent in this data?

#### **Answer**

The Income Support (Special Payments) (Jersey) Regulations 2007 provide for one of payments to be made through the Income Support scheme to income support claimants and households whose circumstances are close to but just outside the income support criteria. Regulation three sets out the types of payment that can be made in this way.

### **3 Expenses that may be met by special payment**

*(1) A special payment may be made to defray the following expenses payable by the claimant if the claimant or a member of the claimant's household is in urgent need of the goods or services being provided –*

- (a) the cost of buying items of furniture and household equipment;*
- (b) the amount of a deposit required in order to secure a dwelling to be leased or licensed to the claimant's household where there are circumstances that reasonably require the household to remove and the dwelling to which the household is to remove is appropriate to the needs of the household;*
- (c) the expenses of the removal of the claimant's household where there are circumstances that reasonably require the household to remove and the dwelling to which the household is to remove is appropriate to the needs of the household;*
- (d) expenses essential to the claimant or a member of the claimant's household taking up remunerative work;*
- (e) the cost of medical services and items supplied as a consequence of medical services.*

(2) *A special payment may be made to defray the expenses payable by the claimant that are necessary to prevent a serious risk to the health, safety or welfare of the claimant or a member of the claimant's household.*

(3) *A special payment may be made to defray the expenses payable by the claimant –*

(a) *for the funeral in Jersey of a member of his or her household or any parent, child or sibling;*

(b) *to bring a body into or move a body out of Jersey.*

(4) *A special payment may be made to defray the expenses payable by the claimant to remove the claimant and any member of the claimant's household from Jersey.*

(5) *However, no expenses are payable under this Regulation unless the claimant has no other reasonable means of meeting the cost.*

(6) *In this Regulation a dwelling is appropriate to the needs of the household if it is no larger than is reasonably necessary for that household.*

The tables below give detailed information of the number of claims approved each year and the value of those claims by category of payment.

The tables show considerable variation from year to year. Special payments are provided on a case-by-case basis and demand will fluctuate depending on the needs of claimants from time to time. Special payments are only provided where there is no other benefit available to support the claimant. Since 2009 there have been significant changes both in the income support scheme itself and in other benefits available to lower income claimants. For example, the introduction of the Long-Term Care scheme in 2014 and the Pension Plus scheme in 2017 have provided alternative support for costs that previously might have been met by special payments.

The significant programme of refurbishment of social housing has created demand for support with removal costs and household equipment as large developments are completed.

Demand in some areas was suppressed in 2020 due to Covid restrictions. These include medical costs and costs associated with moving into new accommodation.



### Number of Claims by year and category

Category	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Essential household equipment	145,515	159,251	181,417	196,730	176,990	327,382	217,839	140,791	131,585	132,601	130,281	137,936
Funerals	14,985	37,142	52,998	40,963	43,513	53,507	90,358	66,911	56,934	101,717	98,478	90,835
Medical expenses	209,609	350,283	312,436	228,300	179,068	265,434	304,357	242,358	217,623	169,484	137,937	96,418
Removal expenses	7,149	12,331	7,989	6,566	6,610	10,406	12,858	8,034	3,242	4,008	3,198	2,680
Rental deposit	138,200	117,868	200,750	203,129	230,334	343,127	324,835	247,744	228,634	217,220	256,437	201,137
Other	1,594	3,271	9,292	3,996	82	-	-	-	-	1,387	-	-
<b>Total</b>	<b>517,051</b>	<b>680,146</b>	<b>764,880</b>	<b>679,685</b>	<b>636,597</b>	<b>999,856</b>	<b>950,247</b>	<b>705,838</b>	<b>638,019</b>	<b>626,417</b>	<b>626,330</b>	<b>529,005</b>

### Value of claims by year and category (£)

Category	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Essential household equipment	145,515	159,251	181,417	196,730	176,990	327,382	217,839	140,791	131,585	132,601	130,281	137,936
Funerals	14,985	37,142	52,998	40,963	43,513	53,507	90,358	66,911	56,934	101,717	98,478	90,835
Medical expenses	209,609	350,283	312,436	228,300	179,068	265,434	304,357	242,358	217,623	169,484	137,937	96,418
Removal expenses	7,149	12,331	7,989	6,566	6,610	10,406	12,858	8,034	3,242	4,008	3,198	2,680
Rental deposit	138,200	117,868	200,750	203,129	230,334	343,127	324,835	247,744	228,634	217,220	256,437	201,137
Other	1,594	3,271	9,292	3,996	82	-	-	-	-	1,387	-	-
<b>Total</b>	<b>517,051</b>	<b>680,146</b>	<b>764,880</b>	<b>679,685</b>	<b>636,597</b>	<b>999,856</b>	<b>950,247</b>	<b>705,838</b>	<b>638,019</b>	<b>626,417</b>	<b>626,330</b>	<b>529,005</b>

### **1.17 Deputy G.P. Southern of St. Helier of the Chief Minister regarding economic trends around Covid-19 (WQ. 184/2021):**

#### **Question**

In light of the difficulties in generating data on relative low income in Jersey households prior to June 2022 (as stated in Written Question 145/2021), and given the necessity of obtaining data on poverty in the pre-Covid period for comparative analysis, will the Chief Minister commit to taking whatever measures he sees as essential – up to and including the engagement of additional staff to process existing data obtained from the 500 homes already surveyed via the 2019/2020 Income Distribution Survey – in order to provide a basis for understanding the economic trends around Covid-19?

#### **Answer**

Statistics Jersey have identified a window of availability of an experienced analyst, following the peak census operations in summer 2021, and plan to use this to complete the quality assurance, coding and analysis of the data obtained from the sample of 500 households prior to the fieldwork being suspended in March 2020. If the data is assessed to be of sufficient quality and quantity to produce robust headline statistics on household income distribution and relative low income, then these will be published as soon as possible on completion of the analysis. These will be headline statistics, and will relate to household incomes prior to the impacts of COVID-19 from March 2020 onwards.

It should be noted that regular insights regarding the economic trends around COVID-19 are already available via the following reports:

- [Economic indicators report](#) (published weekly) presents statistics and indicators in the following areas:
  - Actively seeking work (registered unemployment)
  - Income Support
  - Business Disruption Loan Guarantee Scheme
  - Visitor Accommodation Support Scheme (VASS)
  - Coronavirus Government Co-Funded Payroll Scheme (Phases Two, Three, Three+ and Four), including a sectoral breakdown
  - House prices and transactions
  - Road and public transport usage
  - Monthly passenger departures from the Island

The most recent of these reports, published in April 2021, can be found [here](#).

- [Labour Market report](#) (published biannually) provides statistics on the number of jobs filled in Jersey, by sector and size of business, over time. The most recent of these reports, published in December 2021, can be found [here](#).
- [National Accounts](#) (published annually) details the size of the Jersey economy, by industry, for the previous calendar year. The GVA and GDP for 2020 will be published on 1 October 2021. In 2020, Statistics Jersey also published some experimental statistics in quarterly revenue and GVA estimates in the non-finance sectors to help estimate the economic impact COVID-19 has had on Jersey. The most recent of these reports, published in April 2021, can be found [here](#).

- [Registered Actively Seeking Work](#) (published quarterly) gives detail regarding the number of people registered as actively seeking work (ASW) with breakdowns available by sex, age and nationality. The most recent of these reports, published in April 2021, can be found [here](#).
- [The Business Tendency Survey](#) (published quarterly) gives detail overall and for each industry sector around the activity levels, profitability and employment in their business and an indication of their future expectations. The most recent of these reports, from March 2021, can be found [here](#).
- [Retail Price Index report](#) (published quarterly) provides the headline rate of inflation, as well as rates of inflation for pensioner and low-income groups. The most recent of these reports, published in April 2021, can be found [here](#).
- [The Average Earnings Survey](#) (published annually) provides information on how the average earnings of workers in Jersey changes over time. The most recent of these reports, for June 2020 can be found [here](#).

Should the Deputy consider it helpful, the Chief Minister would be happy to facilitate a meeting with Statistics Jersey for him.

### **1.18 Senator S.Y. Mézec of the Minister for Treasury and Resources regarding affordable housing on the Waterfront (WQ.185/2021):**

#### **Question**

Following the adoption of P.165/2020, will the Minister indicate when she will be presenting to the Assembly a report outlining the proposals for affordable housing on the Waterfront site?

#### **Answer**

The Minister is responding to this question on behalf of the Council of Ministers against whom the obligation in P.165/2020 rests.

In amending the original Proposition, the Council of Ministers deliberately set an ambitious deadline for the presentation of a report, being cognisant of SOJDC's need to submit planning applications and not wishing to be keep States' Members waiting unduly.

P.165/2020 requests the Council of Ministers to present a report to the States Assembly which provides guidance to be used by SoJDC in the planning process for the Waterfront Development.

Whilst the Proposition required the Council to present the report by the end of 30 April 2021, there have been a number of developments which Council believes should be considered when formulating the guidance prior to the presentation of the report. One of the key developments was the recent publication of the draft Bridging Island Plan which includes the provision of the rezoning of a number of sites specifically for affordable housing developments. Further, the Housing Policy Development Board's report has been published and the recommendations therein have to be reviewed in the context of, not just the Waterfront Development, but the Island as a whole. These developments are relevant to the Council's holistic view of, and more forward-thinking approach to, housing needs rather than dealing with them on a site by site basis, in isolation.

Notwithstanding the above, work on the formulation of the guidance is advanced in the light of the public release of these documents and the latest estimates of the costs for the public realm and infrastructure improvements which form a critical element of the Waterfront Development.

The Minister is confident that the report will be presented to the States Assembly by the end of May 2021. Whilst this is beyond the original deadline, the Minister hopes the Senator recognises that this

allows sufficient time for the Council to give due consideration to a vital report to support the success of this significant development, which will in turn contribute to the health and well-being of all Islanders.

**1.19 Deputy K.F. Morel of St. Lawrence of the Minister for the Environment regarding tree protection activities (WQ.186/2021):**

**Question**

Will the Minister provide details of the amount spent on tree protection activities for each of the years 2018, 2019, 2020 and 2021 (including the forecast only for 2021); and advise what proportion of the departmental budget this expenditure entailed?

**Answer**

Various activities performed by the Department (IHE) can be considered ‘tree protection’, however, are typically mixed in with other work. It is therefore difficult to associate all direct cost ‘tree protection’ activities.

The Regulation team maintain a ‘List of Protected Trees’ under the Planning and Building (Jersey) Law 2002<sup>4</sup> as part of their remit. The team also deals with any applications which are submitted to carry out works to a protected tree. Similar to other applications affecting protected assets, no fee is levied for this work. This activity is covered within the overall budget for the team and it is not possible to separately identify specific costs.

The Natural Environment team perform works that could be considered ‘tree protection’ as part of Health and Safety, Tree management, and habitat condition improvement (including woodlands); this could mean felling trees that reduce overall woodland/copse diversity, felling trees/saplings for the benefit of specimen trees, or felling groups of trees that show disease spread. Additionally, the Ranger team along with Back to Work and volunteers pull seedlings of invasive tree species on a regular basis to help conserve the integrity of established habitats.

Please find some associated tree work costs below from 2018–2021 from the Natural Environment budget of IHE.

<b>Year</b>	<b>Total</b>	<b>Comments</b>
2018	£4,000	
2019	£12,195	
2020	£24,397	
2021	£7,932 to date	Projection £20,000

Additional moneys have been made available via an amendment to the Government Plan 2021-2024<sup>5</sup> to enhance tree protection which includes the development of an Island Tree Strategy and £420k is projected in 2021.

<sup>4</sup> [Planning and Building \(Jersey\) Law 2002, Part 6, Chapter 2: ‘Protection of trees’](#)

<sup>5</sup> [Government Plan 2021-2024 \(P.130/2020\): Twenty-First Amendment](#)

It should be noted that as part of this work, an amendment to the Planning and Building (Jersey) Law 2002 is being prepared which will propose increased protection for trees, as well as 21 other updates to the Law, but we are unable to estimate the costs associated with any ‘tree protection’ aspects alone. The amendment is expected to be in a position for lodging at the end of Q3 2021 following internal consultation and discussions with the EHI Scrutiny Panel.

Ongoing support for tree protection will need to be considered as part of future Government Plans.

### 1.20 Deputy K.F. Morel of St. Lawrence of the Chair of the States Employment Board regarding the Jersey Appointments Commission (WQ.187/2021):

#### Question

Will the Chair provide details of the amount paid to each member of the Jersey Appointments Commission in terms of both remuneration and expenses (including travel costs) for each of the years 2017, 2018, 2019 and 2020?

#### Answer

Commissioner	Commissioner Location	2017		2018		2019		2020	
		Remuneration	Expenses	Remuneration	Expenses	Remuneration	Expenses	Remuneration	Expenses
Commissioner 1*	UK	£31,500	£4,892	£38,000	£4,479	£69,000	£9,068	£29,500	£366
Commissioner 2	Jersey	£4,792		£5,167		£4,379			
Commissioner 3	Jersey	£5,000		£5,165		£3,065			
Commissioner 4	Jersey	£10,403		£4,597	£251				
Commissioner 5	Jersey	£1,828							
Commissioner 6*	Jersey			£4,771		£5,000		£5,000	
Commissioner 7*	Jersey			£5,108		£5,151		£5,151	
Commissioner 8*	Jersey					£3,518		£5,255	
Commissioner 9*	Jersey							£6,250	
Commissioner 10*	Jersey							£5,833	
		£58,415		£67,538		£99,181		£57,355	

\* Commissioners currently working for Jersey Appointments Commission

#### Notes

- Source data taken from payroll and general ledger.
- Costs represent amounts paid in the periods, timing of actual work may vary.
- Expenses paid are mainly for travel & accommodation and are paid directly to the travel company via our corporate supplier.

The figures for 2018-2019 are higher due to the greater involvement of the JAC as part of the restructuring process with the Target Operating Model that took place during this period.

### 1.21 Connétable of St. Brelade of the Minister for Infrastructure regarding the taxi industry (WQ.188/2021):

#### Question

Will the Minister advise members what assessment his department has made of the effectiveness of changes to the taxi industry in recent years, not only for members of the public but also those who derive a living from the industry?

#### Answer

First and foremost, the Minister’s duty in legislation through Article 38 (1) of the Motor Traffic (Jersey) Law 1935, is to ensure that, insofar as is practicable to do so, there is:

“An adequate, efficient, and reasonably priced cab service available throughout Jersey at all times.”

The introduction of the “one tier” system, whereby the whole industry has access to the public ranks and private hire work, has already manifested numerous benefits:

**Public:**

Increased supply especially at peak times, due to private hire vehicles meeting the accessible standard being able to access public ranks at all times. Particularly (pre Covid) on a Friday and Saturday night at the Weighbridge Rank, thus enabling that busy part of St Helier to be cleared in a quicker, more orderly fashion.

Minimising public nuisance in the area of the Weighbridge Rank, which is reported to DVS by the States of Jersey Police during their regular meetings.

The requirement for all licenced taxi-cab drivers to be affiliated to a company, which in turn will improve service delivery to the public and importantly the removal of “one-man bands”. As the companies will provide a level of self-regulation.

Through feedback from the public the occurrences of some drivers refusing to take payment by card.

Improvement in customer service standards, where all new entrants to the industry and existing drivers transferring to the accessible standard have to complete Customer Service and Disability Awareness training. Also, all drivers are now DBS checked and have this reviewed every 3 years.

**Industry:**

Private hire being able to access all ranks is equally applicable at the airport, where supply has in effect doubled, and allows for increased provision by all licenced plate holders.

The lifting of restrictions on Rank drivers to enable them to take unlimited private bookings at any time of the day or night (previously they were restricted to 20% of their business that could only be taken through private hire bookings) has resulted in greater access and additional flexibility for drivers. In 2019, drivers affiliated to the “Jersey Taxi App” the majority of which are previous rank only drivers, benefitted from 16,500 bookings through their App based booking system, work that they previously would not have had access to.

Regular meetings with DVS as an industry body, as opposed to individuals and as stand-alone companies.

**1.22 Connétable of St. Brelade of the Minister for Home Affairs regarding “Jersey Lifts” (WQ.189/2021):**

**Question**

In light of the continuing concerns expressed by the taxi industry over the lack of police attention being given to the offering of ‘Jersey Lifts’ by unregulated individuals and vehicles, will the Minister advise Members of his strategy to manage this situation?

**Answer**

In response to correspondence from the Jersey Taxi Drivers Association, I wrote to the Association on 22<sup>nd</sup> February this year.

In my letter, I highlighted the work that the States of Jersey Police (SOJP) had previously undertaken to try and address ‘Jersey Lifts’ and explained why enforcement alone was not the way in which to solve this issue.

A number of years ago States of Jersey Police spent considerable time and effort in an attempt to tackle the situation in the Island. An Island-wide community awareness campaign was developed, co-ordinated and led by Prison Me No Way and the SOJP, with limited impact.

Whilst a few people were arrested and interviewed for a variety of reasons it was not possible to bring any relevant prosecutions before the criminal courts. Consequently, the overall impact on the unregulated, ‘taxi community’ was negligible. This highlighted it cannot be solved by enforcement alone and requires wider thought and consideration around why is it seemingly so popular in the island. (It is worth noting SOJP receive very few, if any, complaints about ‘Jersey Lifts’ which currently maintains a Facebook following of approximately 22K people, 20% of the Island’s community.)

Since ‘Jersey Lifts’ and other unregulated drivers have operated in the island, SOJP have always responded to any serious criminal matters associated with this activity, for example allegations of physical or sexual assault or other predatory behaviour by such drivers. However, over the last two years no such associated serious crimes have been reported.

This said, I remain of the opinion that a wide collaborative approach by all key agencies may offer a potential way forward and that in this way, it should be possible to address the root causes rather than the symptoms. I am also strongly of the opinion however that, set against competing demands, the Police should not lead this work, as the enforcement element is but a small element of the potential overall solution.

In summary therefore, I have already set out my view of the current situation and of the way in which I believe this issue may be addressed. I have spoken to the police at length and they are keen to participate in finding a sustainable solution in the interests of all parties. It is clear however, and I reiterate this, enforcement action alone is not the solution to this problem.

### **1.23 Connétable of St. Brelade of the Chief Minister regarding Covid-19’s impact on the definition used for residency(WQ.190/2021):**

#### **Question**

Will the Chief Minister advise whether the impact of Covid-19 Regulations, including the travel restrictions that have been imposed during the pandemic, has had any impact on the Government’s definition of residency in Jersey used for the following purposes –

- (a) taxation;
- (b) employment;
- (c) driving licences; and
- (d) vehicle ownership;

and will he confirm how residency in Jersey in each of these contexts is currently defined?

#### **Answer**

- a) The Comptroller of Revenue and Competent Authority recognised that the COVID-19 pandemic would impact on a person’s ability to move freely to and from the Island or require them to remain here unexpectedly. The current tax residency rules allow for a day spent in Jersey to be disregarded where due to *exceptional circumstances* beyond a person’s control,

they are prevented from leaving Jersey. Whether days spent in the Island can be disregarded due to *exceptional circumstances* will always depend on the facts and circumstances of each individual case.

Revenue Jersey published [guidance](#) clarifying the circumstances in relation to COVID-19 that would be considered *exceptional* for the purpose of tax residency tests.

The current basis for determining residency for tax purposes is governed by practice and custom with limited legislation. An individual is deemed to be resident and ordinarily resident if they spend 183 days of the tax year in Jersey. The majority of islanders are resident and ordinarily resident. Guidance on tax residence can be found on the GoJ website: [Residency for Jersey income tax](#).

A review of the personal residence rules is currently underway, as announced in the 2021-2024 Government Plan.

b) The impact of Covid-19 Regulations, including the travel restrictions that have been imposed during the pandemic, has not had any impact on the Government's definition of residency in Jersey. Residency in Jersey in this context remains as defined within the published Control of Housing and Work (Jersey) Law 2012 - Residential and Employment Status Policy Guidance - May 2019, specifically Paragraphs 21 – 32.

In accordance with Article 2(3) of the Control of Housing and Work (Jersey) Law 2012, this guidance has been laid before the States Assembly. A link to which can be found [here](#).

c & d) There have been no changes or amendments to legislation in relation to Driving Licences or Vehicle

ownership as a consequence of Covid-19 Regulations.

Residency in Jersey in relation to driving licences and vehicle ownership is defined as follows.

- **Driving Licences**

**(Article 1 – Road Traffic (Jersey) Law 1956)**

“Permanent resident of Jersey” means a person who –

- (a) Has resided in Jersey for more than 12 months; or
- (b) Intends to reside in Jersey for more than 12 months and who is not, under the Immigration Act of 1971 of the United Kingdom, prohibited from remaining in Jersey for more than 12 months.

There is no specific definition set out in the Motor Vehicle Registration (Jersey) Law 1993.

The same definition as above is used for permanent residency.

**1.24 Deputy G.P. Southern of St. Helier of the Chief Minister regarding a poverty strategy (WQ.191/2021):**

**Question**

Given that the Chief Minister has stated that a “poverty strategy” will be in place by the end of 2021, will he outline for members the options under consideration for developing and implementing this strategy, and state what progress has been made in assessing the impact of Covid-19 on employment, income and take up of benefits?



## **Answer**

The 2021 Government Plan includes the following commitment:

“We commit to ... develop a Poverty Strategy for inclusion in the 2022 Government Plan.”.

This strategy is at an early stage of development and full details will be included in the 2022 Government Plan. Regular statistics are published in respect of a range of measures in relation to the impact of Covid 19. The [latest report](#) was published on 9 April 2021. It is described as follows:

“The aim of this report is to provide economic information to decision makers, businesses, and members of the public during the COVID-19 pandemic. The next report will be published in July, but online datasets will be updated monthly on [opendata.gov.je](https://opendata.gov.je).

The latest quarter’s Registered Actively Seeking Work figures and report can be found [here](#).

This report presents statistics and indicators in the following areas:

- Income Support
- Business Disruption Loan Guarantee Scheme
- Visitor Accommodation Support Scheme (VASS)
- Coronavirus Government Co-Funded Payroll Scheme (Phases Two, Three, Three+ and Four)
  - o a sectoral breakdown for all claims, Phase Two onwards, in Appendix A
- Royal Court housing transactions
- Road and public transport usage
- Monthly passenger departures from the Island

### **1.25 Deputy L.C.M. Doublet of the Minister for Social Security regarding equality, diversity and inclusion strategies (WQ.192/2021):**

#### **Question**

As the Minister with responsibility for equality, diversity and inclusion, will the Minister outline her priorities for action in these areas, including dates and targets/expected outcomes; and furthermore, will she state what, if any, resources have been or will be allocated to work in this area?

#### **Answer**

The Minister is committed to improving equality, diversity and inclusion for all islanders and is overseeing several key initiatives as outlined below. This includes Delivery of the Disability and Inclusion Strategy, working with civil society to address concerns, training and development and protecting and supporting vulnerable islanders.

#### **Equality, Diversity, and Inclusion Cluster**

Since the Equality, Diversity and Inclusion Cluster was formed by Customer and Local Services (CLS) in 2020, the membership has grown to more accurately reflect the diverse community in which we live and we now have representation from faith groups, health and well-being groups and minority groups.

The Cluster meets on a bi-monthly basis and covers topics of concern and hears from speakers who have made a positive impact on Island life. They are currently focused upon the outfall from the pandemic and how minority groups, those with a disability and others have been particularly affected and how this situation can be improved.

The below is the standing membership with invited guests also in attendance.

Membership:

Liberate
Citizens Advice (Chair)
Thrive Jersey
Salvation Army
Grace Trust
Diversity Network
Strategy, Policy, Performance and Planning, Government of Jersey
States of Jersey Police
Customer & Local Services, Government of Jersey
Caritas
Community and Health Services, Government of Jersey
Jersey Employment Trust

Topics covered so far this year include.

- Employment Law – Diversity Network
- Friends of Africa – individual experiences – employment and immigration
- Employment Law - Jersey Advisory and Conciliation Service
- Jersey’s “social safety net” Scope and limitations of the Island’s financial benefit system

In addition, a sub-group is focused on evidence of the scope of the following issues:

1. Negative attitudes towards people coming into the island.
2. Businesses taking more responsibility for their licenced employees
3. Support available for those facing hardship who lose their jobs

The group will report the findings of the sub-group to the Minister later this year.

The Minister’s intention is to work in partnership with key organisations to improve equality, diversity, and inclusion in Jersey.

## **Disability & Inclusion (2021 budget £ 311,000)**

The Disability & Inclusion team is charged with delivering the Disability and Inclusion Strategy and ensuring understanding of the discrimination legislation.

The strategy is focussed on five priority areas including

- Communication & information
- Accessibility
- Health & wellbeing
- Education & employment
- Equity & rights

The Inclusion Team includes a project manager and 2 inclusion officers focussed on mainstreaming disability and inclusion across all departments of GoJ as well as across the island.

The targets for 2021 include:

- Accessibility & understanding of discrimination legislation for all islanders
- Accessibility audits undertaken in public buildings and schools
- Developing transport solutions to improve accessibility for all
- Promoting opportunities for disabled Islanders to be active citizens, for example increasing representation on boards.
- Promoting disability awareness island-wide
- Providing opportunities for elected members to appreciate disabled Islanders realities

During 2020 CLS funded a campaign to raise awareness of Disability Discrimination Legislation and access to broadband for disabled islanders.

In addition, CLS worked with civil society to ensure C19 messaging was inclusive and helped support the vaccination programme.

The Minister's intention is to continue to deliver the Disability and Inclusion Strategy in partnership with civil society.

## **Beresford Street Kitchen**

£300,000 has been allocated to support Beresford Street Kitchen (BSK) in 2021 to help to provide training and employment for islanders with a learning disability. In addition to this financial support, CLS officers are working with BSK to develop a sustainable funding model which will enable more islanders to benefit from the enterprise.

The Minister's intention is to ensure BSK has a sustainable funding model to continue to provide a range of opportunities and life skills for disabled islanders.

## **Jersey Employment Trust (JET)**

JET provide employment support for people with a disability and / or a long-term health condition. They also provide life and social pre-employment skills development for people with learning disabilities, those on the Autistic spectrum or others with a disability or a long-term health condition.

CLS has a contract with JET where officers can refer jobseekers who need that specialist support. In 2021 this is worth £1,029,592 for Employment Services and £800,492 for Vocational Day Services. The Minister's intention is to support vulnerable islanders gain key life skills and employment.

## **Supporting Vulnerable Islanders**

CLS oversee and provide support, including funding, to a number of organisations who provide vital services for islanders. This includes, The Shelter Trust (£1.4M per annum) Refuge (£ 215,000 per annum), Citizens Advice (£271,000 per annum) Relate (£34,000 per annum) and Call and Check (£102,000 per annum). In addition, CLS provide funding for the Identification and Referral to Improve Safety (IRIS) Service.

The Minister's intention is to provide support and vital services for all islanders.

## **Financial Impact Action Group**

In addition, the Minister commissioned the Financial Impact Action Group in July 2020 as a response to COVID 19. The FIAG consists of GoJ Officers and representatives from a number of relevant charities and organisation such as The Salvation Army, Mind Jersey, Grace Trust and Caritas.

The group's vision is to support the financial wellbeing and mental health of all Islanders impacted financially by COVID 19 through partnerships and practical action. The group have worked to support minority groups across the island during the pandemic.

The Minister's intention is to work in partnership with civil society to support the community.

## **Diversity and Inclusion Tool Kit**

The Government has been working with Jersey employers to develop a Diversity & Inclusion (D&I) toolkit which will be available to all Jersey businesses and individuals looking to set up a business or employees looking to champion or advise their company on the steps and considerations needed for their D&I journey.

The toolkit will create a standard for D&I practices across all Jersey businesses by providing a framework to start on, or improve, their D&I journey.

This will help to support a more positive workplace and influence positive inclusion in our communities, creating opportunity for all. It will also help to attract talent and a more diverse workforce to organisations.

The toolkit is currently being finalised and is due to launch during May 2021.

## **Family friendly rights**

During 2020, improvements were made to both family friendly employment rights and parental benefits to support an inclusive workplace. At the end of June, workers' rights were extended to provide 6 weeks of paid parental leave to all parents, with a further 46 weeks of unpaid leave

available. Breastfeeding rights were also introduced for the first time. These rights cover surrogate and adoptive parents as well as birth parents.

The diversion of officers to support covid projects led to a delay in the planned introduction of parental benefits but an interim scheme to support the employers of parents claiming their parental rights was implemented to minimise the impact of the revised start date.

In November, the States Assembly approved Regulations to replace maternity benefits with parental benefits available to all parents, including surrogate and adoptive parents. The length of the new parental allowance has been extended from 18 weeks to 32 weeks, with the parents able to split the allocation between them. A parental grant can be claimed by either parent. These benefits are available to babies due from 1 January 2021 including babies born early towards the end of 2020.

### **United Nations Convention on the Elimination of all forms of Discrimination Against Women**

The United Nations (UN) Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) was extended to Jersey in February this year.

By having CEDAW extended to Jersey, the Island has committed internationally to eliminating discrimination against women and girls, and to achieving equality between men and women. In common with other core UN Human Rights treaties extended to Jersey, such as the Convention on the Rights of the Child, the extension of CEDAW marks the beginning, rather than end, of the Island's obligation to demonstrate its compliance with the principles and requirements of the treaty. There is a periodic reporting cycle, to which Jersey must contribute (via the UK to the UN); providing updates on progress made during the last reporting cycle.

Now that Covid-19 restrictions have eased there is an opportunity to celebrate this important development for Jersey and the Minister will co-host an event on Friday 28 May with the Minister for International Development.

### **1.26 Senator S.Y. Mézec of the Minister for Infrastructure regarding “Green lanes and quiet lanes: priority for pedestrians, cyclists and horse riders”(P.79/2020) (WQ.193/2021):**

#### **Question**

Will the Minister advise what work has been undertaken to act on Parts (c) to (e) of [P.79/2020](#); and will he provide a timeline for enabling the ability to ‘designate lanes’ as the proposition allowed?

#### **Answer**

- (c) The Parishes are the responsible authorities for by-roads and accordingly the Comité des Connétables have been deliberating this matter as charged by the Proposition.

Consequently, the Minister was invited to the Comité des Connétables meeting of 12<sup>th</sup> April, 2021 to understand the work undertaken to date.

Following on from this, the Comité has now asked the Minister to consider how legislation might be brought forward, to achieve the objectives of the proposition within the Road Traffic (Jersey) Law 1956, such that.

*“(a) that **priority** should be given in law to pedestrians, cyclists and horse riders in designated roads in the Parishes and that vehicular traffic should only be allowed in such designated roads for **essential travel**;”* [emphasis added]

This review work has now been commenced, but as the work is still at a scoping stage and the legislative tasks are still being defined no timeline is yet available.

The Proposition was brought forward without any reference to my Department's capacity or resources other than it would "require normal officer time". My Comments did not agree with this and naturally the tasks flowing from the Proposition are having to be programmed in with other government priority work. Thus, bringing forward legislation for consideration by the Assembly by the first quarter 2021 was not, and is not, considered practicable.

(d) This work stream would follow from part c

(e) While synergies will likely exist with the developing Sustainable Transport Strong Start Active Travel Plan, any request for involvement by the Minister for infrastructure, beyond any necessary updates to the Highway Code and publicity surrounding amendments to legislation, would be a matter for the Comité des Connétables to consider as the competent authorities.

**1.27 Senator S.Y. Mézec of the Chair of the Comité des Connétables regarding "Green lanes and quiet lanes: priority for pedestrians, cyclists and horse riders"(P.79/2020) (WQ.194/2021):**

**Question**

Will the Chair advise what work has been undertaken to act on Parts (c) to (e) of [P.79/2020](#); and will she provide a timeline for enabling the ability to 'designate lanes' as the proposition allowed?

**Answer**

15<sup>th</sup> July 2020 – the [States minutes \(15/7/2020\)](#) record that the States adopted P.79/2020 as amended and:

(a) agreed that priority should be given in law to pedestrians, cyclists and horse riders in designated roads in the Parishes and that vehicular traffic should only be allowed in such designated roads for essential travel;

(b) requested the Comité des Connétables to designate roads in Parishes where priority should be given, as requested in paragraph (a) above;

(c) requested the Comité des Connétables, in consultation with the Minister for Infrastructure, to bring forward for approval the necessary changes to legislation to give effect to paragraphs (a) and (b) by the first quarter of 2021, if considered practicable by the Comité and the Minister;

(d) requested the Comité des Connétables, in consultation with the Minister for Infrastructure, to update the current road signs and markings for designated roads in order to show that priority was given in the use of designated roads to pedestrians, cyclists and horse riders; and

(e) requested the Comité des Connétables to undertake a public awareness campaign in conjunction with third parties, as appropriate, regarding the use of designated roads and the priority given to pedestrians, cyclist and horse riders.

August 2020 – discussion document/background papers prepared for discussion at the Comité des Connétables meeting in September 2020.

14<sup>th</sup> September 2020 – at its first meeting following the States decision the Comité des Connétables discussed the proposition and formed a sub-committee to progress the consultation.

15<sup>th</sup> October 2020 – invitation extended to H.M. Attorney General to attend the December 2020 Comité des Connétables meeting.

13<sup>th</sup> November 2020 – the sub-committee met and identified the issues for discussion at the meeting on 7<sup>th</sup> December 2020.

7<sup>th</sup> December 2020 – H.M. Attorney General and H.M. Solicitor General attended the Comité des Connétables meeting. Following discussion it was agreed the Comité would write formally seeking their advice on definitions of ‘priority’ and of ‘essential travel’ that would be capable of enforcement.

5<sup>th</sup> January 2021 – letter sent to the Law Officers.

28<sup>th</sup> January 2021 – response received from H.M. Attorney General.

15<sup>th</sup> February 2021 – the Comité des Connétables considered the Attorney General’s reply (dated 28<sup>th</sup> January 2021). It was decided to invite the Attorney General and the Minister for Infrastructure to the next meeting.

15<sup>th</sup> March 2021 – the Comité des Connétables met with H.M. Attorney General and the Minister for Infrastructure. The Attorney General was asked to further consider a definition for “essential travel”.

24<sup>th</sup> March 2021 – response dated 23<sup>rd</sup> March 2021 received from H.M. Attorney General.

12<sup>th</sup> April 2021 – the Comité des Connétables met to consider the Attorney General’s letter (dated 23<sup>rd</sup> March 2021). It was decided the sub-committee should discuss the advice with the Minister for Infrastructure. This meeting will be arranged shortly.

Paragraphs (d) and (e) relate to updating road signs and markings and to undertaking a public awareness campaign which will be considered following a decision on changes to legislation.

### **1.28 Deputy L.M.C. Doublet of St. Saviour of the Chief Minister regarding recommendations to companies on the gender pay gap (WQ.195/2021):**

#### **Question**

Further to responses he gave during questions without notice on 20th April 2021, will the Chief Minister state what recommendations, or advice, will be given to companies on publishing data on the gender pay gap, with particular reference to –

- (a) the data that needs to be gathered or how it should be calculated;
- (b) how the data should be interpreted;
- (c) the manner in which the data should be presented; and
- (d) how any action plan should be presented in the event that a gender pay gap is revealed?

#### **Answer**

Local companies are encouraged to collate and publish gender pay gap information. This is currently voluntary but legislation will be considered in future years if large local companies do not start to provide these figures.

The UK Government provides comprehensive advice on collating and calculating gender pay gap statistics.

This is available at <https://gender-pay-gap.service.gov.uk>.

This site includes:

- [Guidance on gender pay gap reporting for employers](#)

Step-by-step guidance on preparing your gender pay gap information

- [Eight ways to understand your organisation's gender pay gap](#)

Understanding the gender pay gap

Identify potential causes of the gender pay gap in your organisation

- [Actions to close the gap](#)

Closing the gender pay gap

Recommended actions for employers that make a difference

- [Four steps to developing a gender pay gap action plan](#)

A step by step guide for employers to develop an effective action plan

Similar guides are also available from a range of UK organisations for example, the CIPD has published:

[Gender pay gap reporting: How to calculate, publish, and communicate your gender pay gap \(cipd.co.uk\)](#)

Jersey companies are asked to follow the UK guidelines as this will allow comparison with other Jersey and UK companies.

### **1.29 Deputy L.C.M. Doublet of the Chief Minister regarding an ethnicity pay gap in Jersey (WQ.196/2021):**

#### **Question**

Will the Chief Minister advise whether or not the Government intends to instigate an investigation into whether there exists an ethnicity pay gap in Jersey; and if not, will he explain why not?

#### **Answer**

There are no current plans to undertake an investigation into ethnicity pay gap statistics.

The complexity of reporting in this area was identified in the recent UK government report; [“Commission on Race and Ethnic Disparities: The Report”](#) which included the following section:

#### **“Ethnicity Pay Gap Reporting**

An ethnicity pay gap is calculated as the difference between the median hourly earnings of the reference group (White or White British) and other ethnic groups as a proportion of median hourly earnings of the reference group. For this reason, pay gaps, on whatever grounds, do not necessarily represent unequal pay for equal work, but can describe the structure of an organisation and how



different ethnic groups are distributed across its pay bands. Ethnicity pay gap reporting is a potentially useful tool but needs to be approached with care. Reported ethnicity pay data should be disaggregated by different ethnicities to provide the best information possible.

The pay gaps, once identified, should be reviewed to gain an understanding of why they exist in different organisations. Discussions with businesses have revealed that, like the Commission, they are aware of the pitfalls around the execution of ethnicity pay reporting, but feel that this work needs to start somewhere. We specifically consider the NHS as a case study later in this section, reviewing disparities in pay among ethnic minority healthcare staff as well as disparities in recruitment and progression. We recognise the appetite that some employers have to act and publish their ethnicity pay gaps. A number of private and public sector employers (such as the NHS) have already voluntarily published their ethnicity pay gaps. We believe that ethnicity pay gaps should continue to be reported on a voluntary basis and that the government should provide guidance to employers who choose to do so.

It is clear that pay gap reporting as it is currently devised for gender cannot be applied to ethnicity. There are significant statistical and data issues that would arise as a result of substituting a binary protected characteristic (male or female) with a characteristic that has multiple categories. The main statistical problem that arises with ethnicity pay reporting is the unreliability of sample sizes. If an employer with 250 employees (the threshold suggested in the 2018 BEIS consultation on ethnic pay gap reporting) reports a gender pay gap, on average they will be comparing 125 men with 125 women. If they report an ethnicity pay gap as well, on average they will be comparing 225 White employees with 25 ethnic minority employees. Any findings from such a comparison will be unreliable and make it impossible to look at the workforce stratified by the 18 ONS ethnicity classifications. If an employer is in an area with a low ethnic minority population there may not be a diverse local candidate pool for firms to employ from.

The 2011 Census data shows that of the 650 constituencies in the UK, 437 are over 90% White, so many employers around the country simply do not have enough ethnic minorities for the recording sample to be valid. For example, any employer in the Lake District can expect 98% of its candidate pool to be White. An employer there with 300 staff could then expect to have on average just six ethnic minority employees. Any comparison between the median of 294 employees with the median of 6 employees will be meaningless and is likely to change considerably just from adding or subtracting one ethnic minority employee. Additionally, the age distribution of ethnic minority groups can influence the ethnicity pay gap. Those from ethnic minority groups are more likely to be younger, meaning they have not yet had the opportunity to reach the peak of their careers. In order to account for this, firms would have to control for age, which makes sample sizes smaller and the reported data subject to fluctuations year on year”.

The ethnic groups used by the UK are:

- Arab
- Bangladeshi
- Black Caribbean
- Black African
- Chinese
- Indian

Other Asian background  
Other Black / African / Caribbean background  
Other ethnic group  
Other Mixed / multiple ethnic background  
Other White (incl gypsy/traveller)  
Pakistani  
White and Asian  
White and Black African  
White and Black Caribbean  
White British  
White Irish

Pay gap reporting is in its early stages in Jersey. The benefits of extending reporting to criteria such as ethnicity or disability will be considered in light of the ongoing collation and use of gender pay gap reporting.

### **1.30 Deputy M.R. Higgins of the Chief Minister regarding a post-Covid debt respite scheme (WQ.197/2021):**

#### **Question**

Will the Chief Minister advise whether he is considering legislating as a matter of urgency for a post-Covid debt respite scheme to help those suffering financially, similar to the English ‘Breathing Space’ scheme which gives legal protections to those in debt from their creditors for 60 days, with most interest and penalty charges frozen, and enforcement actions halted; if not, will he explain why not, and, if he is contemplating an alternative scheme, will he state what that scheme is and by when it will be introduced?

#### **Answer**

The ‘Breathing Space’ scheme forms part of the debt solutions that are available in the UK such as Debt Relief Orders and Individual Voluntary Agreements.

There are currently no plans to replicate this specific system in Jersey, but officers continue to monitor and review the UK debt respite schemes which can be read in full on the [Debt solutions - Citizens Advice](#) (UK site).

It should be noted that Jersey does utilise Debt Remission Orders (DRO) as provided for in the [DEBT REMISSION \(INDIVIDUALS\) \(JERSEY\) LAW 2016](#). Once a DRO is granted, a 12 month ‘moratorium’ period is put in place when creditors cannot make further attempts to recover the debts, after the 12-month period the debts are effectively ‘written off’.

The Government of Jersey continues to work alongside the Jersey Citizens Advice Bureau to assess whether additional financial support is needed to alleviate personal debt given the impact of the COVID-19 pandemic.

**1.31 Senator K.L. Moore of the Chair of the States Employment Board regarding Government employees referred to counselling (WQ.198/2021):**

**Question**

Will the Chair advise the Assembly of the number of Government employees who have been referred for counselling per month over the past 3 years, broken down to show the number referred through the AXA scheme and the number of direct referrals?

**Answer**

AXA, the government's Occupational Health provider, offer Counselling Services on either a face to face or telephone basis. In addition, either the government, or AXA following triage, may refer cases for support to one of three in-island specialist providers. Detailed below are the number of counselling sessions of each type delivered per month for each of the last 3 years calendar years.

	Jan -18	Feb -18	Mar -18	Apr -18	May -18	Jun -18	Jul -18	Aug -18	Sep -18	Oct -18	Nov -18	Dec -18	Total
AXA F2F Counselling sessions	0	0	0	1	0	5	7	15	11	11	14	13	77
AXA Telephone Counselling sessions	3	2	9	0	2	4	8	2	3	2	3	3	41
Total 2018	3	2	9	1	2	9	15	17	14	13	17	16	118
Case referrals made to AXA by Manager / HR	2	1	2	0	0	4	1	1	1	7	4	6	29
Direct referrals made to AXA by self/individual	6	4	13	3	6	3	5	4	5	7	6	8	70
Total of additional In Island Specialist Counselling Services during 2018													20

	Jan -19	Feb -19	Mar -19	Apr -19	May -19	Jun -19	Jul -19	Aug -19	Sep -19	Oct -19	Nov -19	Dec -19	Total
AXA F2F Counselling sessions	4	36	15	20	16	16	28	4	5	0	0	50	194
AXA Telephone	2	2	5	4	1	2	7	7	5	0	0	3	38

Counselling sessions													
Total 2019	6	38	15	24	17	18	35	7	10	0	0	42	212
Case referrals made to AXA by Manager / HR	8	4	7	10	6	6	5	8	4	5	7	5	75
Direct referrals made to AXA by self/individual	7	9	7	5	5	1	5	7	5	5	6	4	66
Total of additional In Island Specialist Counselling Services during 2019													43

During 2019 there were 194 face to face counselling sessions and 38 telephone counselling calls in total dealt with by AXA. Of the cases referred 26% related to work-place issues and 74% highlighted personal issues. Average face to face counselling sessions per case: 5.8 sessions. Average telephone counselling sessions per case: 1.5 sessions. There were 73 cases closed by AXA. Following triage, AXA referred 38 cases for in island specialist support (1) who also received 2 further direct referrals from government. A second in-island specialist received 3 direct referrals from government during 2019.

	Jan -20	Feb -20	Mar -20	Apr -20	May -20	Jun -20	Jul -20	Aug -20	Sep -20	Oct -20	Nov -20	Dec -20	Total
AXA F2F Counselling sessions	47	6	6	6	10	0	29	6	21	6	3	13	153
AXA Telephone Counselling sessions	3	1	2	3	6	0	9	5	6	1	1	13	50
Total 2020	50	7	8	9	16	0	38	11	27	7	4	26	203
Case referrals made to AXA by Manager / HR	5	5	4	1	0	1	4	9	4 <sup>6</sup>	4	1	2	40
Direct referrals made to AXA by self/individual	5	5	6	7	9	7	8	12	9	3	6	7	84

<sup>6</sup> Includes one referral from AXA OH

During 2020 there were 153 face to face counselling sessions and 50 telephone counselling calls in total managed by AXA. Of the cases referred 35% related to work-place issues and 65% highlighted personal issues. Average face to face counselling sessions per case: 5.9 sessions. Average telephone counselling sessions per case: 1.5 sessions. There were 83 cases closed by AXA. Following triage, AXA referred 8 cases for in-island specialist support (1), who also received 5 further direct referrals from government. In-island specialist (2) received 21 direct referrals from government and a third in-island specialist received 4 direct referrals from government during 2020.

### **1.32 Deputy M.R. Le Hegarat of St. Helier of the Minister for health and Social Services regarding diabetes in Jersey (WQ.199/2021):**

#### **Question**

Will the Minister advise members –

- (a) how diabetes services are being refashioned following the grant of £1 million to Diabetes Jersey;
- (b) whether this grant money came from the Jersey Care Model (J.C.M.) funding; and
- (c) why the community diabetes pilot that was instigated before the J.C.M., and that was planned to be the blueprint for future chronic disease monitoring in the community, has not been developed further and expanded to include other long-term conditions?

#### **Answer**

- a) £1m has not been granted to Diabetes Jersey; funding has been invested in the HCS Diabetes service as part of an ongoing commitment to invest in the management of long-term conditions.

The funding will enable:

- **Investment in recruitment** to increase the capacity of the staff within the Diabetes Centre to reflect the growing diversity of an ageing population that is living longer with diabetes and other long-term health conditions. The following roles are being recruited to:
  - 2 diabetes specialist nurses
  - 1 paediatric diabetes specialist nurse
  - 2 dieticians
  - 1 podiatrist and 1 podiatry assistant,
  - Retinal screening project manager
  - Diabetes consultant
- **Insulin pumps for children with Type 1 Diabetes** – Health and Community Services is now able to provide a funding mechanism for children with type 1 diabetes to receive insulin pumps following a multidisciplinary criterion. This would assist in regulating blood sugar levels and improve quality of life and ensure equity of care for all children.

- **Continuous glucose monitoring (CGM)** – Funding is not routinely available for patients in Jersey to access new technology relating to CGM. The investment now allows the provision of CGM for clinically appropriate patients to assist self-management and have a positive impact on reducing the need for emergency service and hospital admission.
- **Education** – Three accredited age-specific education packages have been identified to support people with both Type 1 and Type 2 diabetes which will be funded through the grant.

Evidence shows that structured education has positive outcomes especially for patients with Type 2 diabetes to reduce complications improve self-management and at times the need for pharmacological interventions.

- **Psychological support** – Funding will contribute towards people diagnosed with diabetes having access to specialist psychological support if they choose to access services.
- b) The funding did not come from the JCM funding.
- c) Insufficient data was collated from the pilot to provide the evidence-based outcome for it to continue. However, aspects of the pilot have continued as part of ongoing professional practice; this includes the Diabetes Nurses working with and supporting the practice nurses in GP surgeries on a regular basis.

### **1.33 Deputy M.R. Le Hegarat of St. Helier of the Minister for Health and Social Services regarding the Health Insurance Fund (WQ.200/2021):**

#### **Question**

Will the Minister advise –

- how much money from the Health Insurance Fund has been allocated directly to existing community services since the inception of the Jersey Care Model; and
- what proportion of this funding has actually been spent?

#### **Answer**

- The Intermediate Care programme, which is the first large programme developing community-based services as part of the Jersey Care Model, is currently in planning phase. Plans are currently forecasting an indicative spend of circa £828k for 2021 directly on community service provision.
- Actual expenditure to date for community service provision is £159k as at the end of April. The funding relates to the Intermediate Care programme for provision of medical and nursing care overnight in the community. The main components of these costs are service provision through GP Out of Hours Service and Family Nursing & Home Care.

### **1.34 Connétable of St. John of the Assistant Chief Minister regarding a Project Director for the Our Hospital project (WQ.201/2021):**

#### **Question**

Will the Minister update members on the position of a permanent Project Director for the Our Hospital project, advising in particular –

- (a) whether a permanent appointment has been made;
- (b) what difference, if any, there is between the cost (including salary) of employing a permanent Director and that of engaging an Interim Director;
- (c) what companies have been used for the recruitment process;
- (d) the timeline for the latest recruitment process; and
- (e) if no such appointment has been made to date, how this features on the Project's Risk Register?

**Answer**

- a) Subject to the approval of the States Employment Board, the interim Project Director will be appointed to the role on a permanent basis in Q2 2021.
- b) There is no difference in the cost as the terms will remain the same.
- c) Faerfield was used to support the recruitment process for the Project Director.
- d) See (a) above.
- e) The risk of loss of a key person is recorded in the Project Risk Register. The recorded mitigation is to retain key staff to achieve continuity of service where possible, or to recruit successors with a full handover if necessary.

**1.35 Connétable of St. John of the Minister for Health and Social Services regarding S.T.A.C. minutes (W.Q.203/2021):**

**Question**

Will the Minister inform members of –

- (a) the status of the Scientific and Technical Advisory Cell (S.T.A.C.) minutes from the 19th Meeting, held between 7th and 16th September 2020;
- (b) the reason for the delay in publication of these minutes;
- (c) the date by which the minutes will be published;
- (d) the dates upon which the Emergencies Council, Competent Authorities Ministers and Council of Ministers each received a copy of these minutes; and
- (e) whether or not other States Members have received these minutes?

**Answer**

The minutes for the 19<sup>th</sup> Meeting of the Scientific and Technical Advisory Cell (STAC) held on 14<sup>th</sup> September 2020 have now been published. This was an administrative oversight and we are grateful to the Connétable for drawing this to our attention.

As explained in the answer to W.Q.175/2021, once STAC minutes are cleared by the Chair, they are able to progress straight to publication, rather than first being circulated within government.

**1.36 Deputy S.M. Ahier of St. Helier of the Assistant Chief Minister regarding advertising costs for Our Hospital project (WQ.201/2021):**

## Question

Will the Minister inform the Assembly of the total cost to date of advertising the Our Hospital Project across print, broadcast and online media channels, and the available budget allocated to such advertising?

## Answer

The total cost as of Friday 7 May 2021, for the Our Hospital Project for print, broadcast and online media channels, is £26,750. The current approved budget is £40,000, which remains subject to ongoing review by the Our Hospital Political Oversight Group.

The purpose of investing in the Our Hospital advertising campaign is to ensure that as many islanders as possible can engage and participate in the project and have full access to accurate information and facts about the island's new hospital.

### **1.37 Senator S.F. Ferguson of the Chair of the States Employment Board regarding civil servants (WQ.205/2021):**

## Question

Will the Chair inform members of –

- (a) the total number of civil servants currently employed in the civil service;
- (b) the number of staff equivalent to civil servants currently employed in the States wholly-owned subsidiaries;
- (c) the number of new posts created in the past 6 months within both the civil service and wholly-owned subsidiaries;
- (d) the job descriptions of any such new posts;
- (e) the number of civil service employees who have left the service in the past 6 months; and
- (f) the number of civil service equivalent employees in the wholly-owned subsidiaries who have left in the past 6 months?

## Answer

- a) Civil Servants - 3213
- b) The States wholly-owned subsidiaries do not employ staff as civil servants or as equivalents to civil servants
- c) Civil Servants - 138 within the Civil Servant pay group  
States wholly-owned – 32
- d) Following correspondence with the Senator, it has been agreed that the job descriptions will be provided as soon as possible.
- e) Civil Servants 163
- f) The States wholly-owned subsidiaries do not employ staff as civil servants or as equivalents to civil servants

## Assumptions

Data provided for the Civil Servant pay group, as at 6<sup>th</sup> May, 2021



The number of new posts excludes any posts included in scope for a Target Operating Model project or service review as any posts created in the system will be re design of existing posts.

### **1.38 Deputy M. Tadier of St. Brelade of the Minister for Home Affairs regarding the Independent Monitoring Board for H.M.P. La Moye (WQ.206/2021):**

#### **Question**

Will the Minister advise whether or not the Independent Monitoring Board for H.M.P. La Moye has the ability to perform unannounced visits, and if so, will he provide a list of dates upon which unannounced inspections have been made since the Board's inception; and if no such unannounced inspections have been made, is the Minister in a position to explain why not?

#### **Answer**

The Independent Prison Monitoring Board (IPMB) was established under the Prison (Independent Prison Monitoring Board) (Jersey) Regulations 2017 (the Regulations).

Regulation 2 (2) provides that the function of the Monitoring Board is to satisfy itself as to –

- (a) the treatment and welfare of the prisoners;
- (b) the state of the premises of the prison; and
- (c) the administration of the prison.

The meaning of subsection c) above was queried by the prison authorities and was clarified by a letter dated 25 August 2017 from the then Chief Officer of Community and Constitutional Affairs to the then Chair of the IPMB. It is annexed to the IPMB's 2017 Annual Report and states that reference to the "administration of the prison" is intended to be read in relation to the treatment and welfare of prisoners.

The Regulations were made under the Prison (Jersey) Law 1957 (the Law). Article 6 (3) of the Law provides that all members of the IPMB 'shall have free access at all times to all parts of the prison and to all prisoners'.

#### **Monitoring Visits**

The IPMB's visits were initially announced in advance and were then conducted mostly unannounced until August 2018. There is a requirement for IPMB members to be escorted by a prison officer and often there was no one easily available when members arrived, for example during a period of "core movements" or when several officers were in a training session. As well as being sometimes difficult for the prison to accommodate, waiting for an escort could take some 30 minutes or more, which was not felt to be an effective use of the volunteer members' time. For these reasons most visits have been announced since then, but the place and focus of interest are not provided to the prison authorities in advance.

These points are covered in each of the IPMB's four Annual Reports, extracts of which are included below for reference.

The total number of Monitoring Visits from April 2017 to December 2020 is 83, each of which has its own report. Deputy Tadier has asked for a list of dates of unannounced visits but to provide this information would require a significant amount of searching which is not feasible within the timeframe provided. The Chair of the IPMB would be pleased to meet the Deputy to discuss the question in more detail if he so wishes.

These 83 Monitoring Visits do not include other visits by the IPMB to see people in the Care and Control Unit, to see prisoners who applied to see the IPMB but could not be seen during a Monitoring Visit, and for the IPMB members' own training sessions. The IPMB's presence at La Moye is therefore more frequent than just the Monitoring Visits.

In addition, IPMB members attend La Moye and discuss matters with the Governor at Board meetings, of which the Regulations require a minimum of 8 per year. 11 per year are normally held, but in 2020 17 were held, many by TEAMS (see 2020 Annual Report paragraph 5.2): [r.46-2021.pdf \(gov.je\)](#).

### **Extracts from the IPMB's Annual Reports for 2017, 2018, 2019 and 2020**

#### **2017 p.21 para 8.1:**

“During the period May to December 2017, 19 monitoring visits took place. Visits involved 2 Board Members and initially these were announced. The Board aimed to carry out at least 2 monitoring visits per month. As members became more familiar with the prison environment and systems, unannounced visits took place. The Board undertook visits at different times of the week and day and these included a night and weekend visit.”

#### **2018 p.8, paras 4.1 and 4.2**

“4.1 The IPMB regularly visits La Moye and during 2018 made 18 monitoring visits, the majority of which entailed two or more areas or facilities...”

4.2 During the first half of the year visits were unannounced but this meant the prison administration could not plan in advance for an escorting officer. From mid-2018 the dates and times of the visits have been shared in advance but the location/areas of any planned visit have not.”

#### **2019 p.8 paras 4.1, 4.2 and 4.3**

“4.1 In fulfilling its statutory function, the IPMB conducts regular Monitoring Visits (MVs) to La Moye. As has become standard practice, MVs were scheduled at a minimum of 2 per month. In 2019, 26 MVs were planned with 25 actually undertaken.

4.2 MVs are carried out by two IPMB members, escorted by one or more prison officers.

4.3 To facilitate efficient entry to the prison, the dates and times of MVs are provided to the SoJPS in advance. In the interests of independence and objectivity, the specific area to be visited is not disclosed until members arrive at La Moye.”

#### **2020 p.10 paras 4.2 and 4.4**

“4.2 This year the programme was impacted by Covid-19 with visits having to be suspended during March, April and May in order to mitigate the risk that we, as external visitors, presented to the prisoners. Once visits recommenced in June, we accelerated our programme to ensure all areas were visited during 2020 and this continued until Covid-19 again forced visits to be suspended during November and December. During 2020 we undertook 21 visits ....

4.3...

4.4 During visits we are escorted by a prison officer. The prison is usually given notice of the time of a visit so an escort can be organised but the locations we wish to see are not disclosed until we arrive....”

**1.39 Deputy R.J. Ward of St. Helier of the Chief Minister regarding High Value residents (WQ.207/2021):**

**Question**

In relation to High Value Residents (H.V.R.s), will the Minister advise –

- (a) how many H.V.R.s have come to Jersey to work for an already established business, rather than the business having to apply for an employment license; and
- (b) what definition of “social benefit” is being used in respect of H.V.R.s?

**Answer**

- (a) From 1 January 2020 to 30 April 2021 34 applications for 2(1)(e) residency were approved by HAWAG.

Of those, six work in leadership roles in established businesses. A further 12 have brought new business to Jersey or established business upon arrival in Jersey.

- (b) The Control of Housing and Work (Jersey) Law 2012 – Residential and Employment Status – Policy Guidance May 2019 sets out at paragraphs 118 and 119 other factors which may be taken into account in assessing the likely impact of a 2(1) (e) applicant taking up residence in Jersey. These include but are not limited to any voluntary work or business contribution to the local community that might accrue; any training or sporting initiatives, particularly aimed at youth or educational organisations, driven by the applicant; any cultural interests or skills that would be of benefit to the local community, and sporting or cultural interests which might benefit local clubs or the wider local community. In addition, an applicant’s intention to carry out further business activities in the Island will be taken into account, with particular regard to future local employment, training, diversification and any potential resultant increased tax revenues.

There are many examples of 2(1)(e) residents contributing to the social and economic value of the island that would not otherwise be available to benefit the community.

**1.40 Deputy R.J. Ward of St. Helier of the Chief Minister regarding the Minister for Children and Education (WQ.208/2021):**

**Question**

For how long does the Chief Minister expect that he will be required to perform the functions of Minister for Children and Education; and is there a date by which he will commit to ensure that there is a dedicated Minister for Children and Education in post?

**Answer**

I am currently discharging the functions of the Minister for Children and Education under Article 27(2)(a) of the States of Jersey Law 2005 which states ‘The Chief Minister may, during the temporary absence or incapacity of a Minister or a vacancy in the office of Minister’, ‘(a) personally discharge the functions of that Minister’.

The existing delegations of functions for this portfolio (enacted via MD-ESC-2021-0002) remain in effect and these provide for Deputy Scott Wickenden to discharge all the functions of the Minister, and for Deputy Trevor Pointon to carry out functions specifically related to CAMHS. I have full confidence in Deputy Wickenden to give the portfolio the full attention it deserves, and I will provide further updates as and when that is possible.

Members will recall my statement issued on the 24th March referred to a decision that Deputy Maçon is not currently capable of fulfilling his Ministerial duties. To protect the privacy of all individuals concerned, I am unable to provide further details at this time.

**1.41 Deputy R.J. Ward of St. Helier of the Minister for Health and Social Services regarding long-Covid cases (WQ.209/2021):**

**Question**

How many cases of long Covid-19 have been identified to date; and what measures are in place to address the needs of these patients?

**Answer**

Long COVID is a new and emerging condition that is not yet fully understood. To date, there is no universally agreed definition of long COVID, but it covers a broad range of symptoms such as fatigue, muscle pain, and difficulty concentrating. As such, it is a difficult condition to diagnose and accurately identify.

Work is underway to try to quantify how many Jersey residents may have long COVID. This includes specific codes for ongoing symptomatic COVID-19 (5-12 weeks duration of symptoms) and post-COVID syndrome (>12 weeks symptoms) being added to the EMIS database in March 2021, allowing GPs to record potential cases of long COVID. To date, 30 people have been coded as such.

It must be noted that there are limitations to this data. This is a new condition, therefore, patients may be coded by their individual symptoms or the association with previous COVID-19 infection may not initially be recognised. Ongoing work is taking place to ensure that any future developments for Long COVID care can be based on a clear picture of need. Patients who remain symptomatic post COVID-19 are advised to see their GP. If required, referral to an appropriate specialist, depending on predominate symptoms, would be made using existing referral pathways into secondary care then on to tertiary care if needed.

**1.42 Deputy C.S. Alves of St. Helier of the Minister for Health and Social Services regarding the IT budget for the Jersey Care Model (WQ.210/2021):**

**Question**

Will the Minister provide details of the I.T. budget for the Jersey Care Model; and provide a breakdown of how it is being spent on verifiable, community-related activity?

**Answer**

The IT budget for the Jersey Care Model is £3.0m over the period of the 2021 – 2024 Government Plan.

This is broken down over the four years of the plan as follows:

2021	2022	2023	2024
£1.3m	£0.8m	£0.5m	£0.4m

## Foundation Services

It is important to invest in foundation services that will underpin digital services that support the Jersey Care Model. Primarily, this means establishing an effective demographic service to facilitate a principle of one person – one record, improving the integration and interoperability between systems, providing an accessible and audited central repository of information and building an effective presentation layer to access information and services, whether you are a healthcare provider or a patient

£0.1m will be spent on developing a **Jersey Demographics Service** to create a “Golden Record” of people in the Island with a unique identifier to enable records in different systems to be joined up and health information to be shared across community services

£0.4m will be spent on delivering the **frameworks and infrastructure** necessary to support the provision of information through the Jersey Care Record and a Care Hub. Investment has already been made in the Health Integration Layer which enables interoperability between systems and this development will continue. In addition, **Health Information Repositories** will be built to store clinical information in an international health data standard, which provides accessible central storage of care records from different systems. Work on this is underway and will support a first use case of presenting COVID status information in relation to vaccination records, and this foundation will then be built on to present other information. Finally, a **presentation layer** is required to be able to present this information in an accessible way for healthcare providers and patients, so that it can be used in community settings and through mobile infrastructure.

## Jersey Care Record

We will spend £0.3m on developing the Jersey **Summary Care Record** beyond its initial implementation through EMIS in the hospital setting, which limits its use. Utilising the foundation services mentioned earlier, we will extract data from core record systems and consolidate in an integrated care record. The presentation layer will enable this to be provided across the wider healthcare estate, with healthcare information and patient preferences presented tailored to the healthcare providers’ requirements.

## Jersey Care Hub

£0.2m will be spent on the development of a **Care Hub** supported by the Summary Care Record and workflow, organisation and rules which enables referrals, appointment bookings, reminders, and other services such as self-assessments and sign posting to health and care services.

## Core Record Systems

We will continue to support the development and expansion of the **community and primary care core record system**, EMIS, by spending £1.4m on core community record systems which will include the inward migration of Child Immunisation and Screening management and the inclusion of additional organisations – the Prison, Vulnerable Adults (Shelter) and Primary Care Safeguarding Hub to support GP safeguarding leads.

## Telecare and Teleguidance

£0.3m will be spent on a new and improved Telecare and Teleguidance platform.

## Telemedicine and Patient-facing applications

We have already implemented the myMhealth app which enables patients to self-manage certain conditions and for clinicians to manage patient populations remotely. We intend to spend £0.3m on continuing the development of **telemedicine and patient-facing apps** and expand this to additional care scenarios.

### 1.43 Deputy M. Tadier of St. Brelade of the Chair of the Comité des Connétables regarding dog licences (WQ.211/2021):

#### Question

Will the Chair advise how many dog licences have been issued this year and how many had been issued by this time last year, providing this information broken down by Parish?

#### Answer

Parish	As at 30/4/2021	As at 30/4/2020
St Brelade	1,219	1,343
St Clement	1,047	985
Grouville	586	598
St Helier	1,378	1,373
St John	399	368*
St Lawrence	389	427
St Martin	552	546
St Mary	260	266
St Ouen	628	634

St Peter	669	656
St Saviour	1,144	980
Trinity	422	411
Total	8,693	3920

\* The system used by the Parish of St John to record dog licences has changed and it does not hold information on the number of dogs at 30/4/2020. However, the number of dog licences issued at June 2020 is shown above (this information is available on the Parishes website).

The number of dog licences is published annually on the Parishes website. Information from 2016-2020 is available (see <https://parish.gov.je> 'Licences' tab). Data on dog licences from 2012 to 2015 is available in the FOI response (see 'FOI' tab on the website).

**1.44 Deputy M.R. Higgins of St. Helier of the Minister for Housing and Communities regarding the Digital Register of Commercial and residential properties (WQ.212/2021):**

**Question**

Will the Minister state what actions have been taken to date, and what further action he proposes to take, to ensure that a Digital Register of Commercial and Residential Properties will be introduced in the Island before the end of 2021, in accordance with what was agreed by the Assembly in adopting P.93/2020?

**Answer**

Further to the written question submitted by Senator Mezec on the 19th April, the responsibility for this project has recently been transferred to the Minister for Housing and Communities.

I have instructed officers from the Modernisation and Digital Team to review what is required. A budget allocation will need to be sourced.

I will be providing an update to the Assembly before the summer recess as to the progress on the register.

**1.45 Deputy M.R. Higgins of St. Helier of the Minister for Treasury and Resources regarding grants and loans made to assist with the impact of Covi-19 (WQ.213/2021):**

**Question**

Will the Minister publish a list of all grants and / or loans paid to businesses, companies, not-for-profit organisations and charities to assist with the financial impact of the Covid-19 pandemic to date, broken down by –

- (a) the amount paid;
- (b) the dates on which payment was made; and
- (c) the type of aid provided (e.g. Co-Funded Payroll Scheme);

and, furthermore, will the Minister set out any other forms of indirect financial aid which these organisations received (for example, in the form of delayed G.S.T. payments) during the same time period?

**Answer**

Please find listed below details of payments made to organisations to assist with the financial impact of the Covid 19 pandemic to date.

**(i) Payments made under The Visitor Attraction and Events scheme (Minister for EDTSC Scheme)**

<b>Organisation</b>	<b>Amount (£)</b>	<b>Date Paid</b>
A G F Limited	187.18	20/04/2021
A G F Limited	565.90	20/04/2021
A G F Limited	1,389.90	01/03/2021
Arcadia Leisure Ltd	7,366.60	20/04/2021
Arcadia Leisure Ltd	7,446.85	30/03/2021
Arcadia Leisure Ltd	7,417.41	22/03/2021
Arcadia Leisure Ltd	7,585.59	22/03/2021
C I Travel Group	11,652.80	26/04/2021
C I Travel Group	11,687.20	20/04/2021
C I Travel Group	11,648.00	29/03/2021
C I Travel Group	11,752.00	29/03/2021
C I Travel Group	11,786.40	29/03/2021
C I Travel Group	11,644.00	11/03/2021
Jersey Bus Tours	3,969.21	20/04/2021
Jersey Bus Tours	4,740.25	20/04/2021
Jersey Bus Tours	8,268.42	20/04/2021
Jersey Pearl	14,816.80	20/04/2021
Jersey Pearl Ltd	3,540.57	29/03/2021
Jersey Pearl Ltd	13,008.00	29/03/2021
Jersey Weekender Limited	4,577.47	26/04/2021
Jersey Weekender Limited	13,664.80	08/04/2021
Marquee Solutions	4,809.45	22/04/2021
Marquee Solutions	5,242.07	22/04/2021
Marquee Solutions	3,844.00	01/04/2021



Marquee Solutions	4,809.60	01/04/2021
Sajern Ltd	7,265.00	20/04/2021
Sajern Ltd	7,756.13	05/03/2021
Sajern Ltd	6,600.14	01/03/2021
Sajern Ltd	2,296.73	26/01/2021
Small Shores Entertainment Ltd	8,318.16	28/04/2021
Small Shores Entertainment Ltd	4,195.55	26/03/2021
Small Shores Entertainment Ltd	4,296.35	01/03/2021
Small Shores Entertainment Ltd	12,859.72	28/01/2021
St Brelade's College	3,920.47	28/04/2021
St Brelade's College	3,938.26	23/03/2021
St Brelade's College	1,787.59	01/03/2021
St Brelade's College	1,841.34	01/03/2021
St Brelade's College	2,576.55	01/03/2021
St Brelade's College	5,004.05	01/03/2021
Tanguys Bar	3,316.30	01/04/2021
Tanguys Bar	800.87	23/03/2021
Tanguys Bar	1,889.82	23/03/2021
Tanguys Bar	2,559.10	23/03/2021
Tanguys Bar	2,601.43	23/03/2021
Tantivy Blue Coach Tours Ltd	6,831.20	22/04/2021
Tantivy Blue Coach Tours Ltd	8,787.05	23/03/2021
Tantivy Blue Coach Tours Ltd	9,142.86	23/03/2021
Tantivy Blue Coach Tours Ltd	11,447.62	23/03/2021
Tantivy Blue Coach Tours Ltd	11,714.29	23/03/2021
Waverley Coaches	5,296.30	22/04/2021
Waverley Coaches Limited	3,283.06	29/03/2021
Waverley Coaches Limited	4,034.90	29/03/2021
Waverley Coaches Limited	4,611.89	29/03/2021
Waverley Coaches Limited	5,321.95	29/03/2021
	<b>341,715.15</b>	

**(ii) Fisheries Support Scheme**

The Minister for EDTSC implemented the Fisheries Support scheme in 2020, through which 73 payments were issued between 6<sup>th</sup> July and 24<sup>th</sup> September 2020. Payments in respect of detriment ranged between £1,200 and £10,000 (as set out in the scheme details) and totalled £252,600. A significant proportion of the payments relate to individual fisherman and as such specific payments cannot be provided in this response. However a summary of payments is provided in the table below:

Payment value	no. of payments	total value £
1,200	14	16,800.00
1,600	22	35,200.00
4,200	27	113,400.00
8,400	8	67,200.00
10,000	2	20,000.00
<b>Total</b>	<b>73</b>	<b>252,600.00</b>

**(iii) Hardship Grants paid through CYPES Department**

Organisation	£	Date	Comments	
Charlie Farley's Too Limited	5,000.00	29/07/2020	Keeping the nursery open for the children of critical workers	Nursery Education Fund - COVID
Cheeky Monkeys at Durrell	7,000.00	29/07/2020	Keeping the nursery open for the children of critical workers	Nursery Education Fund - COVID
Busy Bees	5,000.00	29/07/2020	Keeping the nursery open for the children of critical workers	Nursery Education Fund - COVID
Busy Bees	7,000.00	29/07/2020	Keeping the nursery open for the children of critical workers	Nursery Education Fund - COVID
La Petite Ecole	9,000.00	29/07/2020	Keeping the nursery open for	Nursery Education

			the children of critical workers	Fund - COVID
La Petite Ecole	5,000.00	29/07/2020	Keeping the nursery open for the children of critical workers	Nursery Education Fund - COVID
Centre Point Nursery	7,000.00	29/07/2020	Keeping the nursery open for the children of critical workers	Nursery Education Fund - COVID
Centrepont Trust	7,000.00	29/07/2020	Keeping the nursery open for the children of critical workers	Nursery Education Fund - COVID
Acrewood Day Nursery	9,000.00	29/07/2020	Keeping the nursery open for the children of critical workers	Nursery Education Fund - COVID
Charlie Farleys Nursery	7,000.00	29/07/2020	Keeping the nursery open for the children of critical workers	Nursery Education Fund - COVID
Leeward Day Nursery	9,000.00	29/07/2020	Keeping the nursery open for the children of critical workers	Nursery Education Fund - COVID
Beaulieu Primary School (nursery)	5,000.00	04/11/2020	Keeping the nursery open for the children of critical workers	Nursery Education Fund - COVID
Beaulieu Convent School	80,000.00	05/08/2020	Increase bursary fund to support families whose income dropped due to covid to secure continuity of education and friendship for pupils during the pandemic	Nursery Education Fund - COVID
	<b>162,000.00</b>			

(iv) Ad hoc payments made to organisations by Ministers

NB These do not include payments for specific services provided.

Organisation	£	Date	Comments
Jersey Heritage Trust	1,100,000	Nov 2020	90% downturn in visitor numbers to JHT sites
Blue Islands Limited – Provision of a loan	maximum sum of 10,000,000		Exact details of payments made are subject to confidentiality agreement under the terms of the Loan Agreement  Ministerial Decision made 25th June 2020
Ports of Jersey/ Condor	832,000.00	April 2021	Additional support for freight and passenger services
CT Plus Jersey Ltd	250,300.00	19/05/2020	Additional Support under Bus Operating Contract
CT Plus Jersey Ltd	149,000.00	17/06/2020	Additional Support under Bus Operating Contract
CT Plus Jersey Ltd	622,000.00	24/12/2020	Additional Support under Bus Operating Contract
Serco (Jersey) Ltd	130,000.00	not yet paid	Additional Support under Waterfront Pool Operating Contract. Accrued in 2020 accounts.

**(v) Other Schemes providing financial assistance:**

- *Co-Funded Payroll Scheme* – the Customer Local Services (CLS) Department published this data for March - August 2020 on the open data site in March 2021. The data set will be further updated to provide details for the whole of 2020 and will be publicly available in approximately 2-3 weeks, following completion of the quality assurance process.
- *The Fixed Cost Scheme and Visitor Accommodation schemes* (administered by CLS), there is no published data at present. The collation and quality assurance process for the provision of the data will take 3 weeks.
- *Class 1 and 2 Social Security Deferrals* – this data relates to person level data and as such regarded as confidential (personal sensitive). Businesses or individuals have not been informed that such data would be published and we treat delayed payments and instalment agreements on a confidential basis. In terms of the overall scale of support, employers and self-employed people have deferred approximately £18.5m of Social Security contributions during 2020.
- *GST Deferrals* – Businesses or individual traders were not informed that such data would be published. Payments and instalment agreements are treated on a confidential basis. Overall figures can be provided when available.

**1.46 Deputy I. Gardiner of St. Helier of the Minister for Environment regarding open spaces in St. Helier (WQ.214/2021):**

**Question**

Will the Minister advise whether the [St. Helier Open Space Survey of 2018](#) included analysis of access to open spaces in relation to specific areas of St. Helier – for example, by Vingtaine, the Ring Road, the North of Town; and, if so, will he provide a breakdown of the quality standards and access standards in all such areas in relation to the 5 typologies, namely parks, play space, outdoor sports facility, amenity greenspace and natural greenspace?

**Answer**

The St Helier Open Space Audit (2018), has been based by the *Commission for Architecture and the Built Environment (CABE) Open space strategies: Best practice guidance*, and is based on an assessment of the availability, accessibility and quality of different types of open space for the whole of the Town of St Helier, and not specific parts of it.

The methodology for the study can be found at Appendix 1 of the report. The spatial basis of assessment is clearly described and illustrated in the report and is based on the definition of the Town of St Helier, as set out in the 2011 Island Plan, which includes parts of the parishes of St Helier, St Saviour and St Clement, and covers an area of approximately two square miles.

The methodology set out in the CABE guidance suggests that the quantity of open space should be expressed as the area per thousand population for a local authority (in the UK context) as a whole, but that it may also be appropriate to examine levels of provision within a local authority area, particularly where there may be a differentiation between urban and rural areas. It also suggests that in areas where there are distinct settlements, these might provide an appropriate basis for analysis, and this is the approach that has been adopted for the St Helier study.

Whilst this work does not contain analysis at a more detailed spatial level, it does map all of the open space provision across St Helier and assesses this relative to accessibility standards. By doing so, it can be seen where different parts of the town enjoy varying levels of provision and access to different types of open space, and more importantly, where there are areas of potential deficiency. It is useful to categorise open space by function, such as play space or sports facility so that deficiencies can be identified, but it is also important to recognise that most open spaces serve a variety of functions, particularly in urban areas.

In terms of *quality* of open space, there are no defined standards to generally measure the performance of open spaces against. The quality aspects of open space are dependent on a variety factors such as location, function and accessibility in addition to on-site amenities, maintenance and sometimes social influences such as crime or perception of crime in an area. The 2018 audit makes some commentary on the quality of spaces that have been audited. More broadly, there is an international accreditation scheme, ‘The Green Flag Award’ that recognises and rewards well managed parks and green spaces.

An application must be made before an award is granted. Three parks in Jersey have been awarded green flag status: Howard Davis Park, Coronation Park and Sir Winston Churchill Park in St Brelade.

**1.47 Deputy I. Gardiner of St. Helier of the Minister for Children and Education regarding provision of outdoor space at primary schools in Jersey (WQ.215/2021):**

## **Question**

Will the Minister advise what standards are currently used for the provision of outdoor space per pupil in primary schools in Jersey; and to what extent do Janvrin, Rouge Bouillon, Springfield and St. Luke's Schools comply with these standards?

## **Answer**

The standard used for the provision of outdoor space per pupil is Building Bulletin 103, which sets out simple, non-statutory area guidelines for mainstream school buildings for all age ranges from 3 to 19. The standards assist architects, department officers and those involved in creating a design brief for new school buildings and school refurbishments.

BB 103 is not a statutory framework and the schools were built before a building bulletin standard was available, however the new standards are taken into consideration with the design and build of any new schools.

## **1.48 Deputy I. Gardiner of St. Helier of the Minister for Children and Education regarding capacity of town schools (WQ.216/2021):**

### **Question**

Will the Minister advise –

- (a) which town schools, if any, have reached capacity;
- (b) how many pupils, if any, are unable to attend school in their catchment area because of such capacity issues;
- (c) what criteria are used to determine the catchment area for a school; and
- (d) when the school catchment areas were last reviewed?

### **Answer**

a) Town schools currently have 59 year groups, of which 8 are at capacity –

- d'Auvergne - year 2 and year 4
- Springfield – reception, year 2 and year 4
- Plat Douet – year 3 and year 6
- St Luke – year 1

b) In the current school year there are fewer than 10 pupils unable to attend their catchment area school. These are in Plat Douet, St Luke's and Springfield. Currently no other schools, in the town area, have children living within their respective school catchment on a waiting list.

c) There are no published criteria for catchment areas. Geographical location along with population figures were used when they were initially formed.

The following criteria are used for all admissions –

1. have a special educational need and must access a specific school / LAC
2. have brothers or sisters in the school (reception - Y5)
3. are living in the primary school catchment area
4. are living in the secondary school catchment area

5. have brothers or sisters in the school - Y6 (who will have left when the younger sibling starts)
  6. have other requests supported by a good educational reason for attending a non-catchment school
- d) The catchment areas have not been amended within the last 15 years. Officers continually monitor demographic trends.

## **2. Oral Questions**

### **2.1 Senator S.Y. Mézec of the Minister for Children and Education regarding new homes in the St. Helier town area (OQ.104/2021)**

Given the high number of new homes being planned in the St. Helier town area, including South Hill, the Limes and Ann Street, what action is the Minister taking to ensure that there are adequate educational facilities to cater for the growth in population?

#### **Senator J.A.N. Le Fondré (Acting Minister for Children and Education):**

Jersey Property Holdings are currently carrying out a review of the St. Helier primary schools estate, which will recommend the optimal distribution in school sizes with a view to informing the future use, for example, of the Rouge Bouillon, fire and rescue and former police station site. It is a comprehensive review being carried out in conjunction with C.Y.P.E.S. (Children, Young People, Education and Skills) officers to ensure the distribution of schools meets the population distribution and demographic requirements. We expect that review to be completed approximately in the next 4 to 6 weeks - that is an estimate - but after that work is to be done through the systems that need to be considered by the Corporate Management Asset Board, the Regeneration Steering Group and ultimately the Council of Ministers before any final decisions are made.

#### **2.1.1 Senator S.Y. Mézec:**

How does this fit in with the Island Plan then because we have before us something which the States will have to consider, and consider amendments to, which show a desire in the plan for an increased population in town but at this point nothing in there to identify where educational facilities may go in the town basin and all of the travel problems that can come about from that? Why has he allowed a mismatch to happen where that work on the estate is coming after the Island Plan?

#### **Senator J.A.N. Le Fondré:**

Do not forget the Island Plan is a bridging plan. The point is this is around looking at existing estate and, in the round, about what sites we have available and whether therefore the Rouge Bouillon site should, for example, extend into the police station area or fire station area, or whether alternatives should be considered. I would say it is complimentary too.

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

What is the Minister's definition of "adequate" for the schools? Is it a definition in terms of space? Is it terms of equality of the facility? Given the real problems that town schools face how will he address that and how will he define adequate?

#### **Senator J.A.N. Le Fondré:**

Obviously that will come out as well in the review but it is very much about the provision of high-quality primary education but obviously there will be a variety of factors that are taken into account. They will include costs and financially effective but it has to be operationally effective as well. I go back to that fundamental point of providing high-quality primary education.

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

I will push again in terms of high-quality education, that is a very good statement to have. Is the Minister aware that the facilities of some town schools are becoming an obstacle to education simply through leaky roofs and a lack of space? How quickly will this address that issue or will we wait until after the next election?

**Senator J.A.N. Le Fondré:**

That splits into 2. In terms of identifying future use in sites, the expectation is that will be cleared very much before the next election. I emphasise “expectation”. We have been informed that the site considerations will be concluded, as I said, in approximately 4 to 6 weeks but I do emphasise it has to work through the system. In terms of maintenance, if there are specific issues please could the Deputy come back to me with details. We have put quite a lot of money back into education, that is different to the infrastructure, as it were, and it is an area that we are looking in the round. By that I mean assessing overall effectiveness of the various structures we have in place. However, I am not up to speed in terms of infrastructure on where we are on what used to be the backlog maintenance scenario. I believe we have taken steps to address some of that but obviously if there are further issues I am unaware of I would be grateful for the Deputy to let me know.

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

Like St. Helier, St. Saviour is overrun and I am very disappointed with what the Chief Minister is telling us because I have made enquiries about schools. I have written to every primary school in my Parish and they are full to capacity and they have waiting lists. Yet on the plans that we have been receiving in the Parish, for all the houses they wish to put in my Parish, there is no mention of playing areas and there is no mention of schools. How on earth are we going to have these people living in a Parish where there are no schools for their children and there are no areas for them to play? Maybe the Chief Minister can tell me.

**Senator J.A.N. Le Fondré:**

The only analogy I can use is that certainly within my political time the States approved and constructed a new primary school up behind Janvrin School. My understanding is that is a better facility and has larger capacity. Therefore it is a case of accepting at the very least we know there are one or 2 schools that do need a significant refurbishment, hence the whole point of identifying this first part of the work is to then identify whether they have taken account of some of the demographics that have been referred to, some of the plans - and obviously I refer to St. Helier, I think I am talking in the urban nature rather than the Parish nature - that I would expect all those factors to be taken into account when they look at are schools presently located in the right location. Then it will come down to, as we know, there is money in the Government Plan for investment into schools. Hopefully that will address some of the backlog maintenance issues that other speakers have referred to. But I would agree that we do need to be looking at this in the round.

**2.1.5 The Connétable of St. Saviour:**

I have St. Luke’s School, which is old and cannot be refurbished. I have St. Saviour’s School which cannot be extended. Most of my schools nothing can happen to them so I want to know how we are going to magic an area where we can put children in schools. I never signed the form because everybody is important in my Parish. But you are saying that primary school is important. Where are you going to put these families that you are putting in my Parish, where are they going to be able to educate their children? There is nothing at all in the plans. Not even a hint of maybe they will be doing something. I am absolutely disgusted. I think it is a shame. You are putting people in the Parish and there ...

**The Bailiff:**



Connétable, do you have a question?

**The Connétable of St. Martin:**

Yes, I want to know how they are going to come up with a plan to house these children that they are putting in my Parish.

[9:45]

**Senator J.A.N. Le Fondré:**

We seem to have gone slightly offtrack. The point is that we are doing a review, and that is part of the purpose of the work is to look at the overall primary school estate and look at the distribution and the sizes. Part of that is triggered by looking at the Rouge Bouillon site and the fire and rescue service site to whether it is practical, from an educational point of view, to combine those 2 but also considering other requirements within the public sector as a whole, i.e. emergency services. Therefore, my expectation is that when that work is completed hopefully that will give us some solution that will address - I will not promise all of the Connétable's concerns - but will be addressing some. That is around the demographic side that people I think have rightly identified.

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

The Chief Minister mentioned Rouge Bouillon School extension and fire and rescue services. Would the Chief Minister agree that the school should be in the area where children live and fire and rescue services can be located somewhere in the central area of the Island to be able to respond?

**Senator J.A.N. Le Fondré:**

The purpose of the review is to basically identify what is the best location for both. What I will say is that the States in the past have had views, i.e. can we not do X or can we not do Y? To do X or Y we also have to do D, for the sake of argument. In this case D might be move the fire station. Unfortunately we then do not identify where D should go. We then spend many years trying to resolve D in order to sort out the first 2 problems. What we are trying to do is get the overall holistic approach. The point is the fire station is located relatively centrally. It is on the Ring Road and it obviously gives relatively quick access in a number of directions where the majority and significant proportion of people on the Island live. Therefore where most people are will tend to be proportionately - this is me speaking as a layman - where you will get more emergencies that need to be addressed. One has to take into account the demands of the emergency services as well as the, as the Deputy rightly refers to, requirements of pupils. That is the purpose of the review, to take those matters into account.

**2.1.7 Deputy I. Gardiner:**

I still was not sure if the Chief Minister agrees with me that the school should be where children live. But is the Chief Minister aware that the catchment areas were not amended for the 15 years, and definitely during the 15 years St. Helier and St. Saviour grow? When in the review an amendment of the catchment area will take place and it will be updated?

**Senator J.A.N. Le Fondré:**

I do not have that information to hand. I will enquire of officers and come back. I will update the Deputy accordingly.

**2.1.8 Deputy G.P. Southern of St. Helier:**

I look to the Island Plan, the education bit, where it says: "The redevelopment of existing public or private education sites and facilities for alternative uses in whole or in part will not be supported except and only where it can be demonstrated that the site or part of it is surplus for public and private

educational requirements or wider community needs.” What then does the Chief Minister consider how that applies to Rouge Bouillon School, in particular?

**Senator J.A.N. Le Fondré:**

I have not got that section of the plan directly in front of me but my interpretation of what the Deputy just said, it is protecting the sites so that they are not used for purposes other than for which they are presently used. By that I mean protecting the educational sites and saying they cannot suddenly be converted into housing, i.e. they return to their fundamental core purpose. However, at the end of that lot, and there are opportunities it would appear, wanted to turn round and say: “We can build for example a primary school at location X that would best serve the needs of the community” and then there would be consequences that come out of that. But the priority, I would not wish anyone listening to think that if part of a school site was suddenly freed up on a temporary basis, i.e. was not required because of pupil capacity, that suddenly we would be rushing to fill it with housing. We have to make sure that the long-term requirements to the education service are met in the context of all other requirements as well. By that I mean it does not automatically mean that education will trump the fire and rescue service at Rouge Bouillon or the other way round. That is the purpose of a review.

**2.1.9 Deputy G.P. Southern:**

Is it not the case that the school is currently competing with the fire station? Is that not the reality?

**Senator J.A.N. Le Fondré:**

I do not like the word “competing” because obviously at the end of the day the fire service is occupying the site it has been occupying for many years. Therefore that is what we have to take in the round. I referred to we have 2 sets of needs. One is the recognised need for Rouge Bouillon School to be able to expand and also be significantly upgraded. Also the requirement to provide a good location for the fire and rescue service and other blue light services. Those 2 need to come through and that is why we talk about, and why I am trying to review to, the overall blue light public estate ... I will not say “strategy” but the interactions of the different requirements within the public estate.

**2.1.10 Deputy L.M.C. Doublet of St. Saviour:**

My original question was asked by the Constable of St. Saviour so I have a question about Rouge Bouillon following on from the previous questioner. Has the Chief Minister visited Rouge Bouillon and is he aware of the amount of outdoor play space that there is at the school? Does he think that it is adequate currently?

**Senator J.A.N. Le Fondré:**

The short answer is no, I have not visited the site at Rouge Bouillon. I have visited a variety of our other new schools or existing ... shall we say “other schools”. But as the Deputy is aware, the role I am fulfilling has only come into my purview relatively recently.

**2.1.11 Deputy L.M.C. Doublet:**

Given that the Chief Minister is currently also the Minister for Children and Education, would he commit to visiting some of the schools, and starting with Rouge Bouillon please?

**Senator J.A.N. Le Fondré:**

I have, as I said, visited a number of schools and the Assistant Ministers have also been visiting some of the schools.

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

Will the Chief Minister not agree with me that this review is an excuse for inaction? The Council of Ministers has known for the best part of a decade that Rouge Bouillon needs more space. Is the Chief Minister seriously suggesting that Rouge Bouillon primary school is going to be moved as a result of this review? If he is not suggesting that, will he commit to visiting the school and to understanding for himself how short of space the school is?

**Senator J.A.N. Le Fondré:**

The short answer is I will wait the outcome of the review. I have been informed, as has the Connétable I think, that it is going to take between 4 and 6 weeks for it to be completed and at that point we can then go down the various actions that need to be undertaken. Let us be clear, we have said we put children first and the education service is being significantly invested in under this Government. But what I am not going to do at this stage is favour one option over another because all that does is create yet another problem; for example, where we locate the fire station. That in itself will also generate huge amounts of difficulties and I can see us being mired in that discussion for a long time. Until one resolves both of those scenarios at similar times there will not be a solution to either of the problems. Let us wait and see what the outcome is that comes through. I do know they are looking at a variety of sites hopefully that will come free over the next few years.

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

Is it not the case that the Chief Minister has already prejudged the review by the Council of Ministers accepting the Minister for Home Affairs' request to co-site the emergency services on the Rouge Bouillon site that was formerly occupied by the police station? How can he genuinely say that he is waiting for the outcome of the review when there clearly will not be space for the school to expand and I have not heard him say that he thinks Rouge Bouillon should be relocated?

**Senator J.A.N. Le Fondré:**

All I can say is that as far as I am concerned no final decision has been made and we are awaiting the outcome of the review.

**2.1.14 Senator S.Y. Mézec:**

Does the Chief Minister accept the basic fact that the reality for all too many people in town, that the educational facilities in town are inadequate? If he does accept that, will he undertake as a matter of priority to demonstrate to the Assembly, but particularly the St. Helier representatives, what action will be taken to provide new and better facilities for our children and young people in town so that they can go to a decent school building with enough places to accommodate everyone and provide everything that goes along with that, including the safe travel routes so that we truly put children first in this way?

**Senator J.A.N. Le Fondré:**

I am sorry to hear the level of negativity in the Senator's question. I accept that not everything is perfect. On the schools I have visited, some of which have been in the town area, I have seen happy children and I have seen dedicated staff, and that has got to be important. We know there is significant investment required within the education system; that is why the last Government Plan has put in something like £40 million over the next few years to invest into education. What I would also say is that this debate, if you like, or mini debate is around buildings and the last time I looked any building, particularly of this size, including any significant refurbishments of facilities, usually takes several years. One is not going to magic a solution up in the next few weeks or months, even if it is before the elections just to satisfy those sort of requirements. One has got to get it right. I am hoping that or expecting that this review that is coming through from Property Holdings in about 4

to 6 weeks' time will give us insight into their thoughts. I do not have any preconceived thoughts on it. I am awaiting the outcome on what I hope is an expected and objective review.

## **2.2 Deputy S.M. Ahier of St. Helier of the Minister for Treasury and Resources regarding Public Funds through the Co-Funded Payroll (OQ.113/2021)**

Will the Minister advise the Assembly what oversight, if any, is in place in respect of companies who receive public funds through the co-funded payroll scheme?

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

There is a wide variety of controls and oversight in operation to help ensure that businesses in receipt of subsidies under the co-funded payroll scheme have claimed in accordance with the scheme's rules. These include various checks that are performed by Customer and Local Services before a claim is paid and others that are conducted retrospectively when claims are audited. These checks include the requirement to provide evidence of the fall in income, as has been experienced.

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

With many end-of-year accounts now being published, will the Minister be requesting funds to be returned to the Treasury by those companies who have made a healthy profit or increased their profits in 2020?

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

Yes, several businesses have had to repay funds, identified to date really relating to the co-funded payroll scheme phase 2, which ran from April 2020 until the end of August 2020. That phase of the scheme was open to any businesses that experienced a percentage fall in income of 30 per cent or more. In the majority of cases businesses have to repay had they miscalculated their percentage fall and a small number of business cases had voluntarily decided to repay also.

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

Will any errors identified be made public and will they be chased up, somewhat like Social Security when most vulnerable individuals face overpayments which can track them for many, many years of their life?

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

Yes, as I mentioned in my opening remarks, the oversights of all the payroll scheme funding is very tight and obviously there are public health restrictions that have been in force as well when the legal side of the projects were sometimes ignored.

[10:00]

Yes, and I have not been aware, Deputy, if I understand the Deputy correctly, of any fraudulent claims; nothing has been reported.

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

If we are in a situation where companies who claim from the payroll scheme in the coming years make significant increases in their profits, will the Minister be addressing taxation of those profits in order to pay back some of the money that was given to support them during this time?

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

That is not on the cards at the moment, on the basis that if they have not had the detriment to their company business that was expected, they are having to repay that back, as I mentioned in my last answer. If they have made profits, then they cease to be contenders for the payroll scheme.

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

Is the Minister satisfied that the staff processing applications for the co-funded payroll scheme have a clear enough understanding of the way different businesses and different businesses of different sizes maintain their accounts and report their accounts? Because I am receiving reports of businesses where in interacting with the Customer and Local Services, where the staff are located, maintain that those staff clearly have no understanding of the way that businesses show their accounts.

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

So far with the scheme it seems to have been very successful and I am not aware of any shortcomings in Customer and Local Services dealing with the claims.

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

I will be pleased to speak to the Minister for Treasury and Resources to advise her of such shortcomings. But is the Minister also satisfied that while it is important to process applications according to rules, that Customer and Local Services staff are at times acting in a manner which is so inflexible that they have put incredible pressure on very small businesses who have struggled through COVID and are struggling to maintain the levels of bureaucracy that are required?

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

If it helps the Deputy, I can say what some of the upfront controls include is confirming those business licences are in place, checking the employee eligibility against social security contribution schedules and confirming staff numbers are in line with the number of people employed at the start of the pandemic in March 2020. Those are some of the ones, there are obviously plenty more of the controls and oversight in place and there are also retrospective controls, which is cross-checking against other data submitted to Government such as tax and social security contribution submissions.

#### **2.2.6 Deputy M.R. Higgins of St. Helier:**

Could the Minister state whether it was permissible for employers who received 80 per cent of the wages of their employees from the States to once they receive those funds reduce the hours of their employees, so in fact they were only being paid the money that had been received from the States and nothing from the employer?

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

I cannot go into the details of each business, it would take the rest of the day. But they are very strongly audited to ensure that they have correctly declared the loss of income that they have suffered.

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

I know the Minister cannot go into individual cases but can she say: was it in the spirit of the co-funding scheme that firms, once they receive the Government's money, would not put any of their own money into paying the wages of their employees; it would all be coming from the States?

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

No, that was not foreseen because that was the way the funding scheme worked, is that a percentage was paid by the States and a small percentage by the employer and the percentage varied on the business description.

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

Can I ask about this detriment to the business? Who and how was it decided that the criteria for qualification for support should be a detriment to the business and not profits?

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

That would be decided at the beginning of the scheme when we brought it into effect in March 2020. Every business is different, quite a lot of self-employed people did not realise that in order to claim they had to have a business licence, for instance. It has been obviously an experience of every business having a different portrayal of what their profit and loss is. It is not possible to give an overall answer to that.

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

Earlier on in her words she said that oversight was very tight. Can she explain to Members in detail what she thinks that very tight oversight was? What was happening?

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

I thought that I would rather answer that in confirming again business licences were in place, the eligibility against social security contribution schedules, staff numbers are in line with the number of people employed, audits of businesses to ensure that they have correctly declared the loss of income that they have suffered. Then there are a range of controls that are employed somewhat behind the scenes sounds a little remote but that cannot be revealed because otherwise it would not be as effective as it currently is.

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

Have there been any instances of fraud from the scheme and will companies be prosecuted if such evidence comes to light?

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

No, is the answer. No fraudulent claims have been reported to me and I am sure they would have done had there been a case.

## **2.3 Deputy R.J. Ward of the President of the Executive Committee of the Jersey Section of the Assemblée Parlementaire de la Francophonie regarding the current situation and strong links with France (OQ.108/2021)**

Following the protest by French fishermen over fishing rights under the U.K. (United Kingdom) - E.U. (European Union) Trade and Co-operation Agreement, what communication has the president had with Ministers and what reassurances can he give or has he given that the current situation will not affect Jersey's otherwise strong links with France and those of its regions that neighbour us?

### **Deputy M. Tadier of St. Brelade (President of the Executive Committee of the Jersey Section of the Assemblée Parlementaire de la Francophonie):**

I thank the Deputy for his question. It provides an opportunity to highlight that Jersey's relationship with our closest neighbours in France is not solely defined by the circumstances that we witnessed last week. As soon as I heard about the escalation of events last week, I wrote to the relevant Ministers to request a briefing. Events were such that I did not receive a dedicated briefing individually but in fact I think the next day we were all briefed collectively as States Members and I have since been updated by government officers on the efforts being made to address that situation.

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

Does the Deputy in his role feel that anything else could have been done and what concerns does he have for future relations that are beyond this dispute? What else would he have wanted to have happened?

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

The first thing is that I think, like so many of us, whether in the Assembly or not, I think I was saddened by the events. Of course I do not think it is necessarily the time now to point fingers and

to start to look at what could have been done better. I think there will be a time of reckoning. But I know that Ministers, as well as the rest of us, I am sure are keen to see a return to good relationships that we have previously maintained with Normandy, Brittany and the rest of France. I would emphasise that I think it is fair to say that this is a direct result of Brexit and it is something that neither we, as an Island, our fishermen and women and similarly those in Normandy and along the coast of France, it was not something that we asked for or that we voted for, yet we are having to deal with the consequences. But I am confident that this does not provide ... there are not sufficient grounds for why our strong relationships with France and the regions and our twinings in terms of the Parish should not continue once this issue about fishing has been resolved.

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

(28 seconds of French spoken)

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

(1 minute 11 seconds of French spoken)

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

(17 seconds of French spoken)

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

(47 seconds of French spoken)

#### **The Bailiff:**

Yes, there is a point of order, Connétable of St. Helier.

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

While I understand that it is within the rights of Members to speak in French or indeed in Jèrriais in the Assembly, is it not incumbent upon us to provide instant translation so that the hundreds of people listening who are concerned about our relationship with France can understand what we are saying?

#### **The Bailiff:**

Connétable, as you rightly observe, French is one of the official languages of the Assembly and it is open to any Member to ask a question or to deliver an answer in French. The risk of course that that Member runs is that they will simply not be understood by the large majority of people who may be listening. But my understanding is that a translation appears in Hansard when the answer is Hansarded, which of course happens relatively quickly. But this is not out of order for questions to be asked or answered in the French language.

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

Given the fact we are still in time, I think we have got more time, I am just happy to summarise the answers, if that is thought to be helpful, in English.

#### **The Bailiff:**

If you could just pause for a moment, I have to deal with a technical issue, if you will pause for a moment, please. A technical issue has arisen whereby for reasons that I cannot explain, members of the public are being allowed to join the meeting and that means that everything said in the chat is visible to them and that is not, in my view, the appropriate way in which this Assembly can function. Members should be free to raise points of order and all those kinds of things in the chat. Therefore, I am going to adjourn the sitting for about 10 or 15 minutes, which will enable the matter to be rebooted, Members to be invited once again so that we will have the normal process available to us.

For 15 minutes I stand adjourned, the States stands adjourned and we will come back as soon as we have dealt with that.

[10:15]

## **ADJOURNMENT**

[10:35]

### **The Bailiff:**

I think the technical issues have been dealt with. I will allow 20 minutes of injury time for question times but not 20 minutes for this question. Next to ask a question I have Deputy Morel.

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

I was wondering if I could ask Deputy Tadier in his position as Président de l'Assemblée Parlementaire de la Francophonie in Jersey, how he sees the closure of the Maison De Normandie and its effect on relations between Jersey and Normandy.

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

Yes, thank you for that question. I think we were all perhaps slightly surprised and shocked because while we know that it is normal for there to be discussions, even heated, passionate discussions about fishing rights post-Brexit and the relationship between Jersey and Normandy, I do not think anyone envisaged that. From a personal point of view, it is not that I just work closely or have worked closely with both Maison De Normandie and the Alliance Française, which technically stays open, it is the fact that I also count them among friends, if you like, in a sense that they do so much for Jersey and particularly the Maison De Normandie. I hope I am not speaking out of turn but I suspect that this would have simply been a directive from their regional government to close the Maison De Normandie. What I am hoping is that it does not affect the longer-term mutual respect and affinities that we have between Jersey and I am talking about culturally, not just in terms of the hard economics of it. Because I think we enrich each other's culture both ways when we engage constructively in all manner of ways with our neighbours across the water. I do not think that we can necessarily speak publicly at the moment because it is quite right that we do not prejudice any ongoing talks. But I am pretty sure that that sentiment is mutual and that ordinary citizens on both sides of the water that they are aware that these things arise from time to time but that our bonds are much stronger than any disputes that might come periodically.

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

Does the president believe that Jersey's political relations and cultural relations with Normandy and Brittany have perhaps, under the new ministerial system, the Government has devolved, essentially, to Government on its own? Does he see a wider role for an organisation like the A.P.F. (Assemblée Parlementaire de la Francophonie) but also States Members taking it upon themselves to build their own relations with France so that we have non-governmental, as well as governmental relations?

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

I think in general terms I agree with that sentiment, that nobody has the monopoly on making sure that we have good relationships with our neighbours in France and strengthening those relationships. I do not think it is an inevitable fact that the current form of Government has led to, for example, if we are going to call it a different way of operating that is perhaps not as effective. I would look under any system to try and play to one's strength, so I was heartened to see a press release yesterday that said some functions are being moved to the Environment Department where we know, of course, we have our own native French speaker who is both a member of the A.P.F. of our committee but also an Assistant Minister for the Environment. I think that it is important that we all pull together, so we



should not be going off in different directions and firing off emails that have perhaps said: “We love you, people in Granville, and we cannot wait to get back to you.” I think there is an appropriate time to do that, while there are perhaps very tough conversations going on with External Relations and with the Environment Department about the hard facts around fishing. But I think, generally, we do agree with the Deputy’s comments that we have all got a role to play to make sure that whether it is soft diplomacy, cultural, environmental or economic, that we do strengthen our ties. I hope that after this episode our relationships with Normandy, Brittany and France as a wider country will be strengthened as a result.

### **2.3.6 Senator S.Y. Mézec:**

This builds on Deputy Morel’s question and I note from my previous work on the St. Helier Avranches Twinning Committee that our relationship with the Maison De Normandie was really valuable, so it would be tragic if that loss was permanent. Would the president of the A.P.F. agree that when the timing is right, so after we have got through the worst of this tension and hopefully can look forward to returning to normality with our friendship with our neighbours, that some thinking should perhaps be done with the A.P.F.? And, potentially, the Parishes as well, who are all twins with towns in France - most of them in Normandy itself - to look towards perhaps how we can step up that sort of diplomacy with our friends in these neighbouring jurisdictions and particularly when COVID is over, so we can, hopefully, have those engagements in person, just so that we have opened these communication streams, as they might be useful in future when we want to resolve these issues without the sorts of tensions arising like they have recently?

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

I thank the Senator for that question. If I can answer perhaps in this way, is that I think that historically Jersey has always done best and most successfully as an Island when it has recognised the fact that it is both British and has a strong French culture, as well as being, hopefully, more generally internationalist and welcoming. My concern is that we have lost some of that. While it is absolutely correct that we have strong relationships to the north, I think it is unfortunate being increasingly to the detriment of those relationships to the south and to the east, which we know is France. I think we all need to get to a point where we recognise, yes, the Assemblée Parlementaire de la Francophonie has got an important and vital role to play in relationships, not just with France but the French-speaking world, in the same way that the Commonwealth Parliamentary Association has. I think we all need to get together - and this is perhaps something I would be happy to facilitate - to have a brainstorming and come up with real policies right through all of our departments, from the education system so that we can ensure that people leaving school are no longer just monolingual but that English-speaking students are also speaking French and other languages properly when they leave school and right through the culture and the economy and we have that debate about what kind of Island we are. Because, as I said, it is a personal point of view, I think we have lost too much of our French and European culture and our uniqueness as an Island and that we need to recalibrate, if you like. If the A.P.F. and our twinning organisations can do anything to strengthen that, then I think we would be more than happy to do that.

### **The Bailiff:**

Supplemental, Senator Mézec?

### **Senator S.Y. Mézec:**

No, *merci*.

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

Thank you for the considered debate and to say *merci bien de fait*.

## **2.4 Deputy G.P. Southern of the Chief Minister regarding Covid business support schemes which the Royal Yacht Hotel claimed (OQ.106/2021)**

Will the Chief Minister state to what extent, if any, the Deputy Chief Minister was involved in the COVID business support schemes through which the Royal Yacht Hotel has claimed Government support over recent months? Will the Chief Minister advise whether the scope or any such involvement by the Deputy Chief Minister was identified as a potential conflict of interest?

[10:45]

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

Yes, the Deputy Chief Minister attended meetings with the competent authorities Ministers which considered the endorsed proposals relating to our pandemic response, participating in discussions around how we support local businesses and their employees. In doing so the Deputy Chief Minister has always been at pains to make a declaration of his interests, which was understood and noted and is consistent with his public declaration of interest, which is on the States Assembly website. It is worth noting, if I can use the payroll support scheme as an example, that scheme has supported 17,000 employees and 3,500 businesses. Obviously it is the role of the Minister for Economic Development, Tourism, Sport and Culture to support local businesses.

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

Is the Chief Minister saying that there is no question of a conflict of interest when the Assistant Minister concerned describes himself as a consultant, a recipient of benefits which he has helped to create?

### **Deputy J.A.N. Le Fondré:**

Firstly, I should have added that if one looks at, for example, the payroll scheme that was used, from recollection that was approved by the Minister for Treasury and Resources. As we have said, we have tried to apply the same criteria that we used for States Members, i.e. if there is a direct pecuniary interest obviously Ministers have to withdraw but if it is just one shared by a wider interest declarations of interest are expressed.

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

I would just like to ask the Chief Minister with regards his answer about the declaration of interest. Does the Chief Minister not accept that a declaration of interest is not the same as a conflict of interest? One may declare an interest in an activity or a situation but it is the action itself that has to be acted on. Does he see any problem with the position of his Assistant Chief Minister in setting up the scheme and then perhaps something he has declared an interest in benefiting from it indirectly?

### **Deputy J.A.N. Le Fondré:**

I think the crucial thing and given the comments, effectively what is being asserted by the Deputy is when we need to demonstrate a clear, direct and pecuniary interest for that conflicts of interest exist in the way that the Deputy is declaring. What I have been attempting to illustrate is that, firstly, where there have not been any perceived direct interests, the Senator has not participated in the approval of the scheme. Where those interests have been shared by a much wider audience, then there has been participation but it has been declared and that has been accepted by all Ministers present. But in general, and I use the payroll scheme as an example, it has not been the Minister that has been approving the scheme and it has been considered by all of the competent authority. What I would say, sorry, is that in many of these things we have had to move swiftly. As I said, using the payroll scheme as an example, I think at one point there is about one in 4 employees on the Island

and, therefore, there will have been many businesses that will have enjoyed support but that was a need and that is historically compatible with the Ministry for Unemployment.

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

I thank the Chief Minister for his answer. Can I ask, given the wide-ranging coverage of this scheme, was what one might call a risk assessment produced of possible direct conflicts of interest of those in both Government and perhaps officers even and wider audience who may have benefited from the scheme? Was that undertaken because it strikes me as that is a very sensible thing to do for transparency in the long term?

#### **Deputy J.A.N. Le Fondré:**

I am certainly not aware of any direct pecuniary or personal conflicts of interest or benefits that have arisen from the scheme. What I will say, the far greater risk was in terms of speed of getting the support out to support significant numbers of employees and businesses in the time of crisis.

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

Sir, with respect, I did ask about the risk assessment that was undertaken and I wonder if the Minister could just confirm whether it was.

#### **The Bailiff:**

Are you able to indicate whether there was a risk assessment, Chief Minister?

#### **Deputy J.A.N. Le Fondré:**

I do not know if there was a direct risk assessment. There were declarations of interest if they were appropriate.

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

The Chief Minister will be aware that it is often the case that various debates in the Assembly are preceded by questions about conflicts of interest; this happens on a fairly regular matter. But given there are only 49 Members of the Assembly and we have all worked or some people continue to work in different areas, does the Chief Minister agree that there will always be situations where there are people with various interests and yet they are still developing policy? The most important thing is to ensure that the declarations are there and does he agree that perhaps the Assembly needs to come to a better understanding of what conflicts of interest means?

#### **Deputy J.A.N. Le Fondré:**

I think that is a reasonable comment, that it is helpful for Members to understand what that conflict is. I was, on reflection, thinking through the answer I gave to the previous questioners as well and, on reflection, particularly in the interest of transparency, perhaps it might be something that I discuss with P.P.C. (Privileges and Procedures Committee) and I would have thought it would be a matter that would be F.O.I. (Freedom of Information) anyway. Perhaps it might be appropriate to ensure there is a declaration of all payments made to all States Members and related parties, perhaps in this Assembly and the previous one by comparison. That would be full transparency and would be full accountability to the public, obviously that would be excluding, I assume, normal salaries, which are already in the public domain.

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

Does the Chief Minister believe that the States Assembly would become unworkable if every time there was any matter of the slightest conflict of interest being raised, such as would be often the debate about housing is often dominated by issues around conflicts of landlords and, for instance, pay debates could be affected by issues around funding from unions? Does he believe that the States

would become unworkable if every time there was the slightest conflict we all had to stand down and not take part in these debates?

**Deputy J.A.N. Le Fondré:**

I think you start at the very high end of that argument, if that makes sense. I think the Deputy has quite an important point there because conflicts of interest can be very, very wide-ranging. The fundamental principle is that one has got to make sure that if there is an interest, that it is properly declared and it is for the individual Member to assess whether they think that impinges upon their judgment in terms of how they arrive at decisions, I think that is what the public would expect in a small community. As the Deputy rightly alludes to, relationships with unions, with trade bodies, with businesses and other organisations and charities will at different times, potentially, give rise to a perceived conflict. It then comes down to is it a pecuniary conflict or is it a wider conflict that is shared by a wide range of people?

**2.4.6 Senator S.Y. Mézec:**

A very specific question here. Could he just confirm what role, if any, the Deputy Chief Minister had in setting the criteria for the scheme?

**Deputy J.A.N. Le Fondré:**

To be frank, I do not have those full details to hand. I want to say that all the schemes that we have obviously approved have been put together by officers and they will then liaise with the relevant Ministers before they come up formally through that process and it will depend on the circumstances. I do know that in particular, for example, the visitor accommodation support scheme and certainly, from recollection, the Minister obviously did declare a perceived conflict and, from memory, withdrew from the decision-making process in that. I would have to go back and just confirm on that basis but that is my recollection.

**2.4.7 Senator S.Y. Mézec:**

Will the Chief Minister undertake to confirm what he has just said and to inform Members as soon as possible?

**Deputy J.A.N. Le Fondré:**

I will certainly go away and check that my recollection is correct and obviously if there is any variation on that I will email Members accordingly.

**2.4.8 Deputy G.P. Southern:**

Would the Chief Minister inform Members whether he is aware of any action as a consultant to this company taken by the Assistant Minister, which resulted in something like £1.6 million of support being available to this company and at the same time it was making £2 million profit? Surely that is a pecuniary interest if you are a consultant advising this particular board or this particular management.

**Deputy J.A.N. Le Fondré:**

We are getting into the realms of what I would say is very personal data. I am unclear as to the accuracy or not of the data that has been provided by the Deputy and I have not looked into that side of things. What I have said, I do not think I can add any more, is that appropriate declarations of interests have been made and particularly with Senator Farnham, he has been absolutely clear on many, many, many times, including in the Assembly, about declaring his interests. The fact that he acts in a limited ... I believe he has used the expression that he acts as a consultant. I think from my understanding it seemed to be in a very limited capacity and that has always been very open. I think from his perspective it is regarded as very much a matter of transparency and possibly going further

than he normally would need to do. But in terms of the decision-making process, where there have been decisions that have been across the board and that is why, for example, I have sighted the payroll scheme, which, ultimately, assisted 3,500 businesses and was primarily aimed at 17,000 employees and was approved by the Minister for Treasury and Resources. There has been a significant amount of support put out from very many, many businesses and other organisations within Jersey during the pandemic and I think we should be standing by that as a successful track record of the record support that has been given and approved by this Assembly.

## **2.5 Senator S.C. Ferguson of the Minister for Health and Social Services regarding current services at Overdale (OQ.105.2021)**

Further to the response to Written Question 172/2021, will the Minister advise whether at a Les Quennevais community meeting recently attendees were informed by a healthcare professional that services currently at Overdale would not be relocated to Les Quennevais until late 2022 and, if so, will he explain how such a statement tallies with other Government communications regarding the relocation?

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

I can confirm that ...

#### **The Bailiff:**

Minister, I am afraid your sound is entirely muffled and I am not quite sure what might be done about that. We can hear you talking but we cannot hear what you are saying.

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

I am hoping that is better, Sir.

#### **The Bailiff:**

Yes, that is better, thank you.

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

I can confirm that the timing of the relocation of services to the former Les Quennevais School site has been discussed at local community meetings. There is currently no precise date for the decamp of health services from Overdale to the former school, as this aspect of the project is still being planned. It is now looking likely that services will begin moving across in stages, commencing in spring 2022, with the facility being fully open by December 2022. The healthcare professional quoted by the Senator was correct, based on the information available to him at that time.

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

The Minister felt he had to email me to ask about my source of information. Is he not concerned that his officers were well aware of the time delay to 2022 and the increase in costs to £15 million?

[11:00]

Is he not concerned that they appear not to have briefed him on the changes?

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

I emailed the Senator after receiving her question and I asked her in reference to how the statements tallying or not tallying with other Government communications regarding the relocation and I.O. (Information Operations) officers were not aware of any different Government communications regarding the timing. I wish to provide clarity in answering this question as to what the Senator may have heard in other Government communications, simply because you were not aware of it. The

Senator talks about a time delay. This work is being planned, it is a project that is in train. There has been no previous estimate of time earlier than 2022 that certainly I.O. officers are aware of.

**2.5.2 Deputy M. Tadier:**

About 3 weeks ago I was contacted by a constituent who lives in the Le Clos des Sables area asking me what the neighbourhood forum was and why she was not informed about it and how it was made known. This is on the back of a media article which talked about that said community forum for residents in the area. Can the Minister explain exactly what this forum is? Who was invited to it and whether or not all of the residents of the area were informed and invited to be part of that forum?

**The Bailiff:**

I am sorry, Minister, your sound is fading in and out again. You have become muffled. Whatever you did on the last occasion perhaps you could do it again because that seemed to work.

**The Deputy of St. Ouen:**

I will do my best. Thank you, Sir, I am sorry this is causing problems. My understanding is that all residents of the area were invited to the forum. If the Deputy wishes to contact me outside of this Assembly with the details of his constituent, I can investigate why he or she was not involved and ensure that that person is involved in all future communications from the forum.

**2.5.3 Deputy M. Tadier:**

I would like the Minister to provide the exact details of what was sent out to whom and when because I certainly was not informed about it and then to get emails or messages on social media from constituents who live within a stone's throw of that site, to not know about it I think is a jolly poor show. If he could provide that information that I have asked for and perhaps circulate it to all Members but certainly those of us who represent the area in St. Brelade.

**The Deputy of St. Ouen:**

Certainly but the Deputy was not informed because I had to simply ask that Parish representatives be informed. Clearly there were a number of attendees at the meeting, so communications had been made directly and were responded to. But perhaps it is difficult if a building might contain 2 households, for example, all sorts of reasons why perhaps it may be individuals who have been missed. But as I have said to the Deputy, we will try and make up any deficit if he or others wish to let me know of people who have an interest and were not contacted, we will certainly put them on the list for future contact.

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

It seems to me that the communications at the Parish level have dismally failed. Would the Minister agree that the consultants have not been advised how the Parishes work? They have not been advised that the first port of call in the Parish is the Roads Committee and the Roads Committee will, in turn, disseminate to residents the findings or any proposed changes. Could I ask the Minister, in the light of our experience not only in St. Helier with the Roads Committee there and also now in St. Brelade, that the consultants being used for this work should be revisited?

**The Deputy of St. Ouen:**

I will pass that message on the Constable's views to our hospital team. I am sorry the Constable feels that way. It certainly was the intention and wish to engage with the Parish, Parish representatives and that direction was given. Sorry, if it has not worked out in practice but I will speak again with members of the team to ensure that this is thoroughly done in the future.

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

I thank the Minister for his response and would let him know that I had a presentation yesterday from the director general and others on the matter. It seems to me that the traffic management plan is delayed; would he be able to tell Members when this traffic management plan will be presented so that residents can be given comfort?

**The Deputy of St. Ouen:**

Right now I am not able to inform the Connétable of a precise date but I will have that investigated and will let him and Members know.

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

Just to let the Minister know I did attend that meeting that is in question. Will the Minister agree that keeping communication going, particularly in the community, is essential to bring this project to fruition? I do live within a stone's distance of Les Quennevais School, so that is possibly why I was invited. But, yes, communication is paramount, does the Minister agree?

**The Deputy of St. Ouen:**

Yes, I wholeheartedly agree. I thank the Deputy for emphasising that. I acknowledge that the future use of the school is a matter of importance to the neighbourhood and the Parish. Health is planning to be there for a limited time but it is a huge facility within the Parish that has served public needs for a long time and whatever its future might be, whether temporary by Health or longer term, parishioners always need to be engaged; I hope they always will be.

**2.5.7 Senator S.C. Ferguson:**

The original explanation of the services to be transferred to Quennevais was that we would not pay for the services but the explanations being made now is that it will be user pays. Is the Minister not concerned that this is yet another development about which he has not been briefed?

**The Deputy of St. Ouen:**

I really am puzzled at the occasional comments I receive that suddenly we are going to have to start paying for services that were previously free. It is the case that all health and care services currently provided by H.C.S. (Health and Community Services), that is by the public sector, will continue to be provided free of charge. There is no plan to start charging for services that are currently taxpayer-funded.

**2.6 Senator S.W. Pallett of the Minister for Health and Social Services regarding staffing levels within the radiography department (OQ.110/2021)**

Will the Minister advise whether the current staffing levels within the Radiography Department at the General Hospital are sufficient to maintain all required radiography services to the public at present? Will he also provide the number of vacant posts within this department, together with an explanation for any such vacancies, especially where any have arisen as a result of disciplinary issues?

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

There has been a longstanding recruitment challenge within this area due to the scarcity of specialist skills. Currently there are 10 vacancies from a budgeted workforce of 51 full-time employees. These vacancies are currently covered by locum staff to ensure the safe delivery of the service. Health and Community Services has recently started the recruitment campaign to all of those 10 vacancies in an effort to secure candidates for all the posts. This campaign will be supported by a specialist recruitment consultant employed by the Government as part of the Government contract on resourcing. We are also in the process of conducting a review into the best means of retaining this staff group, acknowledging that it is not just in Jersey but elsewhere recruitment challenges to it.

### **2.6.1 Senator S.W. Pallett:**

Just a couple of issues around the actual question itself. I did ask whether there is an explanation for the vacancies and to some extent the Minister has given that. But he has not really given a full explanation and also were there any that have arisen out of recent disciplinary issues?

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

As Minister, it is not appropriate for me to comment on disciplinary matters within the department, which indeed are dealt with by professionals under the supervision of the States Employment Board. I think that is the most I can say on disciplinary issues. But on the remainder, there is always recruitment of staff in any organisation. It is dependent on the availability of skills. As I have said, approximately one-fifth of the posts here are currently covered by locum staff, so the service is continuing.

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

Could the Minister inform Members how many of these radiographer posts are filled by agency radiographers and how this compares with the current use of agency workers in nursing?

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

As I advised in my answer to Senator Pallett, the 10 vacancies are currently covered by locum staff. I understand from that, that the remaining 41 positions are filled by staff employed on a substantive basis by the department. As to the wider comparisons, we are reducing the number of agency staff within the department, but I cannot give the Deputy a department-wide picture at the moment, but work is continually ongoing in ensuring that staff are employed substantively.

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

What is happening there?

#### **The Bailiff:**

There seems to be some sort of echo. Does anyone within the Assembly have their microphone switched on? Perhaps you could try that ...

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

I will start again.

#### **The Bailiff:**

Yes, please.

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

Agency workers; can he produce those figures and particularly how this department's figures for the use of agency workers across the 50 places compares to current nursing practice? Can he give those figures to me as soon as he wishes?

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

I will do. It is rather expanding on the question, which was limited to the Radiography Department, but the Deputy wishes to know the use of agency staff. Perhaps he would tell me, as he has mentioned nursing services, does he just wish to know about nursing or does he wish to know about medical staff? Does he wish to know across the whole H.C.S. Department?

#### **The Bailiff:**



Minister, I am afraid there is not a facility to ask a question back and that was the Deputy's second or supplementary question, so perhaps that could be taken into the margins of the Assembly and the Deputy could clarify his question, which is to be answered on a later date in any event offline.

**2.6.4 Deputy M.R. Higgins:**

The Minister does not want to talk about disciplinary matters and I can understand that, but will the Minister acknowledge that there has been discontent within the department and that personality conflicts have been part of the problem and there needs to be a look at the management of the department?

[11:15]

**The Deputy of St. Ouen:**

In a huge department such as H.C.S. - and any huge organisations - normally there will be those sorts of tensions, but you look to proper management and procedures to deal with those and help people resolve those sorts of questions. That is role of the States Employment Board and officers. I am confident that there are measures in place to help staff navigate those difficulties and to minimise the effect of them.

**2.6.5 Deputy M.R. Higgins:**

I would ask the Minister to speak with the States Employment Board and look at how effective those mechanisms are to make sure that the discontent and the problems in a department such as this are properly addressed. Will the Minister consult with the chairman of the S.E.B. (States Employment Board) and look at it in much more depth before coming to an answer?

**The Deputy of St. Ouen:**

I will do. I think the Deputy feels he has some specific information which he is not satisfied has been handled correctly, so if he wished to let me have what he knows, I can then consult on a much more informed basis.

**2.6.6 Senator S.C. Ferguson:**

The discontent appears to be a failure of management, and given the reputation for dealing with complaints and so on in health over the 20 years I have been in the States, does the Minister not think that it is a matter of urgency to investigate this thoroughly?

**The Deputy of St. Ouen:**

I can begin by saying that we have an excellent workforce in H.C.S., who are dedicated to their roles and work well together and with management. I am proud of our workforce and the service it gives. Of course there will be relationship difficulties within any large workforce so these things must be addressed and they are addressed within the procedures that I outlined. Anyone who has a grievance can take that up and it can be followed through and the matter resolved. Those systems are in place and are regularly used and because they are used, because they are in place, it should not be thought that a particular department or organisation is riddled with dissatisfaction.

**2.6.7 Senator S.C. Ferguson:**

Given the fact that the Auditor General felt it essential to have a new complaints procedure and given the fact that I think probably the Alwitry case is just now coming to an end, something like 10 years since it started, does the Minister not realise that it is absolutely essential to improve the management so that these difficulties do not arise?

**The Deputy of St. Ouen:**

What I will say is that I acknowledge that in the past the complaints service in H.C.S., and probably within other States departments, left something to be desired, but there has been a tremendous amount of work that has gone in over recent years, since the report the Senator refers to, which has improved the complaints services and means that we are now in H.C.S. patient-centred; we seek to resolve the issues and learn from any complaints that are made. There is always room for improvement, always room to do better, but I have seen the progress that has been made in dealing with complaints.

#### **2.6.8 Senator S.W. Pallett:**

Whether the Minister wants to accept it or not, there have been issues with the Radiography Department and I would ask the Minister to have a closer look just to ensure that everything is being done to ensure that the department can run as smoothly as possible. But in terms of the numbers of vacancies, 20 per cent seems to be very high. Locums and support staff are very expensive. Could he just say what he is specifically doing to attract staff to specialist posts in areas such as radiography and more generally within H.C.S. so that we can reduce some of these high vacancy rates?

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

We have a stance what is called “always on”, so I do not run a campaign which opens on one day and might close some weeks later to recruit staff. We are always on. Those adverts and that publicity is always there. It is a continual recruitment process. In addition, rather than just relying on our own skills within the department around recruitment, we are supported by specialist recruitment consultants - the name is Penna - who are contracted by the Government and they have availability of particular expertise or reach into those radiography and other professionals in order to attract them to our posts. That is working and I expect it will be working as we recruit to these radiography positions.

#### **2.7 Deputy K.G. Pamplin of St. Saviour of the Minister for Health and Social Services regarding the recruitment of healthcare workers (OQ.115/2021)**

Will the Minister advise what action the Government are currently taking to ensure that the recruitment of healthcare professionals such as nurses, G.P.s (general practitioners) and carers is maintained and supported, especially for the workforce needs arising out of the Jersey Care Model?

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

The workforce strategy and associated resourcing plan for the Jersey Care Model is scheduled to be delivered by the end of this year as part of the first tranche of activity within the Jersey Care Model. At that point we will know the requirements for all healthcare professions to support the model. In the meantime, the department continues to recruit to its existing vacancies, with 107 jobs actively out for recruitment at this moment. This includes 21 adverts for medical staff for the 21 vacancies currently available in medical staff, 37 specific nursing adverts, and I have referred in the previous question to the “always on” recruitment portal for nurses, of which there are 60 vacancies for nurses at the present time. I said in the previous question many of those vacancies are not just left empty, they are fulfilled by locums at the present time. The question refers to G.P.s and carers. The Government does not have responsibility for the recruitment of G.P.s or carers, but as the workforce strategy develops, any changes in the workforce to support the Jersey Care Model will be identified and shared with the relevant recruitment leads in those areas to ensure correct recruitment activity is taking place.

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

I am glad the Minister touched there on the last part of my question about G.P.s because a recent study by the King’s Fund, Nuffield Trust and Health Foundation predicted in 2019 that the N.H.S. (National Health Service) shortfall in G.P.s would triple from 2,500 to 7,000 by 2023-2024. As the

Minister rightly said, they do not get directly involved in the recruitment of G.P.s. Will he ensure that part of the work going forward is to help the G.P.s in recruiting, when there are similar issues across not just the United Kingdom but Europe in recruiting and training new G.P.s?

**The Deputy of St. Ouen:**

Yes, we are working in partnership with G.P.s. We are all involved in providing health and care on the Island to ensure that all Islanders' needs are met. That is a very definite impetus in the Jersey Care Model. We are working and collaborating well with other professionals, including the G.P.s, and I am pleased to see that moving forward.

**2.7.2 Deputy R.J. Ward:**

In looking at our future needs in terms of the workforce, has the Minister taken into account any effect of a migration policy that could have particular barriers for professionals and for numbers coming to the Island?

**The Deputy of St. Ouen:**

Yes, that was taken into account when the Migration Policy Development Board was formulating its report. H.C.S. made a submission in respect of staff it needed and I am pleased to see that the final report - and indeed, this was shown in our debate on the issue - recognised that we still need to bring people to the Island based not just on their economic value to the Island, but on their social value, which might include the need for carers, the need for nursing staff, the sort of sectors where traditionally they have not been seen as high earners, but they have a real social and healthcare value.

**2.7.3 Deputy R.J. Ward:**

Extending that to the on-Island training and the need to train skilled workforce, will the Minister be looking at support for those; for example, nurses who want to extend their training by going off-Island and gaining that experience and therefore giving more financial support to those people who make that commitment? Because at times it is very difficult for people to go off-Island and survive in order to gain the sort of experience we desperately need on-Island.

**The Deputy of St. Ouen:**

Yes, I am conscious of the difficulties the Deputy has outlined. It has been an issue in the past and we are aware and we do look at those issues, but there have been steps taken to improve what is available for Island trainees. For example, it is now possible for nurses to be supported as mental health nurses and develop that specialism, and also as community nurses, so that has helped those 2 streams come along in recent times. We will always be trying to improve that position.

**The Bailiff:**

Very well. A supplementary, Deputy, or was that your supplementary, I think?

**Deputy R.J. Ward:**

Honesty means that I must say it was my supplementary.

**2.7.4 Deputy G.P. Southern:**

I am looking forward to 5 supplementaries. Where was I? Right, as part of his action today, will the Minister commit himself to adopting the ethical charter passed by this House almost 2 years ago now and put it in place so that we can get the best terms and conditions for our carers in homes in order to recruit and retain correct staff?

**The Deputy of St. Ouen:**

For my part, I wholeheartedly support the ethical care charter and I remember those lengthy discussions with the Deputy, but of course Government does not employ domiciliary care workers, it is private sector employment, and the regulation of them is with the Jersey Care Commission, who I understand is very much aware of the ethical care charter. Indeed, the whole ethos of the Jersey Care Commission is to ensure that those industries that it regulates treat its employees in the best possible way, fairly, and ensures that their professional training and standards are upheld.

**2.7.5 Deputy G.P. Southern:**

Could the Minister commit himself then to talking to the Jersey Care Commission in order to work out what aspects of the ethical charter - which, as he keeps saying, has been passed by this House - can be adopted now or in the near future?

[11:30]

**The Deputy of St. Ouen:**

Yes, I will again talk to the Jersey Care Commission about that. There is one limitation the Jersey Care Commission has, in that it cannot set employment law, so of course there must be a parallel discussion with the Minister for Social Security with regard to any employment issues or terms of employment relating to carers. The Jersey Care Commission will do all it can within its remit and then I think it is for us, as States Members and Ministers, to ensure that employment law practices are followed.

**2.7.6 Senator S.C. Ferguson:**

I assume the Minister is aware that we are advertising for 17 new civil servants costing £900,000 a year or thereabouts to plan the commencement of the Jersey Care Model, which means we have more civil servants in the Health Department than we have G.P.s in the Island. Does he think that this is a constructive recruitment policy and does he perhaps need to take a step back and look at the proper organisation of his department?

**The Deputy of St. Ouen:**

This was the Senator's question last week, but I am happy to address it once again. Of course a department with approaching 3,000 staff may well have more administrative help than the 100 or so G.P.s that are in the Island, so that certainly does not surprise me. With the remit of H.C.S., I would hope that it is fully managed and resourced correctly, but we must bear in mind that the term "civil servant" also includes our allied health professionals, such as physiotherapists, occupational therapists ...

**Senator S.C. Ferguson:**

No, no, no. [Laughter]

**The Deputy of St. Ouen:**

The Senator may interject, but they are classed as civil servants, so if the Senator is concerned about numbers, she should know that our pharmacy staff, our lab staff and any therapists are presently classed under our system as civil servants and paid on the civil service paygrade. Just finally, I have received criticism that the previous iterations to try to change the way we care for people in the Island have just not been progressive under the previous management and administration. The present recruitment is to ensure that we have a system in place that will work for Islanders that will ensure we deliver the change that is necessary to embed the best ...

**The Bailiff:**

Minister, I am afraid I do have to draw your answer to a close. It is well over the one minute 30 seconds that is normal.

**The Deputy of St. Ouen:**

I have finished.

**2.7.7 Senator S.C. Ferguson:**

No, because the productivity of the Jersey Care Model compared to the current productivity in the hospital will go down. Really this is something that should be looked at properly. We do not want a Jersey N.H.S. which is an utter disaster, so ...

**The Bailiff:**

Is there a question, Senator?

**Senator S.C. Ferguson:**

... please will the Minister look at the productivity of the sector and of the aftercare services that are going to be provided in the Jersey Care Model and just apply a bit of common sense?

**The Bailiff:**

Did you wish to respond, Minister?

**The Deputy of St. Ouen:**

I would be interested to know where the Senator gets her data around the reduction in productivity. I have seen no such data. The work surrounding the Jersey Care Model is being thoroughly planned and it is for that reason we can expect that the care of Islanders will improve and will be modernised and come up to the very best healthcare standards because of the recruitment of the particular posts that the Senator is concerned about. We are embedding this work so that there will be no split. The best healthcare will be delivered and I am confident that that work is being done.

**The Bailiff:**

Thank you very much. I have Senator Mézec, then Deputy Morel, Senator Pallett, Deputy Higgins, Deputy Le Hegarat, then the final supplementary. I will not take any more questions on this one. We are running - surprisingly, even with the allowances - relatively tight in time. There have been some extremely long questions and some equally long answers and one or 2 of the questions had begun to stray outside the parameters, even broadly interpreted, of the question. Therefore I would be grateful if Members could bear those factors in mind when they come to ask their questions, and Ministers and others answering questions, bear those in mind when they answer them.

**2.7.8 Senator S.Y. Mézec:**

In answer to a previous question, the Minister pointed out the Government not recruiting G.P.s and carers, that they are not falling within their responsibilities. My question is why not? If there are shortfalls occurring for G.P.s and carers, will there be scope in the Jersey Care Model for the public sector to step in to directly fill the gap?

**The Deputy of St. Ouen:**

The reason why not is because simply Government does not fund primary care to the extent that it would run G.P. surgeries. That has not been the position in the Island, as the Senator will know, and similarly with domiciliary care workers, Government have not operated in that sector and that remains the case.

**2.7.9 Senator S.Y. Mézec:**

I guess I reiterate the question: why not? Just because that is the way it has been in the past does not mean that needs to be the way it is in the future. If it became clear that it is in Jersey's interests to have publicly employed G.P.s and carers to meet the health needs of the population who we represent, why would he not do that? Is he being advised that it would be a bad thing to have publicly employed G.P.s and carers to fill that need or is he being advised that it could be a useful way of filling a gap when the private sector is not capable of doing so?

**The Deputy of St. Ouen:**

I do not believe there is any gap in primary care. Other services outside of the public sector are being delivered and Islanders' healthcare needs are being met to the best extent that we can, but these things are continually under review. If there was seen to be any failing and the inability to provide a primary care service, then I am sure that Government would need to step in. We have excellent providers in those services and at the moment there are no plans for Government to step in and take over all these services.

**The Bailiff:**

A supplementary question, Senator Mézec, or have I already given you one?

**The Deputy of St. Ouen:**

I think he has had his supplementary.

**Senator S.Y. Mézec:**

I would love a third, but I probably will not.

**The Bailiff:**

No. Sorry about that, I will try and keep better track.

**2.7.10 Deputy K.F. Morel:**

Workforce is one element of tranche one of the Jersey Care Model. Other elements include detailed planning, foundations, acute, community and intermediate care and communications. These are all aspects of tranche one to be delivered in 2021. Would the Minister for Health and Social Services advise the Assembly whether he believes that all aspects of tranche one are currently on course to be delivered this year?

**The Deputy of St. Ouen:**

Yes. The information I have at the moment, the answer is yes.

**Deputy K.F. Morel:**

Could he repeat that, because I could hear that answer?

**The Bailiff:**

Yes, if you could repeat that. You were rather muffled there, Minister. If you could say that again.

**The Deputy of St. Ouen:**

I apologise. Yes, to the best of my knowledge, the information I have is that all those workstreams will be delivered within 2021.

**2.7.11 Deputy K.F. Morel:**

As part of the debate on the Jersey Care Model that took place last year, close liaison with Scrutiny was required through an amendment. Could the Minister confirm that such liaison is taking place?

**The Deputy of St. Ouen:**

It is, and the Scrutiny Panel is aware of the steps being taken to establish the overarching board which was agreed as an amendment put forward by Scrutiny and accepted by me. Recruitment to those posts and the chair of those posts is taking place imminently.

**2.7.12 Senator S.W. Pallett:**

There has been a difficulty in attracting and indeed retaining staff. I mean, some of that I think has been down to housing costs to some degree and I have seen that within the mental health service personally. What will the Minister be doing in regards to providing support packages to attract staff to the Island and will he be looking to improve on those packages if recruitment becomes more difficult?

**The Deputy of St. Ouen:**

Yes, we will seek to improve on any packages should recruitment become more difficult. We are in a better position now to offer housing, as one example, with better accommodation, a better quality and a better range of accommodation, with the new facilities open at Hue Court and Pleasant Court for doctors and other staff.

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

What risk assessment has been completed in relation to the Jersey Care Model should Jersey be unable to recruit sufficient G.P.s in order to deliver those services?

**The Deputy of St. Ouen:**

That is a risk assessment that needs to be undertaken with the primary care body, so I think that is something that will be developed in time. I cannot say that it is totally completed at the present time. The risks, we are aware of them. In the past though there has been good recruitment for G.P. positions in Jersey and I hope that will continue.

**The Bailiff:**

Deputy Pamplin has indicated he does not wish a final supplementary question.

**2.8 Deputy D. Johnson of St. Mary of the Minister for Health and Social Services regarding return of dental practices to pre-pandemic procedures (OQ.112/2021)**

Will the Minister advise whether, having regard to the number of COVID-19 cases in the Island, there are any immediate plans to allow dental practices to return to their pre-pandemic procedures in terms of the number of patients in waiting rooms, standards of P.P.E. (personal protective equipment) required and the period of fallow times between patients? If not, why not?

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

At this stage, a return to pre-pandemic levels of activity in dental surgeries is not recommended. The Government continues to follow a cautious approach with a mix of mitigations to minimise risk of COVID transmission and this includes physical distancing of 2 metres, where possible, or at least one metre, use of masks, optimum ventilation requirements and standardised P.P.E. requirements for the protection of staff and patients. The guidance for these mitigations is based on known risks from new variants of COVID and emerging evidence of COVID being spread through airborne transmission. Specifically, the standards for P.P.E. are set in accordance with Public Health England and are approved by dental professionals based at the General Hospital. The guidance on fallow periods between patients is also in line with Public Health England. It is a risk-based approach requiring an assessment of ventilation arrangements in the dental surgery, a patient's COVID status and the procedures required, including high-risk aerosol generating procedures.

[11:45]

As with all public health guidance, dental guidance is kept under ongoing review to ensure that approaches are proportionate to risk.

**The Deputy of St. Mary:**

Can I have a supplementary, please?

**The Bailiff:**

Beg your pardon, Deputy. I am not doing extremely well on supplementary questions at the moment. Deputy of St. Mary, a supplementary question, of course.

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

I thank the Minister for his answer, but does he not accept that dental practitioners are, by virtue of their own professional expertise and qualifications, acutely aware of the potential dangers caused by the pandemic and by aerosols, in particular? Will he advise to what extent S.T.A.C. (Scientific and Technical Advisory Cell) or those responsible for monitoring the situation have sought to consult the Jersey Dental Association on the issue?

**The Deputy of St. Ouen:**

I accept, as the Deputy states, the competence and professionalism of dentists. Public health have consulted not just with the Jersey Dental Association, but with all dentists, because not all dentists are represented by the association.

**2.8.2 Deputy G.P. Southern:**

What is the Minister's best estimate of when we might see dental services returned to normal? Is it his intention to build back better on the core services that we have, especially for young people?

**The Deputy of St. Ouen:**

I do not have a precise date. This will depend on advice coming through, looking first perhaps at Public Health England guidance and then looking locally to medical and dental professionals. The Deputy rather enlarges the question, but yes, of course we do seek to improve on dental services and particularly for children wherever possible.

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

If I could just respond on the comment made on membership of the Jersey Dental Association, which has been raised numerous times before, it is accepted that maybe not 100 per cent of the dentists are members, but it is the case that all dentist practices ...

**The Bailiff:**

Deputy, this does have to be a question. It has to be a supplementary question.

**The Deputy of St. Mary:**

My question therefore is: does the Minister accept that a continuation of the present measures in the improved situation we are now in is adversely impacting on the operation of dental practices in terms of both the number of patients they are able to see and costs, which will in turn be passed on to the patients? Will he therefore please undertake to arrange for S.T.A.C. or any other body responsible for liaison to contact the J.D.A. (Jersey Dental Association) as a matter of priority with a view to discussing with them what measures might now be relaxed?

**The Deputy of St. Ouen:**

I note the Deputy refers to this as adverse impacts. Of course there will be adverse financial impacts on the dentists, that I must accept, but of course they are mitigations for the sake of safety of both



dentists and their staff and patients. Until professionals feel it is safe to do so, I cannot say that those mitigations will be removed, but as I have said, guidance is kept under ongoing review and I will ask the public health team to maintain their contact with dentists, including the dental association.

## **2.9 Deputy G.P. Southern of the Minister for Housing and Communities regarding the refurbishment of Le Marais properties (OQ.107/2021)**

Will the Minister state the tenancy terms and conditions that apply to approximately 400 Andium Homes residents up at Le Marais during and following the refurbishment of their properties? Will he advise whether it is expected that the tenants will return to their properties or move from the area and in any case if they will be treated as new tenants and subject to rent rises as a result?

### **Deputy R. Labey of St. Helier (The Minister for Housing and Communities):**

Yes, the 4 towers of Le Marais are being refurbished at a cost of £22 million. Work has already begun and started on Block H and will continue to G, E and F and be completed in 2023. Here is how it worked with Block H: before the work started the block was completely vacated. Each tenant was given individual consultation and 2 choices, whether to move to new accommodation, to say goodbye to Le Marais, or whether to move to temporary accommodation and then return when it is completed. The tenancy agreements that exist, their tenancy in Le Marais will cease when they vacate and new tenancy agreements are drawn up for either the new accommodation or the temporary accommodation, then there will be another new tenancy agreement when they move back to Le Marais. All tenants moved to new tenancies, as I have said. The rents are set in line with the current States social housing rent policy. Those on income support were of course fully protected. Andium provides carpets in the new homes and tenants are also entitled to a financial removals allowance.

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

The net effect of being made to sign a new contract is that their rents will rise to 90 per cent from whatever it was previously; is that not the case? Is this not effectively the tenants paying for the refurbishment via a hike in their rental charges?

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

I am not sure how great the hike is because the new rents for Le Marais have not as yet been set, but in essence that is the policy. That was the policy, as far as I can remember, when I joined in 2014. I remember it from the La Collette low rise, but essentially that is what happens.

### **2.9.2 Senator S.Y. Mézec:**

Is the Minister aware of how the housing trusts, such as Les Vaux Housing Trust, have handled similar situations when moving tenants to an equivalent flat during a phased refurbishment or redevelopment project and how they have handled the issue of whether rent goes up or not? If he is aware of how they do it, could he tell us and could he outline whether he thinks the state-owned housing provider ought to adopt a similar approach?

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

I have been to visit Les Vaux and had a tour of it, the new development, and it is absolutely fantastic. I commend that trust for that complete redesign and refurbishment. As to the details of how they have decanted their tenants and reissued tenancies, I do not have that information in my head. I will certainly have a look at it.

### **2.9.3 Senator S.Y. Mézec:**

My understanding of that project is that they were able to transfer their tenants without imposing a very significant rent increase on them, despite the fact the redevelopment is very significant. I agree with the Minister, it is a fantastic development and an example to all. Now that he knows this, would

the Minister agree that it is a demonstration that the social housing rent policy is broken and that there is an injustice in moving tenants against their initial desire - it is not their choice to be subjected to these redevelopment programmes, even if they are the right thing to do - and get a massive rent increase as a result of it? Would the Minister commit to supporting an alternative rent policy that does not see this arise as an issue?

**Deputy R. Labey:**

Yes, I am not aware of any tenants myself who had no desire to move out and then move back into a refurbished Le Marais. It is a massive refurbishment, with new heating, new wiring, new bathrooms, new kitchens. It is going to have a new wi-fi through the block ... sorry, I keep hearing an interruption.

**The Bailiff:**

I know. Somebody interrupted and was speaking. Please do carry on though, Minister. I do not think it was an intentional interruption.

**Deputy R. Labey:**

The lifts have been refurbished so they stop at every floor; they used to stop every other one. Now, as to the 90 per cent of market rates social model that we have had since Andium was created, the Housing Policy Development Board asked the States, the Government, to review that. I am conducting my own review. I have been doing so since I became Minister for Housing and Communities 100 days ago so that I can take an informed position on that. Of course it is not in my gift to change it, it is the shareholder representative at Treasury, but I want to get all the information I can about that, as asked to do so, and consult with colleagues. That is happening at the moment.

**2.9.4 Deputy M. Tadier:**

Does the Minister agree with me that it does not feel right to ask residents to move out, through no choice of their own, in order for no doubt much-needed refurbishment works to go on, only to find that their rents will go up to 90 per cent of market rate when they have been enjoying a different and more beneficial agreement up until this point?

**Deputy R. Labey:**

Of course I expect there are instances where people can use that opportunity, tenants can use that opportunity perhaps, if their needs have changed, to move to smaller accommodation, if they no longer have children with them, for example, so that can happen. I am not aware of any kind of disquiet. I get a big mailbag obviously on housing issues and I am not aware of people upset by this.

**2.9.5 Deputy M. Tadier:**

Maybe that is a job for the constituency members of Le Marais to engage then with those residents of Le Marais. But the supplementary is: is the Minister aware that Article 16 of the Residential Tenancy Law gives the court wide jurisdiction to resolve any contested matters of dispute and vary contracts in all ways that might be considered just and reasonable? So it is open for all of those tenants to take a collective suit against Andium, saying that they do not wish for the rents to be increased when they move into new premises and that, if they could secure legal representation or even if they could not, the court could rule that Andium should not charge them any extra rent or vary their contracts when they are in their new premises.

**Deputy R. Labey:**

That is noted.

**2.9.6 Deputy R.J. Ward:**

Is there a point where the Minister will step in to stop rises in rent and, if so, when is that? If not, why not?

**Deputy R. Labey:**

As I said, I have been asked to look at the policy, the 90 per cent policy, and I am doing that and I have had a lot of meetings on it and I am trying to gain a proper understanding of it and the implications for changing it, and that is happening at the moment. We are looking, thanks to the Housing Policy Development Board, at making being a tenant in Jersey as secure and safe as possible and a lot of work is going into that at the moment.

**2.9.7 Deputy R.J. Ward:**

Does the Minister believe that as Minister for Housing and Communities he has enough say, has enough influence over rental levels, particularly in Andium Homes, or has that arm's length organisation become so arm's length that our ministerial role of housing really has no influence over it whatsoever?

**Deputy R. Labey:**

That is a very interesting question and one I spoke to the Andium management about very recently. Because it struck me that the prevailing attitude seemed to be when Andium was created that that was fine for social housing now in Jersey and they could go off and get on with it arm's-length and occasionally we would meet up with them or see the results or consult, what have you. I think that is going to change, I think it needs to change. I think that housing, it is not a department anymore, but the housing unit that I head up needs to be beefed up. To that extent, I am accelerating the recommendation to have a strategic alignment unit so that we are looking at all properties that are being built by government or their agencies or trusts across the board to make sure that we are providing the right properties.

[12:00]

I go on to the Regeneration Steering Group which I have sat on my first meeting last week on that and I think that is important. What is really, really important, the Andium management team said: "Yes, we are absolutely up for that, we would like direction, and we would like to work together with government and all the agencies to make sure that we are providing exactly what is needed" so I think they would welcome that.

**The Bailiff:**

Deputy Tadier, I am afraid there is no time for a second question, but it would not be normal for a Member to have the opportunity to ask a second question within questions with notice, although obviously second questions are often asked in questions without notice.

**2.9.8 Deputy G.P. Southern:**

Will the Minister undertake to return to the House with the actual price changes in terms of rental between the 80 per cent, or previous rent, and the 90 per cent rent for bedsits, one beds, and 2-bed flats, particularly about Andium Homes at Le Marais?

**Deputy R. Labey:**

Yes, is the short answer. As soon as the rents have been set, I am happy to distribute that if that is what has been asked for.

**The Bailiff:**

No, I think Senator Mézec has made an observation within the chat in which he thinks what I have said was wrong but please do continue with your answer, Minister.

**Deputy R. Labey:**

I am done, Sir.

**2.10 Senator S.W. Pallett of the Minister for Economic Development, Tourism, Sport and Culture regarding the teaching swimming pool at Les Quennevais Sports Centre (OQ.111/2021)**

Further to Written Question 150/2021, which I thank the Minister for responding to previously, will the Minister explain why, given the need for young children to resume swimming tuition after the pandemic, the teaching swimming pool at Les Quennevais Sports Centre still remains closed after 10 months; and will he provide Members with a definitive date for its re-opening to the public?

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

Deputy Raymond will take this question, if he may.

**Deputy H.C. Raymond of Trinity (Assistant Minister for Economic Development, Tourism, Sport and Culture - rapporteur):**

You will have all seen, as Senator Pallett has just said, the recent responses given to the written question in 150/2021 regarding Les Quennevais Sports Centre and issues we were having with regards to the swimming pool, so I am very pleased to be able to give you an update today about the opening of the pool in response to the questions now asked. We are working towards restarting children's swimming lessons at Les Quennevais as soon as possible and I would have to use the word "imminent". We were hoping to start tomorrow but it will probably be on Thursday we should be opening. The learner pool is now full of water, the new circulation pumps are in operation, the heating is on, and the temperature is coming up to the usual 29 degrees and at the present, as I say, having just been told, is at 25 degrees this morning. We have been chlorinating as required. Children's swimming lessons have been taking place in the main pool and these could move into the smaller pool as soon as it is ready. Family swimming in the small pool will also be able to resume. It will also be my intention to use the media to make sure that everybody is fully aware of what is happening at the pool so that we can get it out to everybody and the general public.

**2.10.1 Senator S.W. Pallett:**

I thank the Assistant Minister for his answer and I think the public will be pleased that we are finally getting to a point when it is going to reopen, although "imminent" was used. Building and maintenance is all about, planning, planning, planning, but knowing the importance of swimming in an Island context where children have access to the beaches and all the risks involved with open water, does the Minister really think it acceptable that our main teaching pool has been unavailable for such a long period? Why was not more focused and more planning involved with his department in ensuring this facility reopened in the shortest possible time?

**The Deputy of Trinity:**

Following on from that statement, we did have problems with regards to the Grundfos pumps, as you probably know, as stated in the previous written questions. We had difficulty in getting them over, that is now all done. The reason I used the word "imminent", and I think the Senator will understand this, is that one little problem that we have is that we still have to make sure that the States analysts get the right satisfactory bacteriological results from the pool. But in hindsight, I do agree with you, there could have been a little bit more pushing on this to get the pool open because it has been sorely missed in the area of Les Quennevais and around.

**2.11 Deputy R.J. Ward of the Minister for Infrastructure regarding CYPES and the allocation of the Rouge Bouillon site (OQ.109/2021)**

What consultation - and I emphasise the word “consultation” because I recognise other questions around this area have been asked today - has been undertaken with the Department of Children, Young People, Education and Skills regarding the allocation of the former police headquarters site at Rouge Bouillon; has a decision been made that it will not be used for an extension to Rouge Bouillon Primary School and, if so, who made that final decision regarding the allocation of the site?

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

As the Deputy has just stated, most of this has been covered by the Chief Minister previously. As I stated in my response to Oral Question 85/2021 from Deputy Alves, the primary school estate review has commenced. C.Y.P.E.S. are fully engaged with the process and have been furnishing data and information about the current configuration of the school estate and the issues they are seeking to resolve. The outcome of this review will be considered alongside the review of C.Y.P.E.S. for a combined fire and ambulance station completed by the Department of Justice and Home Affairs. No decision about the future use of the former police headquarters site has been made and will not be made until the primary school estate review has concluded.

**Deputy R.J. Ward:**

May I just confirm from the Minister who makes that final decision?

**Deputy K.C. Lewis:**

That would be a matter for review for the Council of Ministers and the States Assembly.

**Deputy R.J. Ward:**

A supplementary?

**The Bailiff:**

Yes, I think that dealt with the original question, so a supplementary is acceptable at this stage.

**2.11.1 Deputy R.J. Ward:**

Does the Minister have a timescale for the final decision and, within that timescale, will that decision as you have just inferred, come back to the Assembly given that the final responsibility seems to be for the Minister and the Assembly from your answer just now?

**Deputy K.C. Lewis:**

As the Chief Minister stated previously, the report should come back between 4 and 6-weeks' time and then it is a matter for the Council of Ministers and the Assembly.

**Deputy R.J. Ward:**

The timescale for that decision?

**Deputy K.C. Lewis:**

I do not have a date for ...

**Deputy R.J. Ward:**

I am being very precise about the wording, sorry, Minister.

**Deputy K.C. Lewis:**

I do not have a timescale; I will endeavour to find out for the Deputy.

**2.11.2 Senator S.Y. Mézec:**

Just for the avoidance of doubt, can the Minister confirm that there is every possibility that the old police station site could be used to extend Rouge Bouillon School on to and that remains something that is within the realms of possibility and it is not simply a done deal with the Justice and Home Affairs Department for that site?

**Deputy K.C. Lewis:**

I can assure the Senator there is no done deal and the decisions will be informed by the report.

**2.11.3 Connétable A. Jehan of St. John:**

Has the Minister visited the school and is it his view that work needs to be done to improve it and additional space is required?

**Deputy K.C. Lewis:**

I have not revisited the school for many years but I know that Property Holdings are reviewing all of the schools as such and any repairs that need to be made will be done.

**2.11.4 The Connétable of St. John:**

Would the Minister visit the school in the near future?

**Deputy K.C. Lewis:**

As I say, the team from Property Holdings are doing all the schools. I do not have a problem visiting the school again; more than happy to do that.

**2.11.5 Senator T.A. Vallois:**

Can I ask the Minister when the review started on this site and how long the expectation of this project or this review was meant to take?

**Deputy K.C. Lewis:**

I do not have the exact details of that so I would not like to hazard a guess. But, as I have just stated, it will be back with us between 4 and 6-weeks' time.

**2.11.6 Senator T.A. Vallois:**

What reassurance can I have from the Minister that this will be the case when in 2019 in an answer to a written question, myself as Minister for Education of the time, requested a strategic review of the property portfolio held by Schools, Education and Children's Services which was linked to the department's growth in the long-term capital programme and now we are only just going to see the product of the review in 4 to 6 weeks' time?

**Deputy K.C. Lewis:**

Well obviously it is a cross-departmental report and there have been considerable delays due to COVID but everything takes time and now we are trying to encourage this to be delivered as soon as we can.

**2.11.7 Deputy R.J. Ward:**

I just want to go back to the original question regards the final decision regarding the allocation of the site. Can I ask the Minister very clearly, what will your role be in making that final decision; your specific role in making the final decision over the allocation of that site?

**Deputy K.C. Lewis:**

My specific role is not that clear. I am a member of the Regeneration Steering Group, as is the Constable of St. Helier and others; that will be a primary focus. Also, I am a Member of the Council

of Ministers and a Member of the Assembly, so it will disseminate down through the line and the decisions will be made. But, as I say, I look forward to seeing the report.

**Deputy R.J. Ward:**

Can I just say that I did ask very specifically, and I have got a very generic answer? It is about accountability, we just simply do not know ...

**The Bailiff:**

The answer that the Minister gave specifically, as I heard it, was that it was uncertain as to what his final role was and I am not sure the Minister can ...

**Deputy K.C. Lewis:**

The final decision will not be mine alone.

**Deputy R.J. Ward:**

Thank you for that clarity.

**The Bailiff:**

That ends questions with notice, we now come to questions to Ministers without notice. The first question period of 15 minutes is for the Minister for Treasury and Resources. Does anyone have any questions for the Minister for Treasury and Resources? You wish to make a procedural proposition; it would have to be at this point, Senator Mézec.

**Senator S.Y. Mézec:**

I was just going to ask if this might be an appropriate time to ask if the Assembly wanted to hear the statement from the Minister for the Environment about the fishing licence dispute before questions without notice to the Minister for External Relations and Financial Services and the Chief Minister take place, simply because there is every likelihood there may well be some ground covered in both there? It would strike me as more sensible for the statement to be heard first as that might answer questions that would get asked in an odd order otherwise.

**The Bailiff:**

Well that is a perfectly proper proposition because it is to do with the ordering of States business. The first question I must ask the Minister for the Environment: are you prepared to make the statement at this point if that is what the Assembly wishes you to do?

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

Yes, I am entirely ready to do so if the Assembly wishes me to go ahead and give the statement before the second question period.

**The Bailiff:**

Well the next question is: is Senator Mézec's proposition seconded? **[Seconded]** You have a question, Senator Moore?

**Senator K.L. Moore:**

Apologies, that was in relation to when I thought we were going to move to the question period for the Minister for Treasury and Resources.

**The Bailiff:**

Very well, the proposition before the Assembly is to take the statement of the Minister for the Environment relating to fishing licences issued under the U.K.-E.U. Trade and Co-operation

Agreement now before questions to Ministers without notice. It has been seconded, does any Member wish to speak on that proposition? If no Member wishes to speak, then I think it is a matter I can properly take on a standing vote. Would anyone issue in the chat if they do not agree with that rearrangement of public business? Very well, no one has indicated a desire to have a formal vote taken or indicated that they do not agree; therefore, that proposition is adopted. As the next item of business we will take the statement by the Minister for the Environment regarding fishing licences. There is as a standard a 15-minute period of questions available at the end of that in accordance with Standing Orders.

[12:15]

So, I am not sure if the actual statement has been circulated. It has now been placed up on to the chat and I call upon the Minister for the Environment.

### **STATEMENT ON A MATTER OF OFFICIAL RESPONSIBILITY**

#### **3. The Minister for the Environment will make a statement regarding fishing licences issued under the U.K./E.U. Trade and Co-operation Agreement**

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

I am grateful for your arranging for the statement to be available in its text form to Members. Today, I would like to update the Assembly on the ongoing work of the Government to address the important issues we face around fishing licences issued under the U.K.-E.U. Trade and Co-operation Agreement (“the T.C.A.”) and, more specifically, the conditions included in those licences. This follows the response last week to the first licence issued to larger vessels, following the 4-month amnesty period which ended on 30th April, and a demonstration held in St. Helier by fishermen from neighbouring Normandy and Brittany. The Government of Jersey wishes to move beyond recent events and work to find a resolution. We believe the approach that we communicated to the European Union through the United Kingdom at the end of last week makes this achievable. As Members will recall, on 27th December 2020 the Assembly unanimously endorsed the recommendation of the Council of Ministers that Jersey should be a party to the T.C.A. for goods. In respect of fishing licences this decision, and the obligations it imposed on the Government of Jersey, required amendments to the legislation which regulates fishing activities in Jersey’s waters. The legislative amendments then subsequently gave the Government the powers to draft updated licence conditions and ensure that any activity in our waters meet the requirements of the T.C.A. for managed, sustainable fishing. Of course, the T.C.A. becoming legally effective from 1st January 2021, the Government moved quickly to establish a 4-month amnesty period during which time licensing arrangements could be confirmed and legislation for licensing drawn up. During the amnesty period, officers in the marine resources team of the I.H.E. (Infrastructure, Housing and Environment) reviewed the data which had been supplied by the French authorities via Paris, the European Union Commission and then Defra, a long line of communication which was required under the T.C.A. in application for licences from E.U. vessels to fish in Jersey waters. I presented the required legislation to the Assembly during the April sitting at which it was adopted. By Friday, 30th April, the end of the amnesty, we had allocated 41 licences to larger vessels with V.M.S. (vessel monitoring systems) technology, with another 14 applications pending following receipt of the request for a licence and the associated data. Those applications were then received that very day. I can add to this statement that today we have now issued an extra licence, so it is now 42 licences have been issued. As Members know, the amnesty period for the smaller vessels, these are ones without the vessel monitoring systems, V.M.S. technology, is still due to run until 30th June. Members have seen the response that those licences we issued on that day, and the conditions they included, invoked from a significant number of French fishermen. There are undoubtedly lessons that can be learnt from the position we find ourselves in. The channels of communication required by the T.C.A. have not



helped anyone in Jersey, Normandy or Brittany. There has been some misinterpretation and misunderstanding of the terms of the T.C.A., and also of the licences that we have issued. It is not my intention to dwell on the events of last week because we want to move forward. I respect the right of peaceful protest. My Assistant Minister, Deputy Guida, and officers from the marine resources and External Relations teams met with representatives of the French fishermen on board vessels tied up alongside in our harbour to understand their concerns first-hand. This was a constructive dialogue and I am grateful for Deputy Guida for doing that and of the officers for doing so. To seek a continued de-escalation, I have liaised with the appropriate parties in the E.U., again via the UK, to seek a resolution. We are willing to give until 1st July for those vessels we licensed, willing to give them the time to provide additional information as to their historic fishing record. We will act swiftly to ensure that vessels which submit the required additional evidence to demonstrate their previous record in Jersey waters will have that reflected in their licences and their activities will not be disrupted. To that end, we have offered to postpone the implementation of individual limits on days at sea and on gear until 1st July for licensed vessels. Technical meetings are occurring later today with the E.U. and the U.K. in which we are participating to further clarify these matters. In addition, we have redeployed fluent French-speaking staff already employed by the Government to the marine resources team to enable ease of communication for French fishers who contact the team directly. This will be made easier by the imminent establishment of a direct phone line for these contacts to be made, and we have already discussed this and emailed French fishermen to facilitate their queries. Members will note the Order which came out of the La Manche Department on Friday evening, closing the Norman Ports of Granville, Barneville-Carteret and Dielette for Jersey vessels undertaking commercial operations, including the unloading of fishery products. We referred, via the U.K., that notice of that decision to the Commission and I am pleased that that decision has now been revoked, as we all are pleased. Our objective remains to find a way forward for all fisheries who have a proven economic link to Jersey waters and to return to the cordial, positive relations we have enjoyed for decades with our closest neighbours in Brittany and Normandy. Our new licensing regime is needed to achieve a long-term sustainable fishery for all fishermen. The licensing conditions applied to both E.U. and our boats will in time provide the framework to ensure that we do not exceed maximum sustainable fishing effort, a principle fundamental to the T.C.A. and other international agreements. In recent years several of our fish stocks have been declining due to over-fishing and we will need to ensure the effort is reduced. If we are successful, this will ensure that both ourselves and the E.U. are able to continue to enjoy this valuable natural resource in perpetuity. Both our fishermen and those of the E.U. have this responsibility. There is work still to do, lessons to learn, bridges to build and relations to reinstate. This will take time and be ongoing. We have challenges ahead, and we should expect difficulties again in the future, but I hope they can be managed more calmly. I have been very encouraged by the assistance offered by several Members over the past week, and the measured response of colleagues to the challenge we faced. These have been much appreciated and very important to us as we move forward to deal with this matter. I ask Members for their continued support as we navigate our post-Brexit relationship with our neighbours and seek to preserve and strengthen the links we have in this part of the world. I would like to move now to Members' questions, which I will do my best to answer.

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

Could the Minister tell us what the European Commission's view was? It was reported that they said that we had broken the agreement when we brought in our licensing. Can you tell us what it is they were saying rather than what was reported in the press?

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

I did see a number of letters. I cannot remember whether it was received on Thursday or Friday but I did see a letter coming from the European Union from the Commissioner to the Director of Fisheries

at Defra. In that letter it expressed concerns that Jersey had not given sufficient notification of some of the details and the particular points are that we had taken our legislation through the Assembly and not given notice of that. That took place of course in the April sitting. Also there were a number of conditions in the licences which they considered the notification requirement under the T.C.A. was breached. Obviously that matter required a great deal of attention and focus and with the advice of our legal officers who went through this very carefully and were certainly involved with the ...

**The Bailiff:**

I am afraid, your feed is frozen, Minister; we have stopped being able to hear you.

**Deputy J.H. Young:**

... in one of the conditions. We accepted it in another where this was a conservation measure which had previously been discussed with the French on previous years, so it was regarded that we had previously done so. But nonetheless a formal reply went to the U.K. and, as a result of that, the U.K. then replied. I wrote to George Eustice, the Minister for the Environment in the U.K. explaining our position and our response and that was the basis of further discussions. I think those letters of course are part of the diplomatic exchanges that have taken place. I have been prepared to make those available to the Scrutiny Panel looking at this matter. I think that is the best way I can answer that one.

**The Bailiff:**

I have allowed a little bit more time for your answer there because you froze out at certain points but the normal rule for answering, one minute 30 seconds, still obtains. A supplementary question, Deputy Higgins?

**Deputy M.R. Higgins:**

No, the Minister went ahead and said he is prepared to release those documents, so I am happy.

**3.1.2 Senator K.L. Moore:**

In his speech the Minister stated that discussions will continue to be passed through the United Kingdom. Could I ask the Minister if he could explain to the Assembly why that remains the case, particularly in light of the consistent messages that have come from parliamentary members in France, one of whom has consistently made this offer to negotiate directly with both Normandy and Brittany, and that Minister is M.E.P. (Society of Foreign Missions of Paris) and also a member of the E.U. Fisheries Committee, so well placed to make the suggestion?

**Deputy J.H. Young:**

Well, I think some of that question probably falls to my colleague the Minister for External Relations and Financial Services but I will do my best to answer from fishers. Obviously the task falling to myself and the marine resources team is to implement the terms of the T.C.A. as it stands. The T.C.A. provides the method for communication for the licensing information, which is exactly as I described. It is a long-change process. We decided to join an agreement to participate between the U.K. and the E.U. which prescribes that process. I think one of the snags that I would certainly identify, it was always imagined that that process would be, as it were, overseen by a specialised committee on fishing. But of course the Senator will know that that committee is not in place because of the problems in ratification and the delays over the issue.

**3.1.3 Connétable R.A. Buchanan of St. Ouen:**

I am firstly pleased to see that the French have been allowed to recommence earning their living from our waters. I am also pleased to see that the French authorities have opened up the Normandy port, but can I ask the Minister what specific assurances he sought from the Normandy authorities that

they will not make life difficult for our fishermen trying to land their catches into Normandy; indeed they will protect them from any obstruction that takes place.

[12.30]

Because clearly it is one thing to say the ports are opened, it is another thing to have the reality that they are or are not open.

**Deputy J.H. Young:**

I think that question, it is an absolutely very important question, and I agree with it very much because there is no point in saying in theory: “Well, you can go there if you want to take the risk” when we are getting ... the marine resources people are aware that we are being told informally that our people should not go there and yet the official position is they should. Now we have certainly reported the facts but I think the Minister for External Relations and Financial Services would need to deal with the question of what assurances we have sought formally through the international channels.

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

First of all I would thank the Minister for his clear statement, which I believe is helpful to all parties. Would the Minister agree that the rushing of P.35 through the States without Members having time to understand the implications of the legislation was far from satisfactory and in retrospect, and as a lesson to learn, would have been better deferred until a later date at which time reasonable scrutiny could have been undertaken?

**Deputy J.H. Young:**

No, I could not agree. I think the legislation purely enables. As I said, we did not get to choose the terms of the T.C.A. It could have been all sorts of different things. It might have been a neighbourhood agreement power to have that directly with our neighbours. It was not. We were presented with an agreement with a “take it or leave it” answer. We decided to take it. That meant we had an obligation to put in place the licensing framework to deliver it. That is what we gave ourselves the tools to do and we took it to the States. The issues that have arisen have been in terms of the way in which that has been implemented and the way in which the licensing framework has been produced to implement that. We did that and we involved of course the Scrutiny Panel with briefings. My understanding was, and I relied on this, is that the work had gone on right the way through the 4 months with the U.K. The U.K. gave us very strong guidance in the way they thought that this thing should work. What we have found out of course is that then the reaction in France has been negative. Obviously therefore there has been this further work to look at those conditions and that is why we have extended to 1st July some of those conditions.

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

Does the Minister anticipate developing good neighbourly relationships with not only our Breton neighbours but the Normandy ones so that this does not happen again?

**Deputy J.H. Young:**

Well absolutely of course. It must be axiomatic that we must do that but of course the agreement was not of our choosing. We did not choose to go into Brexit, we had a “take it or leave it” decision and we all agreed together that the overwhelming advantages for Jersey were to go into the agreement. Now what we have got to do, I think, is got to make it work. It is true to say, our fishing has been unsustainable because of over-fishing in the past, and I have been clear about that, and there will need to be conservation measures. What we have got is a framework of licensing that creates a fair way of doing it so both ourselves and the E.U. can have sustainable fishing. There is going to be a period of adjustment for everybody and we are finding our way through that process. If we were

able to do it directly, and that is via a direct line of communication or whatever, and any offers that Members can give to help us how we do that ... because I am not the best person, I do not speak French, other Members do, I am sure we can find ways of helping that process.

### **3.1.6 Deputy S.G. Luce of St. Martin:**

My information is that the ban on Channel Island boats entering Normandy Harbours was only lifted because Guernsey boats were involved and in fact that a ban on specifically Jersey boats will be reinstated in the extremely near future. But my question is this: at a States Members' briefing last week I suggested, almost pleaded with the Minister, to just pick up the phone and talk to Normandy people and discuss things directly with them. Can I ask the Minister, has he done that?

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

The answer is no. I had to accept that I have relied upon the channels in place, there has been communication going on through our marine resources team, and certainly I have not done that, so I put that out there. It needs to happen but of course my concern was we are working within a very tight, restricted legal framework and my job is to try and make sure we fulfilled our responsibilities. There is work still to do on this, no question, and I will certainly need help to do it.

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

I accept the Minister's answer but it is interesting and also inconsistent that the French come to Jersey on their boats, we talk with them in our own harbour over the gunwale of 2 vessels, and yet we cannot continue that conversation after they have left. Will the Minister - again, I ask him - pick the phone up and talk directly to Normandy to try to resolve these issues?

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

A fair question. A record has been made of the conversation that took place with Deputy Guida on the boat and I am so grateful to the Deputy. We have the names of all the fishermen concerned, we have the boats and we know what their particular complaints were. My understanding is there were 6 and there was a very representative selection of interests in that and the marine resources team are actively looking at those. Of course I have mentioned the new contact number and, yes, I think we have already received a number of direct contacts over the phone with individual fishers in Normandy, and that system is already happening. But there will need to be ... and I think the Minister for External Relations and Financial Services, I am looking forward to his questions as to how he thinks we can work together to rebuild relationships because they do need to be rebuilt.

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

In the statement the Minister said that the Government had powers to draft updated licence arrangements which were given by this Assembly. Can I ask the Minister whether he is confident that these meet the T.C.A. arrangements as are understood by all parties and, in particular, the issue around the days of fishing on the application which seem to equate to future days of fishing? Are we certain, is the Minister certain, that this situation is clearly understood and agreed upon by all parties involved because it reflects the terms of the T.C.A.? I hope that question is clear.

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

I am grateful for the question; it is a very technical one and I will try and determine it. The days at sea condition is related only to mobile gear, i.e., it does not relate to whether or not there is what they call static gear, which is pots and so on like that. It relates to those vessels and it principally applies to the over-12 metres big boats. Now what we have agreed to do is to disapply that condition which was included on the 42 licences until 1st July. We were assured, and the lawyers backed it up entirely, that is Jersey's lawyers and the U.K. lawyers and the U.K. team, that what we were doing was

absolutely correct in accordance with the T.C.A. But obviously technical meetings are happening this afternoon between those people - I will not be present, that needs to go on - about the issue of the days at sea conditions. But that condition is intended to reflect what the T.C.A. says, the nature and extent of previous access that needs to continue. So it is the nature and extent, and extent is related to the days at sea.

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

It was a technical question and a very technical answer, and I thank the Minister for that. Can I ask whether he does believe that time is the solution to this in terms of increased understanding or is there a risk that we may return to a Granville Bay-type agreement but without an agreement which could really be a problem in the long term? How confident is he that time will solve this issue?

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

Well we have got to give it our best shot. We know that before the Brexit agreement that the U.K. struck with the E.U., because myself, Senator Gorst, Deputy Guida, we had conversations with the French Minister, and we knew what they wanted was a neighbourhood agreement. They did not want to have an agreement with this U.K.-E.U. arrangement and indeed my understanding was that the E.U. did not want it either. So that was no, what we got was what we got because of the E.U. agreement. Now, of course, the French have declared their view in the longer term - well whether it is the longer term, I think they are probably saying it now - that they would much prefer a neighbourhood agreement. That is not the T.C.A., we are following the T.C.A. as we stand now. I think you will probably have to raise that question with Senator Gorst as to what happens next. My view is we have got to give it as good a job as we can to try and make the agreement that we have got work as best we can and try and rebuild the relationship because that is in the best interests of the Island.

### **The Bailiff:**

This reaches the end of the 15-minute question period. I have 3 Members still wishing to ask a question and one Member wishing to ask a second question. It is open to the Assembly to agree a 15-minute extension. Does anyone propose that extension? Is that seconded? **[Seconded]** Does any Member wish to speak on the question of whether we should extend for 15 minutes? If any Member wishes to vote against that, could they indicate in the chat, otherwise I will take it as a standing vote. Very well, no one has indicated against; we extend the period by a further 15 minutes. The next question is: do Members wish that 15 minutes to run now or for someone to call for the adjournment? No one has proposed the adjournment therefore we will continue to run. The next person to ask a question, Deputy Morel.

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

In the Minister's statement he says that there has been some misinterpretation and misunderstanding of the terms of the T.C.A. and also the licences that we have issued. Would the Minister confirm whether he believes that misinterpretation and misunderstanding was from one party of those involved or does he believe that the misinterpretation/misunderstanding occurred on all sides and with all parties? If not all of them, which ones?

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

That is a difficult question, I will do my best. The conditions and terms are very lengthy so I am sure Members will have noticed that they have all been published on our gov.je website. I think it runs to 7 pages with lots of different schedules and maps. Of course, also the list of vessels to which licences have been issued in the E.U. is also linked on the United Kingdom website, along with those vessels that we provided an amnesty, so there is no shortage of information, but I think when the Deputy sees

it he will realise that it is complex. We are fortunate that we have outstanding experts in our marine resources team who have a very good understanding of how the French have operated in the past and who are not only scientific but ... and they have produced a scheme which the U.K. thinks is entirely right and appropriate and does the job. Now it is clear from the letter from the E.U. that I saw that there were certainly gaps in the understanding that I think maybe the European Union ... there was obviously a communication gap there at the E.U. end. That is speculation on my behalf. I accept if I have got it wrong, I will have to correct that, but I think you should follow up that question with the Minister for External Relations and Financial Services.

**3.1.11 Deputy K.F. Morel:**

In one of his previous answers, he also said that the U.K. legal advice played an important role in maintaining Jersey's position, or establishing Jersey's position. Does the Minister agree that given that the U.K. interest and Jersey interest are not always aligned that relying so heavily on U.K. advice to determine Jersey's path in these areas is effectively a loss of some of Jersey's autonomy, that this creates a loss of some part of Jersey's autonomy as we are unable to make our own decisions in this area and our own interpretations?

**Deputy J.H. Young:**

Well, where were we? This is an agreement that the U.K. made with the European Union as a result of Brexit of where we became a third party, not through choice. We had a decision to make as an Assembly whether to participate in that agreement in terms of the terms set out specifically for the 3 Crown Dependencies.

[12:45]

That in my view means that we have an obligation to follow the rules that were set by that arrangement. That, therefore, means that it seems to me very appropriate that legal advice is sought, led by our own legal advisers, the Attorney General's law officers' team, with the United Kingdom to ensure that what we are doing is right and proper under the agreement. Now obviously that is very different to what happens if you have a neighbourhood agreement where that is entirely ... I think the States has already made the choice to participate.

**Deputy K.F. Morel:**

If I may ask the Minister to address the question in terms of the loss of Jersey's autonomy and whether he believes Jersey has lost some of that autonomy.

**The Bailiff:**

It was part of the question, Minister. Do you have a view on that?

**Deputy J.H. Young:**

We are party to this and I think I am going to duck that one. My effort at the moment is to do my best to make this agreement work until the situation changes.

**The Bailiff:**

Very well, I return now to Deputy Tadier who I understand is back connected.

**3.1.12 Deputy M. Tadier:**

I am going to amend my question slightly and continue in Deputy Morel's vein because I thought he hit on something very interesting there. It is a very simple question to the Minister: do we now have control of all our own waters in Jersey?

**Deputy J.H. Young:**

At the present time we are moving towards that because we have licences in place for the larger vessels and those limits are in place, which brings the E.U. fishermen into line with the conditions that our own vessels have because we have not then brought in conditions that do not apply to our fleet, so it brings that more into balance for the larger vessels. But of course we have still work to do with the smaller vessels when the amnesty ends, where there is at the moment, if you like, over 200-odd boats that can access our waters, again, listed on the website under previous Granville Bay rules which the Fisheries team recognise exceeded the historic effort which the agreement provides.

**3.1.13 Deputy M. Tadier:**

Yes, I am worried that we are moving towards control of our own waters by complying with what the U.K. and the E.U. are telling us that we have to do, but that is not my question. I suppose there are so many questions to ask but a simple question is: given that French fishermen will now be able to come and fish in Jersey waters provided they have got a history of doing so in the last 3 years, is it also the case that Jersey fishermen will be able to fish in French waters if they choose to do that under the agreement?

**Deputy J.H. Young:**

The agreement provides for Jersey boats to have a track record of fishing in French waters to have licences with the conditions applied that are based on their historic access. There are some Jersey boats who have historically fished in French waters and those details were sent to the French through the system to apply for licences. As at the moment, those licences have not been issued and there has been no response from the French authorities for those requests. All that evidence has been submitted for those boats, so that is the current position which is obviously a very one-sided arrangement.

**3.1.14 Connétable K. Shenton-Stone of St. Martin:**

Are there any plans to establish a permanent forum between our very near neighbours, Normandy, and ourselves to deal with these issues as it seems strange that there has been no clarity on creating a permanent facility for dialogue for this?

**Deputy J.H. Young:**

I think the Connétable is absolutely spot on. It is something that I have asked to be set up, which is what I would call a liaison committee. In the past, there were joint meetings, the structure of the Bay of Granville Agreement, is that fishermen, our fishing people, met with the Normans and the Bretons regularly. Though I have to be frank and say relationships did break down following Brexit, in certainly at least a year that I am aware of, because of the tensions of Brexit. But nonetheless, the problem is that decisions had to be made jointly between Jersey and France, which they never got made. The new arrangement provides for Jersey to make those decisions but it is absolutely right, there is a method of consultation/discussion and that is something which I have asked to be set up, a liaison body, and I am hopeful that we can get that to improve communications. That is a really important principle, so I back that 100 per cent.

**3.1.15 Deputy S.M. Ahier:**

Does the Minister accept that closing certain areas to fishermen for scientific investigations into bream numbers was ill-timed and could easily have been delayed by a year while delicate negotiations took place?

**Deputy J.H. Young:**

Yes, it could have been. The history has been that complaints were made to me by Jersey fishermen that our bream stocks are very valuable and they are in particularly sensitive areas of our marine

environment. There have been complaints about dredging through those areas that have caused damage. So what was done, a proposal was put to the French last year, I believe, to have those areas closed for a short period to allow that study to take place. It could have been deferred but the problem is, is this very time, April and May, is the time that bream spawn. So, therefore, the conservation arguments are over where ... and they are quite small areas and they will not expect very many boats at all. But obviously it is open to stop it; at the moment have not done so.

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

I simply wish to clarify a point raised by Deputy Morel's question. The Minister recalled that he kindly invited me to a briefing on Thursday evening after the meeting with the French fishermen and during that meeting I understood that all actions taken were very much in accordance with legal advice we have received from our law officers. Is he able to confirm that that remains the case and that if there was legal advice given by the U.K. Legal Department, then there was no disagreement between the 2 and that there is therefore unanimity on that score?

**Deputy J.H. Young:**

I believe that is the case and I am grateful to the Deputy for his question and I should have emphasised that. The information available to me is that our law officers are entirely satisfied with what we have done.

**3.1.17 Deputy M.R. Higgins:**

The Minister has mentioned something that does concern me and that is that there are over 200 boats in France that believe they should be allowed to carry on fishing in the waters and who may not be able to prove that they have historical rights. How is the Minister going to deal with this situation when they have got the expectations that they are going to be successful in being allowed to continue fishing in Jersey waters?

**Deputy J.H. Young:**

I mentioned that intentionally to realise the scale of the problem ahead. What the team are going to have to do, and we have agreed to be as flexible as we can, to look at any source of available information for those non-V.M.S., that is the computer equipment-equipped boats, so that we ensure any French or E.U. fisher has got a record of past access and qualifies and gets a licence. That work is to be done, we have got a few weeks to do it, and that is why the communication processes we have set up are absolutely vital to help us do that.

**3.1.18 Deputy M.R. Higgins:**

Could the Minister tell us, obviously those who do not get licences are going to be very disgruntled, how they are going to head off future problems of either blockades either in French ports or in Jersey waters?

**Deputy J.H. Young:**

I think the Deputy is looking for a panacea of me being able to produce a solution on the moment which solves it all. I have been quite open and said we have made concessions, there are issues still to resolve and this situation changes by the day. So at the moment there are technical meetings going on and I absolutely have no doubt there will be meetings going on regarding those details. But I can say now, if the Deputy looks at the U.K. website where those vessels are all listed, he will also find there is an equivalent number in our neighbours to the north as well in Guernsey who of course have decided to leave the issue of conditions for a later date.

**The Bailiff:**



Very well, that brings the further question period for the Minister to an end. Is the adjournment proposed?

## **LUNCHEON ADJOURNMENT PROPOSED**

### **The Bailiff:**

Very well, the Assembly stands adjourned until 2.15 p.m.

[12:55]

## **LUNCHEON ADJOURNMENT**

[14:15]

### **4. Questions to Ministers without notice - The Minister for Treasury and Resources**

#### **The Bailiff:**

The next item on the Order Paper is that we move on to Questions without notice. The first period of questions without notice is for the Minister for Treasury and Resources. Does any Member have a question for that Minister?

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

I was recently contacted by a constituent, complaining about how difficult it was to contact the Tax Department by phone. This is, I understand, an ongoing problem at the department. Could the Minister for Treasury and Resources advise what measures are being put in place to address this unsatisfactory situation?

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

Good afternoon to everybody. I completely understand where the Deputy's question is coming from. There have been a lot of correspondence issues with the Tax Department. They have had a huge amount of changes to do to the I.T. (information technology) system, to the move from Cyril Le Marquand to La Motte Street and with the change in the rather antiquated 1961 law, which we are doing with the P.Y.B. (prior year basis) to C.Y.B. (current year basis) change and also later on this year, the independent tax change. So there is a lot going on, but everybody holds their hands up completely to say that: "Yes, there has been a delay in answering calls, largely due to the situation where there are no face-to-face dealings with tax issues, because of the COVID-19 situation." However, it is improving and more resources have been allocated in terms of staffing to Revenue Jersey in order to deal with this. Revenue Jersey and myself would quite acknowledge there has been a big problem, but it is improving.

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

I thank the Minister for her answer. Just on the timescale, could the Minister advise how soon we can expect to see an improvement in telephone call pickup times?

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

Yes, it has changed. I have the figures in front of me. The average waiting time in April was 7 minutes, compared to March which was 21.8 minutes, back to February which was 9 minutes. So it is constantly changing and it is improving. As I say, extra resources in staffing are helping hugely.

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

Could the Minister confirm when tranche 2 of the Fiscal Stimulus Fund will be agreed and announced, please?

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

It has taken, as the Senator will know, longer than we thought, because of the huge number of people applying for the funding, both in tranche one and in tranche 2. However, I am going to be able to make public ... I have not seen the recommendations yet, from the Fiscal Stimulus Oversight Group, so as soon as I have we will be able to make it public, but the Corporate Services Scrutiny Panel will, of course, have notification beforehand.

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

Could the Minister commit to giving the Scrutiny Panel adequate time, this time, in which to consider the detail behind the second tranche of her decisions? Equally, is the Minister assured and can she give the Assembly her reassurance that this tranche will not focus on minor capital projects that would contribute to an already heated construction industry?

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

As I said in my answer to the Senator's first question, I have not seen the recommendations as yet. I do not sit on the Fiscal Stimulus Oversight Group. So until I see the recommendations I will not know what proportion are, I say quote unquote, construction. As the Senator rightly said, they are minor projects, inasmuch as they have to be completed by the end of the year, so they are not major construction projects as such. We have had lots of conversations with the construction industry, Construction Council, who say that they can certainly deal with these minor projects. I do not mean any way derisory, but smaller projects than major construction projects. Of course, we will ensure that Scrutiny has as much time as possible.

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

I was wondering if the Minister for Treasury and Resources would mind providing the Assembly with an update as to the most recent revenue projections or most recent revenue forecast for 2021 and whether they are showing a better or worse picture than had previously been forecast.

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

Yes, we have the latest report from the Fiscal Policy Panel, as the Deputy will be aware. It has been very changed from their last report of October 2020. Inasmuch as the interest rates have changed considerably. There has been a strong performance for funds under administration in Jersey, which grew by 9 per cent. It is a big change, but equally they are advocating caution in moving forward. There has been a big boost in housings, as again the Deputy will be aware. We move forward very cautiously. Of course, our forecast and budget will be included in the Government Plan for 2022-2025.

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

I will slightly restate my question. Would the Minister please provide the Assembly with the most recent update as to tax receipts and whether tax receipts are looking to be higher or lower than had previously been forecast.

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

Obviously this is still in arrears in most cases. For personal tax returns, we have so far received over 26,000 completed tax returns as at 23rd April compared to 23,000 last year as at the end of April. There is a 3,000, compared to last year, difference. The take up of online filing continues to improve and is up 75 per cent on this time last year, with 9,600 returns received online compared to 5,400. If the Deputy wanted figures as opposed to numbers, I cannot give him that, because I do not have that information. However, those are the increase in numbers that we have had returned.

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

As the shareholder representative for Andium Homes, what influence does the Minister have over the possible increase in rents for refurbished Le Marais Flats.

**Deputy S.J. Pinel:**

The responsibility or delegated responsibility for Andium lies with the Assistant Minister for Treasury and Resources, Deputy Lindsay Ash, as the Deputy will know. However, as a St. Clement Deputy, of course, I have taken a great interest in the redevelopment of La Marais, long overdue, and the people that I have met who live there love being there. Having been around La Marais several times, it is fantastic accommodation and I understand why people like being there, which is why they do not want to move. As regards to the Deputy's question to the increase in rents; it was always such, from what I remember, that if they stayed within their apartments while the refurbishments was going on there would not be a rent increase. If they moved out because the refurbishment was too busy for them and then moved back in again there would then be an increase. I do not know what the agreed rental with Andium has been, if it has been agreed.

**4.4.1 Deputy R.J. Ward:**

Could I ask the Minister, who I believe still has overall responsibility, shareholder responsibility, does she believe that this is a fair system, particularly given the last answer where if one decided not to move out during a major refurbishment, which I do not believe was possible, that your rents will not go up but if you did move out your rent will go up? Where on earth are we with the rents for these people who want to move back into much needed refurbished accommodation?

**Deputy S.J. Pinel:**

I did say to the Deputy that the refurbishment was much needed. The residents, from what I understand, were given a choice, dependant on the degree of refurbishment that was required, as to whether they moved out or moved back in again. As I say, it is the Assistant Minister for Treasury and Resources who has responsibility for Andium, so probably left if Deputy Ward were to refer to him.

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

Could the Minister please confirm that it is her and her department that will decide on any taxation levels that might be levied on our fledgling cannabis industry here in Jersey?

**Deputy S.J. Pinel:**

It is a joint decision, Deputy, from the Minister for Economic Development, Tourism, Sport and Culture, who has said, very publicly, that it would be 20 per cent, which is the way that we are progressing that as to be fair across all business.

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

If the decision has jointly been made, does the Minister know what sort of tax receipt is expected?

**Deputy S.J. Pinel:**

Not entirely, but we are not expecting tax receipts until about 2024 because the tax will be on the profits. From what I understand, the implementation of the cannabis growing scheme is incredibly expensive to initiate. So it will not be until there are profits produced that they will be taxed.

**4.6 Senator S.Y. Mézec:**

Could I ask the Minister, as shareholder representative of the S.o.J.D.C. (States of Jersey Development Company), what direction, if any, has been given to them around the proposed South Hill development and what proportion of homes for affordable housing, first-time buyers or sub-market rent, have been put to the S.o.J.D.C.?

**Deputy S.J. Pinel:**

No, I am afraid I cannot answer that. I can answer the Deputy separately. Again, with the arm's length organisations or shareholder organisations, it is very much the delegated responsibility of Deputy Ash. However, we are in the process of looking at it and will get back to the Senator when we have some answer for him.

**4.6.1 Senator S.Y. Mézec:**

Would the Minister agree that the arm's length bodies ought to be acting in such a way which is delivering on the strategic aims that our democratically elected Government would say including the delivering of affordable housing and therefore it would not be unreasonable to say to the S.o.J.D.C. that when pursuing a development like this we do not want them to be providing homes which will simply be used as investment assets rather than homes for the people who we represent?

**Deputy S.J. Pinel:**

Yes. The Senator and I have had a discussion about this before with relevance to the waterfront, not just South Hill. Certainly the way to go forward will accommodate affordable housing or first-time buyers housing and/or both. However, the S.o.J.D.C. has to have a viable business to go forward. So it cannot all be affordable housing. It has to be a mix of all of them.

**4.7 Deputy M.R. Higgins:**

It is another question to the Minister as the shareholder representative, this time for Jersey Post. Can the Minister justify, and also tell us because she has had a briefing on it, Jersey Post increasing the cost of parcels to the U.K. from 1st January by 6 per cent and parcels to the rest of the world by 25 per cent, which certainly would blow any hole in trying to help us keep inflation down?

[14:30]

**Deputy S.J. Pinel:**

Parcel post is really largely what makes Jersey Post viable, because obviously people are not doing letters and cards as they used to. I am not aware of the 25 per cent increase. I was aware of the 6 per cent increase. On the basis that there has not been an increase for quite a while is maybe why it has jumped that much. However, I was not aware of a 25 per cent increase. It would be due to the market, not necessary just Jersey to U.K., for which it would have to pass through, but it would be from what the U.K. markets put on to our cost.

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

As the Minister does not know for sure, will she undertake to find out and come back and give the States and the Island an answer explaining why those increases and how they are justified?

**Deputy S.J. Pinel:**

Yes, of course, I will.

**5. Questions to Ministers without notice - The Minister for External Relations and Financial Services**

**5.1 Deputy M.R. Higgins:**

Could the Minister, again following on from my questions to the Minister for the Environment earlier, how is he going to try and deal with the expectations of the 200 French fishermen, who will probably not get licences and obviously will not be best pleased?

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

I thought the Deputy's question was excellent the first time he asked it. Let us be clear, the Trade and Co-operation Agreement gives rights over historic fishing in our water and in French water and it uses a term "nature and extent and proof that is required". There may be language around Jersey and elsewhere that thinks that we can avoid meeting the terms of that agreement, but we cannot. We have to, under the terms of the agreement, issue licences to French fishermen who have historic rights in our waters through the proceeding 3 years. That means there will be a good number of licences issued. The challenge we have had is the data and the evidence. We are going to need to work with the E.U. and now bilaterally with the French as well. We are going to need to be pragmatic. We are going to need to think about the spirit of the agreement as well as the letter of the agreement, because if we do not respect those historic rights as the trade deal says we should, then this problem will not be solved. The Deputy is right to raise this as an issue.

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

Could the Minister explain, please, why he prefers to negotiate with the French via the U.K. and not take up the offers of direct communications with our neighbours in Normandy and Brittany, please?

### **Senator I.J. Gorst:**

Let us be clear, I have been speaking with our neighbours in Normandy this last week, as you would expect. It is not a matter of personal preference. It is prescribed as the institutional arrangements within the trade deal. We have asked and put it to the E.U. that there should be a 2-pronged approach. One is the institutional arrangements, which we think serve as well, because fishing, let us remember, is the responsibility of the E.U. and not individual member states. The fact that we have relationships and hitherto good relationships with Normandy means that we need to keep that dialogue open, on the detail, rather than just the term. It is that institutional arrangement, where it said we must use those rather than talk about the detail to our Normandy colleagues, which is part of the problems arising and where we find ourselves where we are.

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

When we talk about historic rights, how long will these historic rights last for into the future? Will they be transferrable, for example, from father to son or from mother to daughter?

### **Senator I.J. Gorst:**

Quite simply, the terms of the agreement can be read in perpetuity and that they are transferrable. The Deputy will recall from the legislation that the Minister for the Environment asked the Assembly to approve at the last sitting that that was the terms of the legislation. Let us remember, these historic rights, French fishers have been fishing in our waters for hundreds of years. The Bay of Granville Agreement was just the latest agreement about how they could fish. So the historic rights going forward, I think in perpetuity is the correct term, but into the future, are based on what those fishers have done over the last 3 years or the best of the last 3 years, in effect, prior to the Brexit agreement.

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

I am a bit baffled, because there were lots of historic rights and privileges that we all enjoy as British citizens that will not be continued after Brexit in other areas, but not seemingly not when it comes to fishing. My question is really about sustainability. What if those fishermen have enjoyed historical fishing in the last 3 years, but ultimately in an unsustainable way, in particular pelagic pair trawling, which has been happening by the French, which cannot be described as sustainable wherever it happens? Is that going to be allowed to continue and if so what is the point?

### **Senator I.J. Gorst:**

This is the juxtaposition of respecting historic rights. However, the trade agreement is also very clear, and the Minister for the Environment was very clear in his statement earlier, that Jersey waters, as prescribed in the trade deal, are to be managed in a sustainable manner for the future, but any sustainable conditions that might be brought forward in the future, which I know the Minister and Assistant Minister are absolutely committed to, must be based on good scientific data and introduced in a non-discriminatory manner. So that is the point. Jersey can manage its own waters for the first time and it can manage them in a non-discriminatory, sustainable way, based on the best scientific evidence.

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

Is the Minister satisfied that the United Kingdom has acted in Jersey's best interest when it acts as a rapporteur in that chain of communication with Normandy? Is he satisfied that the United Kingdom is not acting in its own interests? For instance, last week it did have elections and it could certainly be suggested that the gunboat headlines that appeared on election day in the U.K. were in the interests of certain parties in the U.K. Is he satisfied that Jersey's interests are being put ahead of any United Kingdom interests in that trade agreement communication?

#### **Senator I.J. Gorst:**

The Island and its Government, because of its constitutional arrangement, continually has to face that challenge of ensuring that its interests are heard and properly represented, even where they diverge from the United Kingdom's around the globe. That is why we have sought, during this period post the implementation deal around fishing, to build a bilateral with the E.U. commissioner on fishing. It is always something that we guard against, that the U.K. is not seeking its own interests, but ours. The Deputy asked a question about legal advice to the Minister for the Environment earlier. Let us be clear, the Minister for the Environment acted on the Jersey legal advice. In this instance, of course, the U.K. legal advice agreed and confirmed the Jersey legal advice, as I would expect it to do. I am satisfied that they are acting in our interest. I believe we are in a slightly different position from the United Kingdom and that is the relationship that we have with Normandy and the historic nature of those fishers fishing in our water, we understand probably better than they do how we must give effect to those historic rights. There is no avoiding it.

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

I will ask a question that I asked of the Minister for the Environment. Does the Minister for External Relations and Financial Services believe that Jersey has lost some of its autonomy in this area, in terms of fishing, as a result of the U.K. and E.U. trade agreement?

#### **Senator I.J. Gorst:**

No, it has taken some back, because for the first time it is the Minister for the Environment, as we saw a week ago on Friday, who can now issue licences over its own water and issue conditions on those licences, provided they are non-discriminatory and based on the best scientific evidence. The problems that we have faced are around the institutional arrangements for communicating what is happening directly with the E.U. and with our French neighbours. So we have gained some autonomy, but the way of communicating that and the institutional arrangements are currently hindering us being able to give licences which respect those historic fishing rights.

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

I thank the Minister for his answers.

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

I am given to understand that the Normandy Trader, while being allowed to discharge its oyster catch in St. Malo today, was refused permission to land local shellfish on the basis of security risk. What would be the Minister's comment on that, please?

**Senator I.J. Gorst:**

That, of course, is my understanding as well, Connétable, even though yesterday from Normandy the official no landing notice was removed. We are grateful to those who interceded on our behalf in that regard. There were a myriad that did. The Trader, while no official block, has had it informally suggested, as the Connétable said, that that should not happen. As we have been doing for the last 4 months, we will continue to pick those issues up, speak directly with Préfet Maritimes and the Harbour Authority to try and alleviate those ongoing concerns. Last week's crisis has also shown that access to waters and access to markets are intrinsically linked in the minds of our colleagues in France, as they are for our fishers as well.

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

Given that there is a direct link between the extension of amnesties and the well-being of our fishing fleet in Jersey, will the Minister confirm that amnesties will not be extended readily without consideration to the effects on our fishing fleet?

**Senator I.J. Gorst:**

No, they will not and that is why the Minister for the Environment, when asked by the European Union, only extended the amnesty initially for smaller boats for whom evidence was more difficult to gather and the larger boats with V.M.S. amnesty ended at the end of April. What we know now from experience over the last week was those vessels which have received licences do need more time to gather further evidence on the extent and nature. I come back to the central point, the trade agreement is clear, historic fishing rights must be respected and we must work with the E.U., with the U.K. and importantly with our French colleagues, to make sure we are issuing licences which respect those historic fishing rights. We have to think strategically. We have to think about the spirit of the agreement.

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

The trade agreement provides for the creation of specialised or specialist committees. Is it the Minister's view that the E.U. delay in gratifying the agreement has delay in those committees being formed? Further does he envisage that once the relevant committee is formed that will be the forum through which future negotiations regarding our waters might be conducted?

**Senator I.J. Gorst:**

The Deputy is absolutely right. The delay in ratification, therefore, the delay in setting up the specialised committee, where these technical issues should have been addressed, has fed into some of the issues that we face. He is right. Going forward, when they are set up, they should be more resolvable.

[14:45]

**5.8 Deputy R.J. Ward:**

It was a technical question, given the reference to historic fishing rights, am I right in saying that they are like-for-like licences? So if it was 10 days before it will be 10 days after. If it was 365 days before it was 365 days afterwards. Is that the correct interpretation?

**Senator I.J. Gorst:**

That is correct. They can, in any one of the proceeding 3 years. They can pick the best year out of the 3.

**The Bailiff:**

I am sorry, Deputy, the time has just expired, so there is no opportunity for a supplementary, I am afraid.

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

**6.1 Deputy R.J. Ward:**

I would like to ask the Chief Minister, given the answer previously in this sitting regards the decision over Rouge Bouillon is not for the Minister for Infrastructure to be making. Can I ask the Chief Minister, in his opinion, who will make the final decision over the allocation of the Rouge Bouillon site for either the school or the fire and ambulance service?

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

Yes, in my opinion, it will very much depend on the recommendations that have come out through the report and review we are expecting, as I referred to in my earlier, in roughly 4 to 6 weeks' time. It has to work its way up. It will then be fed through the relevant bodies I have previously referred to, including the Regeneration Steering Group and ultimately up to the Council of Ministers. My expectation is that there will then be a decision and discussion at the Council of Ministers. I may have misheard the Minister's response, but I think he did suggest ultimately it might come back to the Assembly. I need to check exactly what he had in mind, but at the very least it would be a Council of Ministers decision. I do emphasise that we need to take that decision in the round. In other words if, for the sake of argument, one suggests that that site is appropriate for the extension to Rouge Bouillon, bearing in mind its location next to a very large roundabout, that you do, before one does anything, have to secure a central site that is appropriate for life and safety in town for the fire and rescue service and any other blue light services that require housing.

**6.1.1 Deputy R.J. Ward:**

My question really is not about the validity of the decision at this stage, it is the question of who is finally responsible for that decision. Perhaps I will word it another way. Who will take credit for that decision? Will it be the Chief Minister? Will it be a majority vote of the Council of Ministers? Will it be another Minister or will it be a non-ministerial department that is not directly accountable to this Assembly.

**Senator J.A.N. Le Fondré:**

It will certainly not be a non-ministerial or external body who is not accountable to the Assembly or anything along those lines. My expectation, as I said, is the final decision would be at Council of Ministers, but it may well be that formality means that a Minister may have to sign it off. However, my expectation would be at Council of Ministers.

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

What review has been conducted in each Parish in relation to local school facilities prior to the selection of sites for building new houses in the Island's new bridging Island Plan?

**Senator J.A.N. Le Fondré:**

I would have to say that that would very much be a matter for the Minister for the Environment. We do emphasise the point that it is a bridging Island Plan, not the full Island Plan. As I said, the review I have previously referred to is mainly in what I will call the urban area of St. Helier, but may well extend outside the Parish links of St. Helier into the urban area of St. Helier.



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

I was asking the question in relation to the hat he currently holds in relation to education. Therefore, I would have anticipated, as acting as the Minister for Children and Education, that he would have considered this, looking at the bridging Island Plan. That is what I am asking.

### **Senator J.A.N. Le Fondré:**

I did address that in one of my earlier answers in the Assembly this morning, on the basis that this is hopefully a temporary role that I am holding.

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

I wanted to ask a question that relates to the ongoing French situation. Is that in order given the general importance to all of the ministerial departments?

### **The Bailiff:**

Yes, I do not think there is a difficulty with that. The Chief Minister can be asked a broad range of questions during question time.

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

It relates to this idea about the non-discriminatory application of sustainable fishing or any other fishing conditions that we wish to apply. Is it the reality that if a condition is applied to a particular, what they call, prosecution type of fishing, say pelagic trawling, which only the French do, that it is going to be hard to describe that as non-discriminatory in reality, because it will be effecting primarily one group of fishers above the other, which could then lead on to further reprisals? Does the Chief Minister have any thoughts about that particular issue down the line, when in reality we try to manage our waters and our fishing stocks?

### **Senator J.A.N. Le Fondré:**

I thank the Deputy for a very good question, although probably a bit of a challenging one. What I will say is that I will go for a principle; if it got into any more technical detail, I would definitely want to revert to legal and technical advice. However, as a fundamental principle, if a condition is non-discriminatory it is non-discriminatory. It still applies to, for the sake of argument, one fleet over another, even if that particular fleet at the present time does not do it in any great shape or form. It has to be a non-discriminatory measure. I also thought that this is where the conversation areas of our waters are going to be incredibly important for future generations. That, as I understand, is one of the rationales behind some of the parts of the T.E.C.A. (Trade and Economic Co-operation Agreement).

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

I thank the Chief Minister for that answer. If, for example, Ministers decide that they want to ban a particular type of fishing, which, as I said, does not affect local fishers, but does affect the French, then what is to stop them, again, simply saying: "We do not accept these conditions and we are going to cut off your electricity supply and not allow your fishermen to land their catches in Normandy or Brittany"? At some point there has to be an ability for the "might is right" kind of argument that they might use to be no longer acceptable is the point. Where does the Chief Minister see this going in reality rather than in theory?

### **Senator J.A.N. Le Fondré:**

I am going to be as diplomatic as I possibly can be on this one. There have been some fairly intemperate remarks made politically around this matter over the last few days. Certainly the expression "disproportionate" has been used in the recent past about those comments still applies.

We are a law-abiding jurisdiction. We follow the rule of law. The agreement of what we call the T.E.C.A. sets out some very clear dispute resolution processes and that should be what is followed. Therefore, for example, as is in the public domain, the closure of the Normandy ports was not within the terms of the T.E.C.A. and a complaint was made to the Commission and that has been reversed. That has to be the stance that we expect on all sides, whether it is on our side or any other party. We all follow the rule of law. We try and de-escalate the situation and then we go by that process. Ultimately the European Commission's reputation, I would suggest, does rely on having an even-handed, objective approach and ensuring that international commitments and agreements are adhered to by all parties.

#### **6.4 Deputy L.B.E. Ash of St. Clement:**

This morning we have discussed, and I am sure many people were dismayed in the Island to hear of the offering that some of our primary schools now are able to produce, particularly that at Rouge Bouillon. Is the Chief Minister surprised that more was not done to raise this vital issue to the highest state of alert by the former Minister for Children, Senator Mézec?

#### **Senator J.A.N. Le Fondré:**

I thank the Deputy for that comment. I do not think I need to comment any further.

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

I am disappointed to hear the Chief Minister does not need to comment any further, because in my mind it should be. Would you not agree that the former Minister for Children could have got together with the former Minister for Education and raised this to the very highest level at the time and that they did not.

#### **Senator J.A.N. Le Fondré:**

As ever, the Deputy makes some very valid points. I am sure the relevant individuals that he refers to would love to discuss that in much further detail with him at some point.

#### **6.5 Senator S.Y. Mézec:**

I will not pass comment on that previous question. Given the Minister for the Environment has lodged regulations for a Landlord Licensing Scheme, albeit on slightly different terms to the one he has previously lodged, could the Chief Minister confirm that this time round it will have Government support?

#### **Senator J.A.N. Le Fondré:**

As ever, all these matters are matters for the individual Ministers. The Council of Ministers have not yet properly discussed it. I am sure the outcome will become evident as we get closer to the debate.

#### **6.5.1 Senator S.Y. Mézec:**

Is it his position as Chief Minister that he thinks it is a good use of his Ministers' time to pursue bringing forward policies like this without any indication of whether the Government is supportive of them or not? Would he not agree that stronger leadership would be to have much clearer direction to his Ministers so time is not wasted in the future?

#### **Senator J.A.N. Le Fondré:**

I will not get drawn into comments about stronger leadership or not. The Senator will be aware that we have had a few other issues to deal with in the last 10 days, which has taken the attention of a number of Ministers. As I said, at the next Council of Ministers I expect there to be a full and proper discussion around the matter.

## **6.6 The Connétable of St. John:**

The Chief Minister, in answer to an earlier question, said he hoped that the role of Minister for Children and Education was a temporary role. Can he advise Members when he hopes to make an appointment of a new Minister, please?

### **Senator J.A.N. Le Fondré:**

If I can refer the Connétable of St. John to a written answer I have already given and that lays out the present state of play.

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

Further to my Written Question 190/2021 regarding residency, would the Chief Minister be prepared to consider a dual residency status from Island residents, principally because many people seem to have residencies not only in France, but in other countries and spend half their time here and half their time there? I would be interested in the Chief Minister's views.

### **Senator J.A.N. Le Fondré:**

With an accountant's hat on and a somewhat dim recollection of all the complicated rules around residency, and I am just peering at the answer we gave him on the Written Question 190, I do not think I would give a comment on that off the hoof, because I do know that those areas are fraught with difficulties sometimes. Particularly, if one looks at certain European jurisdictions, I know this is not the same, where effectively residency and European passports get linked and that as a practice is certainly diminishing. It is one of those questions where I would rather have a more detailed discussion with the Connétable, which I am very happy to have at some point, just to understand where his thinking lies, Sir.

[15:00]

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

Given the restrictions of travelling linked to COVID-19 of late, would the Chief Minister agree that many residents or several residents have had difficulty in complying with the residential qualifications needed to demonstrate that they are in fact residents in Jersey?

### **Senator J.A.N. Le Fondré:**

All I can do on that is refer back to the answer that has been given, where in exceptional circumstances it is something we have looked at on a case-by-case basis.

### **The Bailiff:**

Very well, there is no time for any further questions to the Chief Minister. That brings the time allocated for questions without notice to an end. The next item of business is a statement on a matter of official responsibility from the Minister for International Development in relation to the Island Identity project.

## **STATEMENT ON A MATTER OF OFFICIAL RESPONSIBILITY**

### **7. The Minister for International Development will make a statement regarding the Island Identity Project**

#### **7.1 Deputy C.F. Labey of Grouville (The Minister for International Development):**

Over the past year I have been privileged to lead on a piece of work entitled Island Identity, which explores the many different elements which define Jersey, which is a lot more difficult than it sounds. Together with the very able policy development board, whom I would like to give enormous thanks to, we have produced a 200-page interim findings report. A strong and inclusive sense of Island

identity underpins many of the goals and themes prioritised in the Common Strategic Plan, which this Assembly unanimously approved in 2018. The work was split into 6 focus areas, which ranged from our constitution, communities to connectivity, and settled on 3 primary objectives, being: people in Jersey are civically engaged and proud of their Island, Jersey has a recognisable and positive international personality, and public policies coherently support and develop Jersey's distinct identity. These were narrowed down yet further with 7 specific goals and over 40 suggestions of what we considered to be opportunities to kick-start the project. This report sets out our thinking and will act as a reference point and delivery aid and can be found on the Island Identity website, which we are launching today. Since then, the work has been summarised in an easy-to-read consultation document, which we have also published today and will be available to stakeholders, schools, the Parishes, businesses, organisations and anyone who has an interest in the subject, which should be everyone, right, as this initiative now turns to you and asks: what does Jersey mean to you? To help us work towards the overarching objectives against which success can be ultimately measured, we put forward 2 simple-sounding questions for consideration: what makes Jersey special and why does it matter? First, there is a profound and almost universally shared sense that what we have in Jersey is special and worth protecting, yet also a widespread feeling that something is being lost. How can Jersey change with the times, embrace diversity, be a welcoming place for immigrants, play its part in an increasingly interconnected and homogenous world, yet still preserve and nurture its uniqueness? I realise that questions of identity must be handled sensitively. We must take particular care that we are not defining some ideal of "Jerseyness" which alienates people with different views and backgrounds. Instead, I believe that discovering and celebrating what people themselves love about Jersey and value about the Island can help provide common focal points for our growing and interestingly diverse population. Interestingly, nations which have a strong sense of national identity - Canada, Australia and New Zealand - are often among the best at integrating immigrant communities and giving them a sense of pride and belonging. Conversely, nations with weakened identities are now struggling with legacies of social fragmentation. How others see us matters, too. Internationally, our long-term future relies on projecting a positive image of the Island, a richer international personality than just that of our world-class finance industry, our unique history and constitutional status and our extraordinary endeavours in other fields of culture, heritage, philanthropy, international development, sport, business, arts, agriculture, tourism and conservation. There are so many and these should also be recognised and promoted as part of our personality. Co-ordinating and projecting these facets of our Island identity will help us build the reputation and relationships we will depend on to thrive in a globalised world. Thirdly, by developing and enhancing Jersey's distinct identity and outbound-facing profile, it will give us a framework to coherently set public policy in the future. Why is now the right moment to investigate these matters? Even before the events of last week, the why now question could not be more relevant and urgent as we, as an Island, faced the challenges of Brexit and big global issues like climate change, pandemic recovery and huge technological advances changing the way we work. The time is right to position ourselves as a global citizen with much to offer. I also believe that during lockdown there has been a paradigm shift in our society. It has given us time for reflection, to better appreciate the importance of family, our community, the environment, our well-being and all that we value. We have great opportunities to diversify and innovate as other British nations have done, such as Scotland and Wales, with far fewer political and constitutional freedoms than we enjoy. Yet visitors to those places are confronted at every turn with proud expressions of who they are. Whether you grew up here, work here or have chosen to make Jersey your home, this project is for you. The task has not been one to look backwards and attempt only to preserve our unique essence but to shine a light on its many strands and look at the different ways they can be improved and woven together for the future. So, join me and articulate what Jersey means to you, what it means to be part of this community, what makes us distinct, what should we value and defend, the principles that we should uphold as defining the best parts of Jersey and its people. In working together to shape our understanding of Island identity and to enhance our

international personality, we can be proud of our Island and maintain it for future generations. The future is ours to shape and while we might face uncertainty I passionately believe that the topic of our Island identity and international personality, what Jersey means to you and to others, the stories that you tell, where we are collectively and where we want to be, is a fundamentally optimistic and forward-looking one. It is in that spirit of optimism that I say: over to you.

**The Bailiff:**

Thank you very much, Minister. There is now a 15-minute period for questions. The first question is from Deputy Tadier.

**7.1.1 Deputy M. Tadier:**

I am glad to hear that Jersey is unique and special, just like every other place in the world, and the question I have for the Minister is: does she believe that there is a risk when we try to anthropomorphise concepts of nationality and ultimately very abstract ideas when we start talking about personalities?

**The Deputy of Grouville:**

The term “personality” I believe was defined by the Lord Chancellor in 2007 when he visited Jersey and advised us of a certain way that we should be considering our international personality. Various terms were considered and personality was the one that was felt that was most suited to what we were trying to portray.

**7.1.2 Deputy M. Tadier:**

Does the Minister believe that there is a risk when we talk in terms of personality, which is usually applied to individual psychology, that we get into the realms of potentially absurdity but also we get into the realms of talking about multiple personalities and a schizophrenic society? Is it not the case that we have so many different identities that people can identify with so as to make the concept of talking about an Island identity either highly risky or completely meaningless?

**The Deputy of Grouville:**

No, I do not agree with the Deputy. I believe that there are many facets to our personality that does not necessarily mean that we are schizophrenic. It means that we have many talents. As I alluded to in my statement, rather than us just focusing on our international personality being that of a world-class finance centre, we have many other strands that we can draw on and we should be promoting so that rather than just an international finance centre we are known for other things, the many other things, conservation, the work that Durrell are doing, for example, the work that Jersey Overseas Aid are doing, international development, transforming milk yields in Africa. No, I do not believe that makes us schizophrenic. I think it is a very good term. It means that we are multifaceted.

**7.1.3 Senator S.Y. Mézec:**

I am following on from I think where Deputy Tadier is trying to get to with his questions. Could I ask the Minister to outline what she thinks the challenges are going to be in trying to articulate any sort of unified definition of identity when it is surely intrinsic that somebody’s emotional relationship with their home is something that is ultimately deeply personal to them?

**The Deputy of Grouville:**

Of course it is going to be personal to them if it is their home, but it is to draw on what Islanders feel are important in their Island, to draw on the assets that we have. It is taken as a given and certainly in the Future Jersey document that went out to consultation, one of the best assets was our scenery, our lanes, our beaches, but we know as Islanders we are made up of so much more than that. For example, during COVID and lockdown the community came together and helped one another. There

were the community support teams, the taskforce, et cetera, so as a community I think that is probably one of our greatest intangible assets, which are very difficult to describe but, nonetheless, make up who we are. I am not pretending that there will not be barriers but that is what we would like to hear. If people do not feel included in the community, we want to hear what those barriers are.

[15:15]

#### **7.1.4 Senator S.Y. Mézec:**

Does she accept that there is a serious risk in trying to define the Island's identity and ending up focusing on things that there simply is not unanimity out there in the public and end up risking alienating those people from what is prescribed as our Island's identity? If I could just use a couple of examples to demonstrate what I mean by that, I mean, for example, our government system. Some people may say that is something to be proud of; some people who are just as Jersey and just as proud and caring of their Island may say the opposite of that. Does she accept that there are risks even in the documentation that has been published so far which refer to Jersey as a country, which is something that there are thousands of people out there in our Island who consider that notion to be a bit ridiculous and embarrassing. That does not mean they are less proud of their Island home, they just do not consider the terminology that is being prescribed to be accurate. Does she accept that those are risks and what will she do to overcome them?

#### **The Deputy of Grouville:**

Yes, obviously if you raise your head above the parapets there are risks with everything, are there not? The longer report explains quite well why we suggested certain terms for describing our Island. National identity was one of them. A small island, small country, small national country, there are all different ways, but I think you come together and you discuss it. As I said, some of the countries who have the strongest international personalities are those that are the most inclusive. Countries that have sort of shied away from tackling these issues find themselves with social fragmentation.

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

There has been talk of Jersey's assets and surely the assets with the most potential value in Jersey are our young people. It strikes me that any young person who thinks about a career in public policy today would look at the Government of Jersey outside of the political aspects of the Government of Jersey, would look at the directors-general and would look at the C.E.O. (chief executive officer) positions and would see people, none of whom are born in Jersey. So, in that sense, is it not the case that no matter what work we do in terms of drawing up papers called Island Identity, the Government itself removes confidence from our own young people because they cannot see themselves working at the top levels of our Government? So, in that sense, does the Government not undermine Jersey's own Island identity?

#### **The Deputy of Grouville:**

It is a point very well raised and in actual fact we recognised this in the report. The report is not a promotional report, it is a very fact-finding, considered report, I would say. Yes, the Deputy makes a very good point. One of the opportunities, one of the suggestions that we made, was that consideration be given to a talent programme within the civil service. For example, if young people do want to enter the civil service, they are given opportunities at the careers fairs and stuff like that and talented ones are put on a fast-track programme. They have fast-track programmes, I believe, in the U.K. and we felt that there should be something similar here. So, that is the first thing. The second thing is another of our suggestions is that schools enhance their teaching programme about our Island, about how it works, about the political system. Already we have the Youth Parliament. We have the Youth Assembly. I know the Greffe does a huge job of work with the year 5s and 6s in primary schools, but we believe that there is a lot more yet to be done. Certainly, teaching in schools

about our Island, how it runs ... not only in schools, I have to say, teaching adults, teaching front line workers, teaching people within the civil service how our Island works, how the political system works. I think the key to much of what we are suggesting is education.

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

I thank the Minister for the report. It is certainly interesting and I appreciate that a lot of work has gone into that. Is the Minister able to confirm reports that I heard that senior civil servants pushed back at some aspects of this report when they were first presented with the draft, pushing back specifically in terms of referencing the Anglicisation of the Island in terms of bringing a U.K. culture to the Island when the Island has always proudly not been a part of the U.K.? Is the Minister able to confirm those reports? Were they correct? Did she indeed meet such resistance from civil servants?

#### **The Deputy of Grouville:**

Personally, I did not. I was not at that meeting, but I believe there was a heated discussion over the report and some of the uses of our terminology. The Deputy is quite right, I think there were exceptions made when we did use the word “Anglicisation”. We continue to use it because we felt the way it was used was fair because we were talking about sometimes we look to the U.K. for our solutions, which sometimes are ill-fitted to the Jersey context and we should be perhaps looking elsewhere for solutions sometimes. So we felt that to say that there was increasing Anglicisation was a fair comment, so it continues to be in the report.

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

I thank the Minister for her answers.

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

Minister, could you advise if you have presented the Jersey Identity report to the Curriculum Council and of the expectations for the Curriculum Council to carry out much of what you have talked about with regards to education?

#### **The Deputy of Grouville:**

There are discussions going on but obviously my first port of call was to the States Assembly to present the reports here after they had been to the Council of Ministers, but we have plans afoot to go and speak to the Curriculum Council.

#### **7.1.8 Senator S.Y. Mézec:**

In the documentation that I have seen on the website there is a reference to the board behind this report having concluded that it is appropriate to describe Jersey as a country and a place with citizens. Given that both of those things are contestable and contesting them is not a sign of any sort of unpatriotic view of the pride to be from Jersey, could the Minister say whether that was a unanimous description that the board arrived at and does she understand why people may contest those descriptions and look at that sort of documentation and say: “This exercise is not for me if those are the conclusions they are reaching”?

#### **The Deputy of Grouville:**

We had various discussions about the terminology and calling the report a national identity, which many would argue that we are a small nation state, but when choosing the title we felt that that might put some people off. This particular exercise is a consultation exercise so that is the last thing we wanted to do. But if the Senator would like to read the bigger report, the 200-pager, which I do not know if he looked at that on the website - the website only went up today so I forgive him if he did not - we discuss the various terms. It is up for discussion. Nothing is written in stone. We would like to hear from you. This is the whole purpose of issuing the consultation document so people can

engage with us. There are going to be a series of meetings. We are engaging with the Jersey Policy Forum, who will hopefully take it and put together a group of people to discuss various things. There is a saying: you are never going to please everybody all of the time, but if we can have some coherent discussions, then I am sure the Senator could be privy and we are happy ...

**The Bailiff:**

I have to ask you to bring your answer to a close, Minister. We are out of time, I am afraid.

**The Deputy of Grouville:**

Okay, thank you.

**The Bailiff:**

Thank you very much indeed.

**Deputy M. Tadier:**

Is it possible to extend question time? Is there a provision for that?

**The Bailiff:**

No, there is no basic provision for extension of question time. It was already considered by the Assembly quite recently, as you will recall, Deputy, with the addition of the question period ... sorry, I beg your pardon, calling it question time I am afraid set off a hare running. Yes, it is possible to extend this period of questioning by 15 minutes if the Assembly agree. Do you make that proposition?

**Deputy M. Tadier:**

Yes, Sir. It is a statement, is it not? That is why, not ...

**The Bailiff:**

You are absolutely right, it is a statement, and although there is a 15-minute provision afterwards, that can be extended if Members wish for a further 15 minutes. So, do you make that proposition?

**Deputy M. Tadier:**

Yes, Sir.

**The Bailiff:**

Is that seconded? [**Seconded**] Does any Member wish this to be put to the vote or to speak on it, the proposition to have an extra 15 minutes? I will take it on a standing vote then. If anyone wishes a vote to be formally put on this, would they indicate so in the chat, otherwise I will take it as an affirmation on standing vote. Very well, I accept that the proposition has been adopted. There is a further 15 minutes. The next person to speak ... you have a supplemental question, Senator Mézec?

**7.1.9 Senator S.Y. Mézec:**

I have the website up in front of me and the line I can see says: "The board concluded that Jersey is accurately described as a country." Could the Minister confirm whether the board unanimously arrived at that conclusion?

**The Deputy of Grouville:**

I cannot confirm without looking back at the minutes, no.

**The Bailiff:**



Deputy Higgins, you have indicated a question to the Attorney General. There is no facility for asking a question of the Attorney General during any question period unless it is a question, of course, to the Attorney General, if you will take the point. I am afraid there is no ability for the Attorney General to advise on a question period to a Minister.

**Deputy M.R. Higgins:**

Again, it is not a question period, it is a statement from the Minister ...

**The Bailiff:**

Well, nonetheless this is a question period following a statement from the Minister. The usual rules for asking questions obtain and there is no ability for the Attorney General to advise, particularly in the light of the fact nothing is to be put to the vote.

**Deputy M.R. Higgins:**

Very well. In that case, can I ask a question of the Minister?

**The Bailiff:**

Well, in due term, yes. Deputy Ward is the next on the list to ask a question, but would you like me to put you down as a questioner, Deputy Higgins?

**Deputy M.R. Higgins:**

Yes, please.

**7.1.10 Deputy R.J. Ward:**

I thought long and hard as to whether to ask a question and I do find this an intriguing process that is being gone through. I would like to ask the Minister regarding any concerns she may have over discussions of national identity. I refer to a quote by a structuralism philosopher called Umberto Eco and structuralism looks for the unifying properties across everyone. He said that national identity is the last bastion of the dispossessed but the meaning of identity is now based on hatred, on hatred for those who are not the same. I think whenever there are discussions around this area we can so easily lapse into those “other than” discussions. Can I ask the Minister just to reassure, to encourage people to be involved, that we are going to be very sensitive to that and everyone’s opinion is equally valid in this discussion?

**The Deputy of Grouville:**

Of course it is. This is the whole point of going through consultation. Otherwise we could have just produced a report. We would like to see it discussed in schools and Parishes. I am really hoping the Constables will take the reports, call Parish Assemblies, discuss it among their parishioners.

[15:30]

Yes, it is for everybody and certainly if Islanders feel that there are barriers to inclusion in the Island, then those are the people we especially want to hear from. Going back to terminology, I have a note here that a nation is described in the Oxford Dictionary as an aggregate of people so closely associated with each other by factors such as common descent, language, culture, history, occupation of the same territory, as being identified as a distinct people. I think the word “nation” might conjure up different things in different people’s minds. Isle of Man, for example, who have been very good at advancing and promoting their own identity, have things like a national gallery, as does Bermuda. They are small island states, just as we are. They do not shy away from the use of words such as that.

**Deputy R.J. Ward:**

Just to say that I am pleased that ...

**The Bailiff:**

Well, is it a question because it ...

**7.1.11 Deputy R.J. Ward:**

It is a question. I am pleased to hear that that inclusivity is there and that range is there, but just to ask the Minister just to ensure that she is aware that whenever one talks about nationality, you are in an area that can very quickly go into other, more sinister areas, perhaps. I do not know what the word is. This needs to be a positive experience. Would the Minister agree that this needs to be a positive experience for all involved and not make anyone feel left out?

**The Deputy of Grouville:**

Absolutely, and I think I made it clear in my statement that we are aware of the sensitivities involved when you try to define a place, a people, but the whole point is if we could have some focal points of what Jersey means to people and promote those so that we can all have something. As, again, I said in my statement, a strong Island identity, a strong identity and international profile, can give people, newcomers, a better sense of belonging because they have something to feel a part of.

**7.1.12 Deputy M.R. Higgins:**

I am not trying to be awkward on this, it is just can the Minister ... by the way, I agree with what she is trying to achieve. I think it is good we have our identity and so on. It is just a question of legality. In international law, would Jersey constitute to be a nation? I am not convinced of that question. Can I ask the Minister if she has consulted with the Attorney General or the Law Officers' Department on the use of that term?

**The Deputy of Grouville:**

Not those people in particular but we have spoken to various lawyers about it. Indeed, we have a lawyer on the board, as a board member.

**The Bailiff:**

A supplemental question, Deputy Higgins?

**Deputy M.R. Higgins:**

No, I am still thinking about it, thank you, Sir.

**7.1.13 Senator S.C. Ferguson:**

During the various discussions preparing the various reports so far, has there been any comment about the fact that very often we ignore suggestions and solutions offered by local residents and always insist on going to the U.K.? One way of making newcomers feel part of the community ... if they offer good suggestions or assistance, they are just ignored. How are you going to approach that sort of attitude?

**The Deputy of Grouville:**

I am not entirely sure of the question. So newcomers are making suggestions?

**Senator S.C. Ferguson:**

Sorry, it is not just newcomers but any ideas that emanate from within the Island seem to be ignored in preference to following ideas from anywhere else. There is no attempt to include people so that they feel part of the community, part of the identity.

**The Bailiff:**

What is the question, Senator? You have made the statement ...

**Senator S.C. Ferguson:**

I said was there any discussion about it.

**The Bailiff:**

Well, I am not sure “discuss” at the end of a statement is a question directed. The Minister must be asked what action is going to be taken or for information. That is the normal format for questions and I am just wondering what ...

**Senator S.C. Ferguson:**

Thank you, Sir, that is very helpful. Yes, the Minister was talking about fast-track graduate schemes for the civil service, which I agree with. What is she going to do about or what is her suggestion for dealing with this: “A prophet is seldom without honour save in his own country”? We have quite a lot of that going on, too. We have a number of people who come and live here. We have local residents. They have suggestions and they are ignored or just sort of patted on the head and said: “That is very helpful, thank you, go away.” How is the Minister going to deal with that approach?

**The Deputy of Grouville:**

Well, obviously the Senator is looking backwards at the past. This is, I hope, an optimistic and forward-looking document. Suggestions will be taken on board but clearly I cannot make comment. It depends what they are and how much they cost and a whole raft of other things. I really cannot make specific comments about a hypothetical situation.

**Senator S.C. Ferguson:**

Maybe I had better contact the Deputy and discuss it with her because I do know of ...

**The Bailiff:**

I was going to offer you a supplementary question if there is a supplementary question, Senator.

**7.1.14 Senator S.C. Ferguson:**

Well, can I come and have a word with you, Deputy of Grouville?

**The Deputy of Grouville:**

Yes, of course you can.

**7.1.15 Deputy M. Tadier:**

First of all, what languages is the current document and consultation questions available in?

**The Deputy of Grouville:**

English.

**7.1.16 Deputy M. Tadier:**

Okay, so we have a statement that we have become increasingly Anglicised, yet the documents are only available in English. How is that supposed to engage with the 50 per cent of people who were not born in Jersey and potentially have a language barrier?

**The Deputy of Grouville:**

Well, we speak English here so that is how we engage with the majority of people on the Island. If there is an issue that people require the documents to be translated, then we will see about translating

them. The headings are in Jèrriais and the documents which were released today are available in the language that the majority of us speak.

**The Bailiff:**

A supplementary question, Deputy? Deputy Tadier, do you have a supplementary question?

**Deputy M. Tadier:**

Sorry, I thought I had had my 2 questions; perhaps I did not want to take up an extra one, but I can ask ...

**The Bailiff:**

There is no one else listed to speak and we have about a minute left, I think.

**7.1.17 Deputy M. Tadier:**

I think it is important that if we want to have a proper consultation here and genuinely hear from people who are important parts of Jersey, not just the economy but Island life, we need to hear from people who are not the usual voices. So, presumably it is government policy when doing a consultation of this sort to at least have the major languages, which are Portuguese and Polish, included. Would the Minister give an undertaking to look at that, please?

**The Deputy of Grouville:**

I most certainly will. One of the pieces of work we are going to do is speak and meet with the consuls of the various people that are over here and see how we can better engage with their particular communities and what we can do reciprocally to help one another. Because this was one of the issues that was highlighted during lockdown and on the community taskforce. It was one thing that we did discover. It was quite difficult to get messages out to certain of the communities, so one of the recommendations is to engage with the consuls over here so that we can reach out to them, reach out to their particular communities, and find out what the barriers are. If they require the document translated, then we will consider that, yes, very much.

**The Bailiff:**

Thank you very much, Minister. That brings the extended question period to the Minister to an end and that ends the statement on a matter of official responsibility. Thank you very much. The Assembly now moves on to public business.

**PUBLIC BUSINESS**

**8. Draft States of Jersey Police Force (Amendment No. 3) Law 202- (P.10/2021)**

**The Bailiff:**

The first item is the Draft States of Jersey Police Force (Amendment No. 3) Law, P.10/2021, lodged by the Minister for Home Affairs. For the purpose of today's debate the main respondent is the chair of the Education and Home Affairs Scrutiny Panel. I ask the Greffier, therefore, to read the citation.

**The Deputy Greffier of the States:**

Draft States of Jersey Police Force (Amendment No. 3) Law 202-. A law to amend the States of Jersey Police Force Law 2012. The States, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following law.

**The Bailiff:**

Deputy Guida, I understand you are acting as rapporteur in this case.

**8.1 Deputy G.C. Guida of St. Lawrence (Assistant Minister for Home Affairs - rapporteur):**

Yes, Sir. First, I hope that the Assembly will join me in wishing Constable Len Norman a prompt recovery. He was very keen to present this proposition to the Assembly and I am sorry to have taken that from him. This Draft States of Jersey Police Force (Amendment No. 3) Law is part of an ongoing project to modernise our criminal justice legislation and streamline the administration and supervision of the States of Jersey Police Force. The amendments are intended to realign the governance powers and duties of the Minister, the Police Authority and the chief officer, change the membership of the Police Authority, require regular inspection of the States police force and extend the scope of the annual policing plan. I would also like to thank the Children, Education and Home Affairs Scrutiny Panel as well as Deputy Wickenden, who have taken an active interest in this important piece of legislation. To start with an overview of the current situation. The States of Jersey Police Force, like the police forces of most western jurisdictions, is independent from Government and safeguards are in place to ensure that operational policing is not subject to political involvement. However, the police are responsible to the public for the delivery of efficient and effective policing services and in order to hold the force accountable to the public there must be some connection to the democratic process. Legislative and administrative arrangements to balance oversight with independence differ between jurisdictions to reflect the unique nature of policing and the different cultural role of policing in each country and the resources available. In the United Kingdom, for instance, a corporate body such as a police authority or an individual police and crime commissioner provides that independence by sitting between Government and the police force. In Jersey, following the initial move towards improved operational independence in 2012, considerable effort has been invested into balancing independence with accountability for the States of Jersey Police. In order to do so, various functions are split between the chief of police, the Police Authority, the Minister for Home Affairs and the States Employment Board, S.E.B. Under the current arrangements, the chief of police has command, direction and control of the States of Jersey Police as well as responsibility for its general administration and proper financial management.

[15:45]

The Police Authority has limited powers over the chief of police and a reporting line to the Minister. The S.E.B. is responsible for the arrangements for pay and conditions for police officers. In 2018 the Comptroller and Auditor General published a review of the governance of the States of Jersey Police Force which made a number of recommendations for improvement for the governance arrangements. This amendment is intended to introduce those improvements that can be achieved by changes to the 2012 law. Among the issues identified were that the Jersey Police Authority has less resources than comparable bodies in larger jurisdictions and is dependent upon information provided by the chief of police. Unlike the United Kingdom and Ireland it does not have access to routine inspection reports. While the Minister is empowered to direct the Authority to secure the inspection, this requires additional funding which must be identified on a case-by-case basis. The amendment will require routine and regular independent inspections of the States of Jersey Police Force in order to appraise its performance and drive service improvements. The requirement that the Police Authority be responsible for ensuring the delivery of an efficient and effective States of Jersey Police Force as one of its statutory duties also presented an issue as that duty would require resources that the J.P.A. (Jersey Police Authority) simply does not have. It would also mean inefficient duplication of the management structure. This responsibility will now rest with the chief officer, which is overseen by the J.P.A., and the Authority will instead be responsible for ensuring that the force remains modern and is continuously improving. In addition, subject to the amendment to be debated today, the law would reform the membership of the Police Authority to ensure its clear independence from the political process. The C. and A.G. (Comptroller and Auditor General) identified that the powers of the Minister for Home Affairs are more extensive than in other jurisdictions. For example the Minister now determines the number of each junior rank that may be appointed which is clearly an operational matter. The Minister may also require the Authority to

report to them any matter concerning the States of Jersey Police. Further, there is also no requirement for the Minister to consult with the chief of police on the appointment of a deputy chief of police. The Minister can also in certain circumstances overrule the chief on some human resources matters. All of these issues are addressed by the amendment with the involvement of the Minister in human resources issues being limited only to the chief and deputy, and ministerial powers of direction over the J.P.A. removed. The annual policing plan will also be considerably improved. This is an important product as it describes to the public and Members of the Assembly where the policing priorities will be and effectively what taxpayer monies will be used for. It will be significantly enhanced from its current role as a one-year statement of planned activity to a broader plan that not only identifies the policing priorities but also clearly articulates the resources that the force will require. It will take the form of a 4-year rolling plan in order to align the policing arrangements to the 4-year Government Plan. This legislation has been the subject of considerable consultation and has been repeatedly revised in light of the input from the States of Jersey Police and the Police Authority. There were members of an implementation group established in April 2019 to take forward the C. and A.G. recommendations on which Justice and Home Affairs were also represented. I commend the principles to the Assembly.

**The Bailiff:**

Are the principles seconded? [**Seconded**] Deputy Higgins has a point of clarification that you wish to ask of the rapporteur, Deputy?

**Deputy M. Higgins:**

The rapporteur mentioned that the Jersey Police Force is under-resourced relative to other forces but has not put forward an argument to support that, and of course did not mention that the Criminal Offences Confiscation Fund can be ...

**The Bailiff:**

I am sorry, I have to ask you what is the point of clarification you are seeking? These are points to be raised in a speech so far, Deputy, not points asking for clarification from the Minister.

**Deputy M. Higgins:**

The clarification then is how can he support that particular statement?

**The Bailiff:**

Can you clarify that particular statement, Assistant Minister?

**Deputy G.C. Guida:**

It is a point of clarification because I did not say that the police were under-resourced but the Jersey Police Authority has been found to be under-resourced.

**The Bailiff:**

Does any Member wish to speak on the principles?

**8.1.1 Deputy R.J. Ward:**

I am more prepared as regards the amendments because I thought we would be debating the amendments, but I suppose that is when the regulations come up. I would like to point Members of the Assembly to the comments paper that was produced by the panel, and I do so not simply because it is important for this debate but also to point out the significant work that went into this report from officers, and to also thank the Minister for delaying this debate by one sitting in order that we may undertake some work on these changes. We were very appreciative of the briefing arranged by the Minister on the draft law prior to the lodging, and that really did help us to do our work and raised

some very good questions that I think were responded. I am pleased to see that is happening; that relationship with Scrutiny is there. We undertook scrutiny of this and we were pleased to get submissions from C. and A.G. and the Jersey Police Authority among others. It is in response to the Comptroller and Auditor General's report that these changes in part arise. I would suggest that it is important that we seriously consider the amendments that have been brought because I think they adequately address the C. and A.G.'s report but we will come on to that debate later on when we talk about that specifically. The panel does highlight ... and I want to take this part of the report because it is right at the end of the rather long report, so I am not saying that Members will not get to it but I will just highlight it. The panel highlights the reliance of a successful implementation of the revisions to the operational framework of the Jersey Police Authority on delivering the desired improvement regarding the governance and accountability of States of Jersey Police. I would like to highlight that point. This is about governance and accountability of the police via the Jersey Police Authority. We would also like to point out that the importance of inspections at regular intervals we have highlighted, the importance of adequate resourcing in order for the Jersey Police Authority to undertake its functions is vitally important. We want to ensure that the Jersey Police Authority has an active role in advising on the States of Jersey Police budget because it will have that oversight of the workings of the States of Jersey Police. Perhaps the phrase is - and perhaps I have got a scrutiny sort of mind on when I say this - a critical friend to the police, but that criticism in its truest sense. We thank the C. and A.G. for the report that was produced because it did really drive change and drive the amendments to the current law. I would urge Members to look very carefully at the wording of that because there are some particular words such as "review and" which I think is very important and which is why the panel brings the amendments that it does. These amendments are based on the evidence that we see and we believe they will further strengthen the draft law. Therefore, with that in mind, I think that is all I will say on the main law and I will let others speak. I am interested to see what people think so far.

#### **8.1.2 Deputy S.M. Wickenden of St. Helier:**

First, if you can let me indulge, I would also like to wish the Constable of St. Clement a speedy recovery and good health. I think the changes in the most - obviously I have an amendment to this draft law - really are giving a better position of strength in and certainty to how our police force works, how it is resourced in places like the Jersey Police Authority that I have been on for over 6 years now, which I will speak to later during my amendment. But I do commend the majority of what is going on here and how it will really strengthen and enhance the way that our police are run and the laws that they are managed by. I just wanted to say that. I think that the Scrutiny Panel's report was very good, it was long but it was excellent and I want to thank them, and I want to thank them for inviting me to talk to them as well. It was very much appreciated. So I do commend the principles of this. Regarding my proposition or my amendment to it, I will speak to that later.

#### **8.1.3 The Deputy of St. Mary:**

Following on from the comments made by Deputy Wickenden. For those Members that do not know, I am the other States Member on the Police Authority and I think it is fair to say that the proposals have been discussed in some depth by the Authority and on the whole the Authority is very much in favour of them. Again, I have views on both the amendment proposed by Deputy Wickenden and the Scrutiny Panel and I will reserve further comments until then. But the J.P.A. in particular were generally supportive of these proposals.

#### **The Bailiff:**

Thank you, Deputy. Does any other Member wish to speak on the principles? If no other Member wishes to speak on the principles then I close the debate and call upon Deputy Guida to respond.

#### **8.1.4 Deputy G.C. Guida:**

I would also like to thank Scrutiny. Constable Norman is always extremely keen to have Scrutiny accompanying our development rather than have a look at them at the very last minute, so it was a very collaborative task and we are extremely thankful for the input and the additional amendments that they have brought today. The J.P.A. will have an active role in the budget of the police and it cannot be put in the amendment but we are already requesting additional resources for them so that they can do their job properly. The rest of the questions will be probably better answered when we get to Articles 4 and 10 which are the subjects of the amendment of the Scrutiny Panel. So I would just like to conclude. We have an opportunity today to approve the principles of the law that will realign the governance and powers of the Minister, the States of Jersey Police and the Police Authority in line with the recommendations made by the C. and A.G. This law will introduce formal regulated inspections and promote accountability and independence for the police and will refocus the allocation of responsibility by reassigning various functions between the Police Authority, the States of Jersey Police and the Minister. The policing plan will consider not only the next year but the 3 following years in more general terms to be more aligned with the Government Plan. Human resources arrangement will be the responsibility of the chief officer of police, including numbers and ranks of officers. The chief will also be formally consulted on the appointment of any deputy or acting deputy chief and the development of the policing plan. These changes will serve to future proof the governance and accountability of our police service for the benefit of all Islanders and I would appeal to Members to approve this draft law. I call for the appel.

**The Bailiff:**

The appel is called for. In a moment the Greffier will add a vote into the chat channel. The vote is now open and I ask Members to cast their votes.

[16:00]

If Members have had the opportunity of casting their votes I ask the Greffier to close the voting. The principles have been adopted.

<b>POUR: 45</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 0</b>
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator S.C Ferguson				
Senator J.A.N. Le Fondré				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				



Connétable of St. John				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

Does your panel, Deputy Ward, wish to scrutinise the matter?

**Deputy R.J. Ward (Chair, Education and Home Affairs Scrutiny Panel):**

No, sir, we have already done that.

**The Bailiff:**

Thank you very much indeed. We come to Second Reading. Minister, how do you wish to propose the Articles? There are 13 in all; as you rightly pointed out there are proposed amendments to Article 4 and Article 10. Are you proposing to accept any of the amendments?

**Deputy G.C. Guida:**

We will need to take the Articles in different blocks, and there is a very, very small technical problem with Article 4 as the first amendment to Article 4 cancels it, so it stops existing for the first paragraph of the second amendment. If possible I would like the first amendment to Article 4 to run, and even

if it succeeds then the Scrutiny amendment to the same Article, even if it does not exist at that point, should run and actually reinstates it.

**The Bailiff:**

I am afraid I do not think that works technically, Deputy. If the Assembly has voted that there should be no Article then the Assembly has already decided there should be no Article. Members will of course look at both of the potential amendments and will have made the decision if they think the Scrutiny amendment is the better amendment not to vote in favour of Deputy Wickenden's and to vote for the Scrutiny. If they take the view there should not be an Article 4 then they will vote for Deputy Wickenden's, but I do not think we can ask the Assembly to take 2 entirely contrary votes back to back. I do not think that works as a matter of process. So I think we put the first amendment first, if the Article 4, therefore, is removed by the first amendment that means Members will not have found favour with the Scrutiny amendment as it is written and Article 4 will cease to exist and then that paragraph of the Scrutiny amendment will fall away. That I think must be the inevitable consequence of the procedure.

**Deputy G.C. Guida:**

Very well. The Scrutiny amendment has 2 parts and the second part relates to Article 10 so of course we will be able to vote on that second part separately.

**The Bailiff:**

Indeed. The right thing I suppose to do, Deputy Guida, is to take Articles 1 to 3 first and then we will deal with Article 4 and the amendments, and then the other Articles up to Article 9, and then we will deal with Article 10. Is that the best way to deal with it? So do you propose Articles 1 to 3?

**8.2 Deputy G.C. Guida:**

I do.

**The Bailiff:**

Do you wish to speak to them or would you wish simply to take questions?

**Deputy G.C. Guida:**

I will just take questions if there are any.

**The Bailiff:**

Are Articles 1 to 3 seconded? **[Seconded]** Does any Member wish to speak on Articles 1, 2 or 3? If no Member wishes to speak on Articles 1, 2 and 3 then I close any debate and I ask the Greffier to put a vote on those Articles into the chat. I ask the Greffier to open the voting and Members to cast their votes. If Members have had the opportunity of casting their votes then I ask the Greffier to close the voting. Articles 1 to 3 have been adopted in Second Reading.

<b>POUR: 45</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 0</b>
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator S.C Ferguson				
Senator J.A.N. Le Fondré				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.W. Pallett				

Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of Grouville				
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Connétable of St. Peter				
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Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

Do you move Article 4, Deputy Guida?

**Deputy G.C. Guida:**

Yes, I would like to speak on Article 4.

**The Bailiff:**

So you move Article 4. Yes, it is open to you to speak on Article 4.

**8.3 Deputy G.C. Guida:**

Article 4 reflects the C. and A.G. recommendation 3 and would prevent Members of the States Assembly from also being members of the Police Authority. This would match the position in Scotland and Ireland and reinforce the operational independence of the police force. This is seen as the preferable course of action to fully insulate the J.P.A. and thus the force itself from political interference. However, we do recognise that this is not universally the case and indeed in England and Wales oversight falls to elected mayors or police and crime commissioners where many do represent a political party and campaign for political office explicitly on that basis. Basically after discussing a lot on the subject we have determined that this was a political decision to be taken by the Assembly. We feel that there are 2 sides to this issue; absence of interference from the Minister but not necessarily from the political process and certainly not from the Assembly. So we will leave this decision to the Assembly. I propose Article 4.

**The Bailiff:**

Is Article 4 seconded? [Seconded]

**8.4 Draft States of Jersey Police Force (Amendment No. 3) Law 202- (P.10/2021): amendment (P.10/2021 Amd.)**

**The Bailiff:**

There is a proposed amendment from Deputy Wickenden and I ask the Greffier to read the amendment.

**Deputy R.J. Ward:**

Sorry, before you do that I need some clarification and I think it is very important to know because this is a bit of a surprise that if this is accepted then the amendment from the panel falls away. I thought it was in addition to, to add a review. Just to double check that.

**The Bailiff:**

It could only be to add a review in terms of Article 4 and Article 4 will no longer exist. If the Assembly has voted to remove Article 4 it is gone. There is nothing, therefore, to amend in it if that assists, Deputy Ward. Very well, Greffier, if you would read the amendment.

**The Deputy Greffier of the States:**

Page 16, Article 4, delete Article 4 and rename the subsequent Articles accordingly.

**8.4.1 Deputy S.M. Wickenden:**

Getting to a point having a Police Authority in Jersey was a long battle I would guess. It started back on 31st January 1995 when the States adopted a position of the then Defence Committee P.94/1994 Policing System in Jersey - independent review. P.94 charged the then Defence Committee to commission a full and thorough independent review of the policing systems in Jersey. The independent review called "Clothier One (Police Services in Jersey, 23rd July 1996)" gave the first suggestion to create a Police Authority in Jersey which was 24 years ago. The review body was constituted under the chairmanship of Sir Cecil Clothier K.C.B. Q.C. On 19th May 1998, 3 years later, the Defence Committee lodged P.49 which asked the Assembly to agree in Article 2 that the constitution of the Police Authority should be as followed, that there would be an independent chair

appointed by the States on the recommendation of the Defence Committee, that 2 members of the Defence Committee not being Constables be appointed by that committee, that 2 Constables appointed by the Comité des Connétables and 2 independent persons appointed by the States on the recommendation of the Defence Committee from an open selection procedure. I say this because where we were at the starting point of the Police Authority there was always to be a level of oversight at a political level. Unfortunately nothing happened from 1998 until 2nd March 2010 when the then Senator Alan Breckon lodged P.23/2010 which asked the States to refer to their Act on 19th May 1998 approving by law the establishment of a Police Authority and to request the Minister for Home Affairs to present to the States for approval no later than December 2010, that year, proposals for the establishment of an independent Police Authority. It was on 21st December 2010 that the then Minister for Home Affairs lodged P.192/2010, Jersey Police Authority: establishment, which was unanimously approved by the Assembly and mostly sets out the laws, requirements and constitution of the Police Authority we have been working to up to this day. The then Minister for Home Affairs when proposing said regarding the constitution of the Jersey Police Authority ... paragraph 14 sets out the make-up of the authority. This is the issue of trying to balance it, not being too strong and not being too weak, and the idea which we have come up with is basically firstly that the chairman will be appointed by the Minister after appropriate selection process. So there would be a degree of independence of selection process with the final decision with the Minister. Two Members would be appointed by the States and that adds weight to the Authority, but I must emphasise for this to work properly the Members who will be appointed by the States will have to understand that the role of the Authority if it is to work properly should be non-political. I mean non-political in the sense of the left and right and so on. The job is to ensure that the police are operating efficiently and indeed that has been the key principle in relation to the operation of police authorities in the U.K.; that general acceptance. Then there would be 4 other members appointed by the Minister and the chairman again following the appropriate selection process. Importantly, P.192 was based on a Gibraltar model. The template provided by the Gibraltar ordinance the establishment of a Police Authority in small jurisdictions. They chose the Gibraltar model rather than looking at U.K. comparisons as a small jurisdiction. Then on 22nd March 2018 the then Comptroller and Auditor General published the report *Governance of the States of Jersey Police*. Within the report the C. and A.G. made the following analysis: "I also note that the practice of the States Assembly electing members of the Police Authority from among its own membership is inconsistent with the practice in both Scotland and Ireland. Indeed, to reinforce the operational independence of the police service, there is a statutory prohibition on serving members of the legislature sitting on the Scottish Police Authority and Irish Policing Authority respectively." Now, Deputy Guida mentioned earlier that they do have elected representatives in the form of commissioners and mayors. The report from the C. and A.G. made the following recommendations: "Review whether it remains appropriate for the States Assembly to elect 2 members of the Police Authority." Section 2.6 of the report referred to the Scottish and Irish Police Authorities but it fails to make any case for why they are superior to the Gibraltar model that Jersey has chosen to follow. In fact in section 5 of the report under conclusions the C. and A.G. did not mention anything regarding the Police Authority constitution. The Minister has said or will say that the C. and A.G. made the recommendation and therefore the Minister followed it, ignoring the fact that her recommendation was to review the appropriateness of sitting States Members to be on the Authority, which is what the Scrutiny Panel's amendment will be asking for. To this day since the Police Authority was created there have been 4 sitting States Members that have been the elected members that have been on the Authority, and all of them are currently sitting States Members. We have Senator Sarah Ferguson, Deputy Judy Martin, the Deputy of St. Mary, Deputy David Johnson and myself. As far as I know the Minister nor the C. and A.G. ever spoke to one of us before making recommendations or changes.

[16:15]

I would have hoped at least the Minister during his review would have asked his colleagues our opinions on the recommendation of the C. and A.G. At no point in this proposition which I am asking to amend does the Minister explain how having elected States Members is no longer appropriate, nor does he explain how it affects the independence of the States of Jersey Police. I have been a member of the Jersey Police Authority since 11th November 2014 and I can say with experience that having sitting States Members on the Jersey Police Authority has no impact on the Police Authority as the Authority has no powers to instruct. It does, however, sometimes have an impact on the independence of the Minister. In my time I have challenged the former Minister about significantly reducing budget cuts to the police and managed to reduce those cuts. I challenged the Minister's review for line management changes that would have seen the chief of police directly report to the director general. I feel that having States Members on the Police Authority is an important check and balance in the Assembly. I do not understand why it has never been set out why the Scottish and English models would be there. I think it is very good for States Members to understand about how our Island is policed and be able to come and support in the Assembly with true knowledge in that manner. This is something the Police Authority does and it would be a shame and wrong to remove it. Therefore, I have decided to bring this to the Assembly to ask the Assembly if they agree with me that States Members hold an important part on this Authority and they do not in any way interfere with the independence of the police. I know myself that if I ask or try to instruct our chief of police on what he should or should not be doing, he would very politely tell me: "Thank you for your thoughts" however, explain to me that there is no position for instruction in that manner. We are there to check, to oversee, to challenge and question, to look at the statistics that are laid out about crime or how things are done in this Island and appropriately challenge and review, not to instruct. With that I will leave it there and ask Members to definitely consider the Scrutiny Panel's report as well, and their amendment which would be asking for continuous review as per what the C. and A.G.'s asked for, or if not, support mine and we will just continue the way we have, which I think is the right thing to do. Let us continue with the small islands Gibraltar model. We are not going down some arbitrary idea of 2 other jurisdictions in the U.K. With that I propose my amendment.

#### **The Bailiff:**

Is Deputy Wickenden's amendment seconded? [**Seconded**]. Before I open the debate there has been some speaking in the chat relating to the indication I gave earlier and, as that may determine how people conduct the debate henceforth and how they may elect to vote at the end, I should clarify the position from a procedural point of view. The principal legislation moved by Deputy Guida at Article 4 deals with the membership of the Police Authority. The first amendment lodged by Deputy Wickenden that has just been proposed and seconded simply deletes that Article. If the Assembly adopts it the Article is gone and that has been the decision of the Assembly. There should be no Article 4 in the amendment. It is for that reason that, if Deputy Wickenden's amendment is adopted, the second amendment, which is a different form of Article 4, falls away because there is no Article 4 to amend. It could be that is not the intention at all of the Scrutiny Panel when it was lodged and it may equally be that it could have been achieved in a different way by substituting a new Article. But my obligation is to interpret the Article as it is in front of me and it seems quite clear that once Article 4 is voted down, if it is voted down, there is nothing left to amend in the Scrutiny Panel amendment. I accept and appreciate that may not be the intent of the amendment but that is the consequence of the way the amendment is currently before the Assembly on a procedural basis. Does any Member wish to speak on Deputy Wickenden's amendment?

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

I think I can clear up a few things here. The amendment from the panel, we did speak to Deputy Wickenden regarding his amendment and it was meant to be supportive of his amendment but to put a process of review and the reason is simple. It is because of the C. and A.G.'s report. Before I go

any further, I suggest Deputy Wickenden would consider withdrawal of his amendment because the outcome of what he wants is exactly the same as the Scrutiny Panel's amendment but with the addition of a review. Having said that, and I am willing to take any interruption during this speech, I will carry on and finish what I was going to say regarding this amendment. The key point is exactly that. I was going to mention this in the speech on our amendment because I thought it was coming first, if I am honest. C. and A.G. recommended, and I will flick through my speech, so apologies. This amendment as it is does not address the recommendations of the C. and A.G. report. Recommendation 3 suggested a review of whether it remains appropriate for the States Assembly to elect 2 members of the Police Authority. This current amendment as it is worded simply keeps those members of the Police Authority there with no mechanism for a review at all. That is what the Scrutiny Panel's work undertook and we suggested very simply. This is a strange speech to have to make because we had a good discussion with Deputy Wickenden and he knows we are on-side with this and we do not want to see Members lost at the moment. The simple reason is we do not know the full structure of the governance of the police at the moment with the target operating model acting in the background and the uniqueness of policing Jersey as a small island. Also, some of the other jurisdictions like Gibraltar have a particularly useful structure that I think we could use. We feel the C. and A.G.'s report in this circumstance was not applied appropriately. Therefore, the mechanism for review is essential if we are to keep States Members on the board. By removing this Article, yes, Members stay there, but unfortunately, I am in a terrible position, one might say, of having to vote against this because it does not do as we have suggested and have that review in place of States Members that we have suggested every 3 years. This is a very constructive thing to do because it helps members of that review panel of the J.P.A. from the States Assembly understand their role. It also, if you will have independence of the police, reviews whether their role has been independent or not and whether they have been influential in ways they should not. After that review, if we come back to the Assembly and say these Members need to be removed from the J.P.A., I think that is the time to have a debate. We have a situation of a binary choice between keep or not, and the panel suggested a refined binary choice of keep Members but have a review of their role. Unfortunately, therefore I would urge Members to reject this amendment. I will talk later in full about the panel's amendment that would retain Members on J.P.A. but would do so, very importantly, with a review mechanism in place every 3 years, which we think is a better safeguard in the long term for that role for ensuring the independence of the Jersey Police Authority. I hope I have made myself clear and put some clarity to where we are with that situation and apologies to Deputy Wickenden. I know we tried to talk but there have been other circumstances and I do not blame him at all for that. I fully understand. I wondered whether it may be worth, if possible, withdrawing the amendment at this stage so we can move on to the second amendment of the panel and get the full package.

#### **The Bailiff:**

That is a matter for Deputy Wickenden and he can interject should he wish to take that course.

#### **8.4.3 The Deputy of St. Mary:**

I appreciate the situation the chairman of the Scrutiny Panel finds himself in and I will come on to a possible further solution shortly. I speak to support Deputy Wickenden in his proposal. As a member of the panel, I believe the presence of States Members does give value, not only in what we can contribute but also what we hear on statistics, et cetera. I attended a meeting 2 weeks ago and we had the current crime figures. We are aware of where there are increases in crime, where there are reductions in crime and where the police believe certain changes in legislation might be appropriate. I think having States Members as members of the Authority is a useful conduit for those matters to be taken forward. I shall support Deputy Wickenden in his amendment. I sympathise with Deputy Ward in what he says but I go back to the point that the C. and A.G. recommended a review and such a review has not yet taken place and I do not see why it is essential that this piece of legislation should

encapsulate that review. If it is generally agreed that a review would be appropriate, and I hope it is, then it occurs to me that the Minister or the Assistant Minister today could simply give an undertaking to conduct such a review and that review might go further and look into the frequency of the reporting requirement, which is another matter the Scrutiny Panel chair raised. My view is we should support Deputy Wickenden's amendment but it is open to any Member, if the Minister does not wish to bring a separate piece of legislation for conducting a review, that might go further than simply looking at the period of annual reporting. I hope that is some contribution and I will stop there.

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

Deputy Wickenden thought that being a member of the Jersey Police Authority gives a very good background on policing in the Island. I suggest that joining the Honorary Police prior to standing for the States would give a much better understanding of policing. For example, we have a Parish Hall Inquiry system that is envied by a lot of authorities in the U.K. and, for the benefit of the Deputy of Grouville, this is part of our identity. It keeps youngsters out of court. It is also possible that we should separate the law enforcement body from the law taking body. I wonder if this is the reason that the U.K. countries do not have politicians on their police authorities. Could the Attorney General comment on that, perhaps?

#### **The Bailiff:**

Your question is for the Attorney General and that is: what is the reason that politicians are not on other police authorities? Is that the question? Are you able to assist?

#### **Mr. M.H. Temple Q.C., H.M. Attorney General:**

I am not sure I can immediately assist beyond what is already stated in the proposition and the accompanying comments and amendments. The overall purpose behind England and Wales, Scotland and Ireland's arrangements for their police forces and the lack of politicians on them is to ensure a lack of political influence in its broader sense on operational policing matters. I am not sure I can assist beyond that. Clearly, our policing arrangements are different from those of the U.K.

[16:30]

As the Senator has noted, we have the Honorary Police system, so it is not necessarily the case that we have to follow U.K. models, whether they be England and Wales, Scotland or Ireland, in some slavish sense. I would simply state it is a matter for Members to consider what is the most appropriate model for our needs here as Jersey, and I hope that assists.

#### **The Bailiff:**

Do you wish to carry on with your speech, Senator? Have you finished your speech?

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

I have indeed, Sir.

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

Members must remember that we are following a recommendation from the Comptroller and Auditor General, and she wanted us to review the situation. The Assembly is doing that right now. In this debate we are deciding whether we agree with her that the political representatives on the Police Authority should be removed. Some may feel they should and others may feel they are not, and we are at liberty to accept or reject her recommendations. Deputy Wickenden has said that no case has been made by the Comptroller and Auditor General, nor has the Minister for Home Affairs as to why we should change the existing system. No real argument, just a number of statements. As such, we could argue that, to use a Scottish phrase, the case for change has not been proven. I am a member of the Scrutiny Panel and I do not accept, because of the order these are being debated now, that we



should not accept Deputy Wickenden's proposition in favour of our own. The reason I say that is if any Member felt in the future that a review of the Police Authority should take place, all they have to do is bring a proposition to the States and the matter can be debated again. Perhaps at that time someone will come up with some very good arguments as to why. I shall be supporting Deputy Wickenden's amendment and I might add if that falls then I will support the backdrop of the Scrutiny Panel's. I do not believe the case has been made and therefore I will support Deputy Wickenden.

#### **8.4.6 Deputy G.C. Guida:**

I still remember painfully being on the other side of Deputy Wickenden when we were talking about the reorganisation of the police about 3 years ago. I think this is a perfect example of why this direct link between the Assembly and the Police Authority is useful. Although I was trying to enforce it at the time, I think the resolution of the Assembly 3 years ago was quite wise and driven by Deputy Wickenden. The Minister is quite balanced on the subject but I think this Assembly has a place on the J.P.A.

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

Coming to this completely neutral and having heard the arguments, I am very attracted by Deputy Wickenden's arguments. I do not hear any real reason other than the Comptroller and Auditor General has recommended we do that. Reading Deputy Wickenden's amendment, he refers to the fact that there have been a series of Members who have been on the panel. I have never heard there have been any problems in practice and the amendment records that the C. and A.G. did not have a discussion with individual Members. Generally speaking, I am now starting to worry about where we distance so many of the public administration or public government or public roles from the elected Members, and I am worried about that. I just heard Deputy Guida and I hope I heard him correctly. I think he is seeing the merits of having political engagement and if he is I think he is conceding the argument. I am worried about the erosion of the closeness. I was very attracted to what was said about the Honorary Police issue because the closeness of our community is one of the reasons for its success. I honestly question that if the C. and A.G.'s recommendation is based on a model in Ireland and Scotland I ask: do the special circumstances that apply there apply in Jersey? That is the question I put. I do not put an answer to it. I think Deputy Higgins was very persuasive when he said if we leave it as it is, as Deputy Wickenden's amendment does, there is nothing to stop anybody putting in a proposition and changing things in the future. I was pretty persuaded with Deputy Wickenden. I think the Scrutiny Panel has done a very good job trying to find the middle ground to recognise and listen to the C. and A.G. but, on this occasion, I think the balance points to Deputy Wickenden. That is my reaction.

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

I am speaking as a member of the panel that extensively reviewed this piece of legislation and the particular subject we are talking about here, and I have to make it clear that the Scrutiny Panel is very much of the consideration at the moment that States Members should continue to be members of the Jersey Police Authority. The reasoning for that was because when we pushed and asked for why the recommendation by the C. and A.G. had not been fulfilled, because it asked for a review. Taking that into context and the time that the J.P.A. has been running, we do not believe any review has been carried out of its effectiveness and the role that States Members play on that. There is one very important reason for States Members being on there. In particular, that is the fact that control of the budget and the way the budgeting works, and the fact that the J.P.A. has had under-resourcing for a period of time, hence the lack of inspections being carried out and their ability to effectively do the things that are expected of them, as we see time and time again with many of the bodies that are set up to do very good and important work but not necessarily resourced to do it effectively. Having States Members on there also enables that second pair of eyes from a States Assembly point of view

to ensure that when a budget is requested or needed in terms of the J.P.A. or resourcing in terms of the police, then the funds that are coming forward in the Government Plan by the Minister are not sufficient that can be rightfully challenged democratically in the States Assembly and amended, particularly by those States Members that sit on the J.P.A., because they would have been at the forefront of discussing the policing plan and the budget that would be requested by the Minister for the Government Plan. The purpose for the amendment from the Scrutiny Panel was purely because we recognise it is important to regularly review the work and effectiveness and whether there is a need for States Members going forward, because it may not always be the case, hence the reason why we put that amendment forward. As the Deputy of St. Mary mentioned, the Minister could just do a review. Yes, they could do a review, so the question is why did they not do that review when the recommendation was made by the C. and A.G. in 2018? Why have they still not undertaken that review now while we are debating this? It was an attempt at a middle ground but it is also a recognition of what was being recommended by the C. and A.G. and we also have to recognise the arguments that Deputy Wickenden was making regarding the fact that our J.P.A. was set up on the basis of a small island jurisdiction, Gibraltar, and the comparisons made with the likes of Scotland or anywhere else in the U.K. may not necessarily be effective or helpful in terms of the jurisdiction within which we sit. If that helps Members for consideration around the amendments, I think there may have been some slight procedural issues from our end and we apologise to Members for that but I wanted to try to explain it a little bit more clearly so it enables people to consider how they are going to vote with regards to the amendment.

**The Bailiff:**

Does any other Member wish to speak on this amendment? If no other Member wishes to speak on the amendment, then I close the debate and call upon Deputy Wickenden to respond.

**8.4.9 Deputy S.M. Wickenden:**

I would really like to thank Deputy Ward and Senator Vallois for inviting me in to discuss my amendment and my views and experiences on the Jersey Police Authority. They have done an absolutely excellent review into this law and a really good comments paper. I am not going to withdraw this because we are where we are now. Let us have the vote. I want to make it clear that I feel there is no issue with independence and that is from a long time being on the panel. I see there is nothing that would create that problem of independence. I would like to mention that Senator Ferguson is absolutely right. Joining the Honorary Police, and I would like to thank everyone who is on the Honorary Police and the hard work they do; it is a great way of understanding more about policing this Island before getting elected. Unfortunately, not everyone has that opportunity or the ability to do those things, and this is just another way. They are not on their own. Deputy Higgins is saying this is the review. We talk at the Assembly, we debate it, we review and get a chance to ask questions. Senator Vallois mentioned very well, and I think it is very clear that if there are funding issues, being on the Jersey Police Authority allowed you to see ongoing timelines of where challenges happen within policing, within the statistics, to be able to discuss it. If it is felt there are funding issues that need to be dealt with and have not come across in the Government Plan, States Members are the best placed to be able to articulate that from being on the Jersey Police Authority and hopefully get agreement of the Assembly if more funding is required and why it is required and how it will be used. I will end up also thanking the number of non-elected members on the Jersey Police Authority that give up their time for free and a lot of time to come and help out on the Jersey Police Authority. I think they do an amazing job in that voluntary role they hold and I would like to thank them and the time I have worked with them over the last 6 years, and the chairman. With that there is nothing more to add. The C. and A.G. has said that there should possibly be a review. The Scrutiny Panel has come back with an amendment and ask let us have a regular review and do it that way. I am saying that, one or the other, I would still like to make sure we hold there, but if people

would support me, we can look at other ways. If not, the Scrutiny Panel is there as well and they have done an amazing job. I ask for the appel, please.

**The Bailiff:**

Thank you very much, Deputy Wickenden. The appel is called for and I ask the Greffier to add a vote into the chat channel. I open the voting and ask Members to vote.

[16:45]

Members have had the opportunity of casting their votes. I ask the Greffier to close the voting. The amendment is adopted.

<b>POUR: 26</b>		<b>CONTRE: 18</b>		<b>ABSTAIN: 0</b>
Senator L.J. Farnham		Senator T.A. Vallois		
Senator S.C Ferguson		Senator K.L. Moore		
Senator J.A.N. Le Fondré		Senator S.W. Pallett		
Connétable of St. Helier		Senator S.Y. Mézec		
Connétable of St. Lawrence		Connétable of St. Brelade		
Connétable of Trinity		Connétable of Grouville		
Connétable of St. Peter		Connétable of St. Martin		
Connétable of St. Mary		Connétable of St. John		
Connétable of St. Ouen		Deputy G.P. Southern (H)		
Deputy J.A. Martin (H)		Deputy of Grouville		
Deputy K.C. Lewis (S)		Deputy of St. Martin		
Deputy M. Tadier (B)		Deputy L.M.C. Doublet (S)		
Deputy M.R. Higgins (H)		Deputy of St. John		
Deputy S.J. Pinel (C)		Deputy M.R. Le Hegarat (H)		
Deputy of St. Ouen		Deputy R.J. Ward (H)		
Deputy R. Labey (H)		Deputy C.S. Alves (H)		
Deputy S.M. Wickenden (H)		Deputy K.G. Pamplin (S)		
Deputy of St. Mary		Deputy I. Gardiner (H)		
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy S.M. Ahier (H)				

That deals with Article 4.

**8.5 Draft States of Jersey Police Force (Amendment No. 3) Law 202- (P.10/2021) - resumption**

How do you wish to propose the rest of the Articles in Second Reading, Deputy Guida?

**8.5.1 Deputy G.C. Guida:**

I am quite ready to accept the second part of the Scrutiny amendment, which changes Article 10 and requires a systematic 4-yearly inspection of the police force. So if they allow me to integrate their amendment, then I will put all the remaining Articles *en bloc*.

**The Bailiff:**

The way it has to work, Deputy, we can do it very quickly, but you must propose up to the amendment of Article 10 and then you can indicate you are accepting that amendment, but it must be taken as a separate vote. Because other Members may take a different view.

**Deputy G.C. Guida:**

Very well. Therefore I would like to propose Articles 5 to 9 *en bloc* please.

**The Bailiff:**

Very well, are the Articles 5 to 9 seconded *en bloc*? **[Seconded]** Does any Member wish to speak on Articles 5 to 9, or any of them? If no Member wishes to speak then I close any debate and invite the Greffier to put a link into the chat for a vote on Articles 5 to 9. I open the voting and ask Members to vote. Members have had the opportunity of casting their votes. I ask the Greffier to close the voting. Articles 5 to 9 have been adopted in Second Reading.

<b>POUR: 45</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 0</b>
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator S.C Ferguson				
Senator J.A.N. Le Fondré				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Connétable of St. John				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				

Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

You propose Article 10 and indicate to the Assembly you will accept the amendment, is that correct, Deputy Guida?

**Deputy G.C. Guida:**

Absolutely. I am proposing Article 10 as amended.

**The Bailiff:**

Very well. Technically, you are indicating you will accept the amendment but is that seconded?  
[Seconded]

**8.6 Draft States of Jersey Police Force (Amendment No. 3) Law 202- (P.10/2021) Second Amendment (P.10/2021 Amd.(2))**

**The Bailiff:**

There is an amendment now to Article 10 and I ask the Greffier to read the amendment.

**The Deputy Greffier of the States:**

Page 17, Article 10. In Article 10, in the inserted Article 28AA(2)(b), for “subject to the Police Authority having adequate resources to commission an inspection” substitute “which must be at least once every 4 years”.

**8.6.1 Deputy R.J. Ward (Chair, Children, Education and Home Affairs Scrutiny Panel):**

Every cloud has a silver lining and the silver lining is this is a much shorter speech, so I think that is good for everybody. The second, and it seems a very minor amendment, but it is quite an important one, is just to remove the wording that says “subject to resourcing” because of the importance of inspections of the States of Jersey Police as a minimum every 4 years. We are very pleased that it has been accepted by the Minister as an amendment. So there is not much more to say about it than

that. But it does remove any possibility of delays due to funding issues, which perhaps we would hope would not happen. But it just gives some certainty as the independence of the police increases and so that we can have a regular inspection, which we believe is vital for confidence in our police force and vital to ensure that our police force in Jersey is working as effectively as possible for the good of the Island, as I am sure every member of the police want to work to achieve. With that, that is all I will say on that.

**The Bailiff:**

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

**8.6.2 The Connétable of St. Ouen:**

I just have a couple of questions on the amendment. Firstly, if either the chair of the Scrutiny Panel of the original proposer could just comment on the 4-year period and why that time period was arrived at. Secondly, if we could just have some idea of the cost of an inspection just so we know the quantum of what we are voting for that would be helpful.

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

The present system of course is that the Police Authority will require inspection when practicable and I think they would like the flexibility of that, though hoping to stay within the 4-year guideline. The other aspect is the cost, which the Deputy of St. Ouen has referred to. It is perhaps a strange situation that the J.P.A. can require an inspection without itself being guaranteed the funds. Although in practical terms it will by itself be committing the Minister to finance it, it does seem slightly unusual for that power to be given to the Authority to make a decision, which is going to require extra funding, without any input from the Minister. That is the only comment I have.

**The Bailiff:**

Does any other Member wish to speak on this amendment? If no other Member wishes to speak then I close the debate and call upon Deputy Ward to respond.

**8.6.4 Deputy R.J. Ward:**

That was a lot quicker than I thought the debate was going to be and I am still searching through my notes for the answer to that. So the 4 years was a certainty of a timespan of review so that inspections were not missed. It also coincides to some extent with the term of office of Ministers, for example, and the term of office that we have so that there is a response to the workings of the police on a regular basis. In terms of the funding issue, that is a very good point that is made. But we need to think very carefully about, if we are going to have independence of our police force, there has to be some sort of oversight and it has to be regular. We do this in hospitals, we do this in schools, we do this in other areas of public service, and the panel believe that this is a very important issue in terms of timescales. Otherwise there is the opportunity for drift and that is the last thing that we want with the changing nature of policing as well. Funding should not be an issue. I cannot give a figure on the cost of an inspection. That would depend on the type of inspection, where it comes from, and I am sure there may well be a bidding process for that anyway. It also ties into the 4-year policing plan, which is part of the changes that are made in this overall amendment. It seems incongruent to have a 4-year policing plan without a 4-year inspection process as well. The 2 seem to go hand in hand. So those were the main reasons for the 4 years. I think that is just about everything I can say and I hope that is an adequate answer for the Constable there. I do apologise to Deputy Johnson. I cannot give you a figure. However, there is a principle underlying that, whatever that figure is, if we are going to have this built in, it needs to happen. I do not think it is a prohibitive amount of money and that with any inspection the positive impact of a good inspection, and I do not mean "good" as in outcomes, I mean as in process, for any public service, it will certainly be cost-effective in the long

term. That is a very important point to take into consideration. With that, I thank the Minister for accepting the amendment and I hope the Assembly will accept the amendment too.

**The Bailiff:**

Thank you very much, Deputy Ward. I ask the Greffier to put a vote into the link. I open the voting and ask Members to vote. Members have had the opportunity of casting their votes. Then I ask the Greffier to close the voting. The amendment has been adopted.

<b>POUR: 45</b>	<b>CONTRE: 0</b>	<b>ABSTAIN: 0</b>
Senator I.J. Gorst		
Senator L.J. Farnham		
Senator S.C Ferguson		
Senator J.A.N. Le Fondré		
Senator T.A. Vallois		
Senator K.L. Moore		
Senator S.W. Pallett		
Senator S.Y. Mézec		
Connétable of St. Helier		
Connétable of St. Lawrence		
Connétable of St. Brelade		
Connétable of Grouville		
Connétable of Trinity		
Connétable of St. Peter		
Connétable of St. Mary		
Connétable of St. Ouen		
Connétable of St. Martin		
Connétable of St. John		
Deputy J.A. Martin (H)		
Deputy G.P. Southern (H)		
Deputy of Grouville		
Deputy K.C. Lewis (S)		
Deputy M. Tadier (B)		
Deputy M.R. Higgins (H)		
Deputy S.J. Pinel (C)		
Deputy of St. Martin		
Deputy of St. Ouen		
Deputy L.M.C. Doublet (S)		
Deputy R. Labey (H)		
Deputy S.M. Wickenden (H)		
Deputy of St. Mary		
Deputy G.J. Truscott (B)		
Deputy J.H. Young (B)		
Deputy L.B.E. Ash (C)		
Deputy K.F. Morel (L)		

Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

Do you propose then Article 10 as amended, Deputy Guida?

## **8.7 Draft States of Jersey Police Force (Amendment No. 3) Law 202- (P.10/2021) - resumption**

### **8.7.1 Deputy G.C. Guida:**

Yes, I would propose the Article 10 as amended.

#### **The Bailiff:**

Does any other Member wish to speak on Article 10 as amended? If no Member wishes to speak then I close the debate and ask the Greffier to place a voting link in the chat. I ask the Greffier to open the voting. Members have had the opportunity of casting their votes. I ask the Greffier to close the voting. Article 10 as amended has been adopted in Second Reading.

<b>POUR: 44</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 0</b>
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator S.C Ferguson				
Senator J.A.N. Le Fondré				
Senator T.A. Vallois				
Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Connétable of St. John				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				



Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

We now come to the remaining Articles 11 to 13. Deputy Guida, do you wish to propose the Articles in Second Reading?

**8.8 Deputy G.C. Guida:**

Yes, I would like to propose Articles 11 to 13.

**The Bailiff:**

Are those Articles seconded? **[Seconded]** Does any Member wish to speak on Articles 11 to 13? If no Member wishes to speak on Articles 11 to 13 then I close any debate and ask the Greffier to place a vote into the link. I open the voting and ask Members to vote.

[17:00]

Members have had the opportunity of casting their votes, then I ask the Greffier to close the voting. Those Articles have been passed in Second Reading.

<b>POUR: 42</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 0</b>
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator J.A.N. Le Fondré				
Senator T.A. Vallois				

Senator K.L. Moore				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Connétable of St. John				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M.R. Higgins (H)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy R.J. Ward (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

Do you move the Articles in Third Reading, Deputy Guida?

**8.9 Deputy G.C. Guida:**

Yes, please.

**The Bailiff:**

Are they seconded for Third Reading? **[Seconded]** Does any Member wish to speak in Third Reading?

**8.9.1 Deputy R.J. Ward:**

I just wanted to say a big thank you to the work of the Scrutiny officers who in really short order put together a very detailed document with the panel. I would like to particularly thank Senator Vallois for her support with the work that went on, a welcome member of the panel. We are pleased that we have made the amendments. I would also just like to say it is a very positive response from the Minister when we asked for this to be delayed it was done without question. That is an important point to make for Scrutiny that sometimes that response from the Minister is appreciated and it allows us to do the work that we need to do. So, with that, I just wanted to make that point.

**The Bailiff:**

Does any other Member wish to speak in Third Reading? If no other Member wishes to speak in Third Reading, then I close the debate and call upon Deputy Guida to respond.

**8.9.2 Deputy G.C. Guida:**

I would like again to thank Scrutiny, all the officials who participated in the development of this law, the States of Jersey Police and the J.P.A. were consulted for their help in developing something that was quite important. I thank the Assembly for having supported it so far.

**The Bailiff:**

I ask the Greffier to place a vote into the link. I open the voting and ask Members to vote. Members have had the opportunity of casting their votes. I ask the Greffier to close the voting. The law has been adopted in Third Reading.

<b>POUR: 42</b>		<b>CONTRE: 0</b>		<b>ABSTAIN: 0</b>
Senator I.J. Gorst				
Senator L.J. Farnham				
Senator T.A. Vallois				
Senator S.W. Pallett				
Senator S.Y. Mézec				
Connétable of St. Helier				
Connétable of St. Lawrence				
Connétable of St. Brelade				
Connétable of Grouville				
Connétable of Trinity				
Connétable of St. Peter				
Connétable of St. Mary				
Connétable of St. Ouen				
Connétable of St. Martin				
Connétable of St. John				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				

Deputy of Grouville				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy M.R. Higgins (H)				
Deputy S.J. Pinel (C)				
Deputy of St. Martin				
Deputy of St. Ouen				
Deputy L.M.C. Doublet (S)				
Deputy R. Labey (H)				
Deputy S.M. Wickenden (H)				
Deputy of St. Mary				
Deputy G.J. Truscott (B)				
Deputy J.H. Young (B)				
Deputy L.B.E. Ash (C)				
Deputy K.F. Morel (L)				
Deputy G.C.U. Guida (L)				
Deputy of St. Peter				
Deputy of Trinity				
Deputy of St. John				
Deputy M.R. Le Hegarat (H)				
Deputy S.M. Ahier (H)				
Deputy R.J. Ward (H)				
Deputy C.S. Alves (H)				
Deputy K.G. Pamplin (S)				
Deputy I. Gardiner (H)				

## **9. Draft Eligibility for Election (Amendment of Laws) (Jersey) Law 202- (P.22/2021)**

### **The Bailiff:**

The next item of Public Business is the Draft Eligibility for Election (Amendment of Laws) (Jersey) Law, P.22, lodged by the Privileges and Procedures Committee. For the purpose of the debate, the main respondent will be the chair of the Corporate Services Scrutiny Panel. I ask the Greffier to read the citation.

### **The Deputy Greffier of the States:**

Draft Eligibility for Election (Amendment of Laws) (Jersey) Law 202- A law to amend the eligibility requirement for election as a Senator or Deputy under the States of Jersey Law 2005, or a Connétable under the Connétables (Jersey) Law 2008. The States, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following law.

### **9.1 Deputy C.S. Alves of St. Helier (Chair, Privileges and Procedures Committee):**

We have lodged this law in order to implement the Assembly's adoption of P.75, Senators and Deputies: Removal of Citizenship Requirement, which was lodged by Deputy Tadier in 2020. This law would amend the States of Jersey Law, which deals with the qualification criteria for Senators and Deputies, and the Connétables Law, which provides the qualification criteria for Connétables.

In voting for part (b) and part (d) of Deputy Tadier's proposition, Members agreed that a person should have a continuous period of residency of 5 years and be entitled for work under the Control of Housing and Work Regulations in order to be eligible to stand for election as a Senator, Connétable or Deputy. The current requirement for Senators, Deputies and Connétables is that they have to be a British citizen who have been ordinarily in Jersey for a period of at least 2 years or ordinarily resident in Jersey for 6 months in addition to being ordinarily resident at any time for an additional period or periods totalling at least 5 years. This law has been drafted with the interpretation that candidates should have at least entitled for work status rather than only entitled for work status. In bringing this law forward for debate, P.P.C. wish to make it clear that we have only lodged this legislation because we were dutybound to under part (d) of Deputy Tadier's proposition. We believe that this change will significantly restrict the number of people eligible to stand for election compared to the current position. Therefore, we would urge Members to consider very carefully the consequences this change would have on the eligibility criteria for those thinking about standing for election in the future. I propose the principles.

**The Bailiff:**

Are the principles seconded? **[Seconded]** Does any Member wish to speak on the principles?

**9.1.1 Deputy J.H. Young:**

Time is short so I am going to speak briefly. This decision, when we discussed it earlier, was an absolute mess. We got in a complete procedural pickle. We ended up with a crazy amendment, which put very great restrictions. The idea that not only has somebody got to be continuously resident for 5 years on the day, up to the day, and that you cannot take into account other periods. Then not only that, on top of that, they have to be entitled. Frankly, there is no way, I am going to vote this out.

**9.1.2 Deputy K.F. Morel:**

I stand at odds with Deputy Young because when he says it was a procedural mess, et cetera, no. What it was, it was not the result the proposer of that proposition wanted. That was all that happened that day, if we remember. Indeed, I am disappointed that the chair of the Procedures and Privileges Committee speaks against the proposition, given that in the electoral reform debate recently a great amount was made of the fact that the in-principle decision had been taken and therefore how could anyone bring amendments? Amendments, which I voted against. But the Privileges and Procedures Committee at the time was saying: "No, the in-principle decision has been made, this is just signing off on the legislation. So, to take that stand then and to take a different stand now, I find unfortunate and not a position I expect the Privileges and Procedures Committee to find itself in because I expect that to be a very neutral committee in that way. So I believe that this is an opportunity for us to right a mistake that was made in the past. I stand to be corrected, I believe it may have been Deputy Southern who brought the proposition, which reduced to 2 years the requirement for living in Jersey before standing for election. I felt then, as an Islander, not a Member of the States, just an Islander on my own, that was a mistake. Very happy for people to be voting after 2 years. That is absolutely fine. But to stand for election, I do believe you should show and have shown your commitment to this Island before you are even available for nomination to election. For that reason, I do feel that, while the proposer did not intend the result that came that day last year, it was after COVID because I remember attending remotely, it was approximately a year ago. That was not what the proposer wanted but it was the result that the Assembly wanted and the Assembly gave. So I urge Members to accept this proposition, to support this proposition, and to right the wrong of a few years ago and make sure that all candidates for election are able to show their commitment to this Island by having lived here for 5 years.

**9.1.3 Deputy M.R. Higgins:**

I am going to align myself with Deputy Young and disagree with Deputy Morel. I remember that debate very well because we got into a pickle. We got very confused and, as a person who has never been afraid to admit when they have got things wrong, I got it wrong. I voted for the 5 years and yet I did not intend to. I was confused at the time the debate took place, other Members were, and I really do believe that, if we have made a mistake, we should own up to it. We want people to stand for election to the States. We want people to vote. We should not be putting hurdles in the way of the populace. So I ask States Members, you know we made a mistake, let us correct it, let us vote down this legislation.

**9.1.4 Deputy G.P. Southern:**

Just briefly to say that, yes, we made a mistake. Yes, we can put it right today. We can vote this out. Five years is a ridiculous period to demand when it is 2 years for voting. If you are involved in the political process after 2 years it is sufficient to vote, it should be sufficient to stand.

**9.1.5 Senator S.Y. Mézec:**

I entirely agree with what my colleague Deputy Southern has just said. For me, the point of principle is that I think the franchise for being able to vote should be the same as the franchise for being able to stand. I do not see why there ought to be a discrepancy between them. I have to say I am a little bit annoyed at what I hear from some Members, not just in this debate, but in other debates as well, where some people seem to think you enhance democracy by restricting voters' choices. That is utterly nonsense. Deputy Morel's point is nonsense. If you have to demonstrate some sort of commitment to the Island before being able to stand for politics and that is such an important thing, then trust the voters to not vote for candidates who have not made that demonstration. Do not deprive them of the choice. There are all sorts of other instances that could be included in this for why people may be standing or why they may not be standing. Trust the voters, let them make the choice, and let us throw this out because it represents a step backwards.

**9.1.6 Deputy L.M.C. Doublet:**

Just a note from the Diversity Forum, because we did discuss this at our last meeting. The forum wishes to express opposition to this draft law because it will decrease the potential pool of candidates and therefore potentially decrease the diversity of those candidates. It is my opinion, in agreement with some of the previous speakers, that if there is a high-quality candidate who meets all the other criteria, and that candidate is acceptable to the electorate, we should not be adding additional barriers. So I will be voting against this today.

**The Bailiff:**

Thank you very much, Deputy. There is a question, Deputy Tadier, you wish to ask of the Attorney General?

**Deputy M. Tadier:**

It is just to try to understand, if this is passed today, what the "5 years continuous" means, what it will mean in law. Because I know that, for example, we have probably all dealt with, or I have certainly dealt with members of the public who have tried to get their 10-years qualification, or 5-years, for work purposes. If they have any gaps, for whatever reason, that they cannot prove, either because they were away or they were not away but they just cannot document the fact that they were here, then they have great difficulty in securing the 5 or 10-year rule.

[17:15]

So I just wanted to ask: if we pass this today, it seems to me that there is a 5 years continuous in addition to having your entitlement to work. What, for example, is the maximum period that somebody could be away for in the last 5 years in order to break that continuity?

**The Bailiff:**

Mr. Attorney, are you able to assist? The question relates to the meaning of “ordinarily resident”.

**The Attorney General:**

Yes, “ordinary residence” is a term that is generally of most significance in relation to tax status. It is usually seen in that context. It means effectively where someone calls home. But I would have to check whether there is a specific period of say 3 months, which would break a person’s ordinary residence such that they would have to effectively carry out extra time in order to comply with the requirement. But I can check overnight if that assists.

**9.1.7 Senator S.C. Ferguson:**

We hear people saying that the system is complicated. So, can they complain that they have to be resident for longer than 6 months before they stand? There are a lot of civilian, as one might say, organisations where there is a time limit before being able to stand. There are also other organisations like being a Congressman in the U.S. (United States) where you have to be a certain age before you are able to stand so you cannot have child politicians. I agree with Deputy Morel, you have to demonstrate a commitment to the Island before you stand. You cannot just come in on 6 months’ residency and then stand for election. I am sorry; that does not make sense. There is no commitment.

**The Bailiff:**

Thank you very much, Senator. There are 2 further questions for the Attorney General. I will take Deputy Le Hegarat first because the Constable of St. Ouen wishes to speak immediately after his question.

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

I just wanted to clarify a point in relation to the Employment Law, because obviously an entitlement to work, and maybe I have just missed it, I just want to clarify how does being an elected Member of the States fit in with the Employment Law and the ability to be allowed to work in Jersey? If that makes sense, I would just like to clarify that to ensure that people can stand for election having been here for 2 years, but technically speaking they may be restricted from working.

**The Bailiff:**

Are you able to assist, Mr. Attorney?

**The Attorney General:**

I just wanted to clarify with the Deputy the exact meaning of that question. The membership of the States is not an employment relationship. It is an office. So, is she asking me whether being a States Member counts for the purposes of housing status and the ability to separately ...

**The Bailiff:**

I am sure the Deputy will correct me if I am wrong, but I understood the question to be a question of whether or not it would be possible to stand for the States but not be qualified to work. That appears to be the nature of the question, Mr. Attorney.

**The Attorney General:**

Can I reflect on that?

**The Bailiff:**

By all means. Do you have a further question for the Attorney, Constable of St. Ouen?

**The Connétable of St. Ouen:**

Yes. It is a pick-up from the previous question to the Attorney. I am very concerned about the term “ordinarily resident” because that is a very specific tax term. I am sure the Attorney will be clear when he comes back, but my concern is that the definition is in the proposal and, if we approve it, how challengeable is it by somebody who wants to remove somebody from standing for office? Maybe the Attorney could just clarify whether the term “ordinarily resident” is good enough to be subject to challenge. The other consideration we might want to think about, if the Attorney comes back and says that is not a particularly good definition, is “domiciled in the Isle of Jersey”. But again that is also full of problems.

**The Bailiff:**

I wonder, there is a further question for the Attorney, it might be as well to get all of the questions out and then your turn to speak will come, the Constable of St. Ouen, if that is all right. Deputy Tadier, you have a further question for the Attorney?

**Deputy M. Tadier:**

Yes, it is really just to ask the Attorney if he agrees and, in a sense, I have had something of an epiphany since I asked my question. Because of course we are dealing with “ordinarily resident”, not “continuous”, and that is the difference. Can the Attorney General confirm that we are not inventing a new concept here because it is already a requirement under the current law to be ordinarily resident for 2 years? If we adopted this we would simply be extending that to 5 years. So there must be a definition already, which exists, and whether or not checks are done on that I do not know. But could the Attorney just confirm that we are not creating a new concept?

**The Bailiff:**

It seems to me that inevitably the Attorney has asked for time to consider this. That will mean that he will not be able to advise before the close of the ordinary business of the Assembly today. It may be sensible therefore to deal with one or perhaps 2 further speakers, depending upon how long they wish to speak for, but then the Assembly might wish to consider whether it wishes to then adjourn overnight and the Attorney can advise the following day. That may be the appropriate way forward. I simply put that forward for Members’ consideration at this point. Next to speak, the Connétable of St. Ouen.

**9.1.8 The Connétable of St. Ouen:**

I will await the Attorney’s comments with interest. I am not going to speak for very long but to just express a little bit of disappointment. We have spent many hours in the Chamber debating on how to achieve a mix of Members that makes voter participation better and improves it. Yet, here we are today talking about moving to a 5-year period where we will be disqualifying people who could be extremely eligible to be elected. I accept what Deputy Morel says about showing commitment to the Island. But at the end of the day I would counter that by saying that it is really for the electors to choose whether they think people are committed to the Island and whether they have sufficient qualification to sit in this Assembly. That is really the point. At the end of the day, we need to set a minimum criteria, which we feel people are qualified to sit in this Chamber. Whether they have commitment or the qualities to sit here is really a decision that the electors should be asked to make, not us. All we are doing is setting a hurdle, which people should be required to jump over. In my view, and obviously I am prepared to be corrected by others, I do not think that hurdle should be too high. Especially as we have spent hours and hours debating on whether we should have 3 classes of



Members or 2 classes of Members or one class of Member, a decision that seemed to take us hours and hours to get to and caused a great deal of angst. Yet here we are talking about what is quite a serious method of removing quality people from the field. Frankly, I would find it extremely difficult to support this. We need to just look at this as a hurdle rather than a qualification because at the end of the day it is the electors that make the final decision about who sits in this Chamber and we should just be setting a minimum standard.

**9.1.9 Deputy S.M. Wickenden:**

I rose to speak in support of what Deputy Morel said. I was quite shocked when I read the report that was linked to this proposition, this law change, and how political it was. P.P.C. has a really strong position of being as apolitical as possible because it deals with the rules for all Members. To have the concerns written in here to highlight areas like the vote from last time and those things, I feel is not acceptable from this committee. Each member of the committee can speak in this Assembly on their own views, but to have a view from a supposedly apolitical committee that is so pushing in a direction, when the Assembly voted on this situation. We have had it time and again and we had it on the electoral reform. The Assembly voted to go in a direction and that was the majority vote that happened and it could not be changed and that was right. But now we are coming along and saying: "Well we think everyone was wrong or they did not understand what they were doing." That is very unfair on this Assembly. This was a decision by the Assembly. P.P.C. have brought forward what the decision of the Assembly was. That should be kept that way, otherwise we are just tying ourselves in knots. I am going to be supporting this law change. It is the right move.

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

I only have a few minutes so I will go now rather than dream about it all night. I am very concerned and I hope the Attorney General will come back and state what "ordinarily resident" is, previous to 5 years before the election. But it also says "and entitled for work or entitled licence." So, yes, even if you have someone here on a licence, you brought them over on a licence, they might be great, they could lose their licence, but they could work for the States. But people should be very careful what they wish for today. You have youngsters who have gone to uni, they spend their time in uni, they spend 20 years away. They come back to the Island and they miss the election next year. You are telling them, the way I read it, and I would like the Attorney overnight to tell me if I am wrong, those Jersey kids, they were born here, done 18 years in school, then went to uni, decided to settle, but came back 20 years later, could not stand for election until the 2030 elections. Because, if they come back next year, after the elections, they have not done 5 years in 2026 and they would not be able to stand until 2030. I think it is mad. We want to encourage diversity, as Deputy Doublet said. It could be a returning male bringing his wife, either way, it does not matter. If somebody wants to offer something to the Island, are we just going to make it harder? But I would like the Attorney overnight to just check, these 2 hang together. People have been telling me you can pick which one you like. I do not think that is true. Then the Constable of St. Ouen said we could use a different definition. No, the proposition is what it is, it will either be this or that. But to me it just puts the barrier much too high when we want a lot more diversity and youngsters or middle-aged people at least. I have done my 3 minutes.

**The Bailiff:**

Thank you very much. Congratulations on the timing, Deputy Martin. There is a point of clarification, Deputy Morel. Is that a clarification of your speech or are you seeking a point of clarification of Deputy Martin's speech?

**Deputy K.F. Morel:**

It was about Deputy Martin seemed to be suggesting that a child born here, educated here, who then went off to university for a few years, would not be qualified. I would just like her to clarify that is certainly the case because I very much do not believe that is the case.

**The Bailiff:**

Deputy Martin was hoping the Attorney General would confirm the position on that when he came back.

**Deputy J.A. Martin:**

Exactly, and I would like to hear the legal position because I have been arguing with States Members overnight on this and Deputy Morel has a different idea to me. One of us is right.

**Deputy K.F. Morel:**

I did not hear her ask the A.G. (Attorney General) a question, it was just a speech.

**The Bailiff:**

It was just a speech but she expressed the hope the Attorney General would advise upon that. Mr. Attorney, I think that is a further question for you to advise upon when you return to the Assembly tomorrow morning. The adjournment is proposed. Deputy Tadier indicated a desire to speak briefly.

**Deputy M. Tadier:**

I do not wish to bribe Members but I will literally speak for a maximum of 5 minutes now, or I might be more lengthy tomorrow. The real reason is I am going to have to be absent for part of tomorrow morning and I would not want to miss the opportunity, given that I feel partly responsible for why we are in this situation. So I leave that with Members if they would allow me to speak for up to 5 minutes now.

**The Bailiff:**

It was Deputy Southern who proposed the adjournment. Deputy Southern, do you wish to withdraw that?

**Deputy G.P. Southern:**

I am happy to withdraw it.

[17:30]

**The Bailiff:**

Then I will call on Deputy Tadier and then someone can propose the adjournment after that.

**9.1.11 Deputy M. Tadier:**

I cannot comment on whether or not the Assembly knew what they were doing when they voted for this, but I do recall that there was perhaps some lack of clarity from some Members about what was going on following a very good and close vote, obviously a vote that I was slightly disappointed that did not go my way on the substantive proposition of nationality. I do want to bring it back to that just to contextualise it. Because what I brought to the Assembly was very much a package and it sought to, when looked at holistically, it was broadly what you would call a progressive package. In the sense that it was designed to allow many more people to stand for election, some for the first time, based on a meritocracy rather than what I would call an arbitrary nationality requirement. I am not seeking to reopen that debate here today. But it is simply to say that all of those parts were to hang together. The other parts were necessary because there seemed to be some debate about what was an acceptable period of time, qualifying time, to be in the Island. Of course there were 2 aspects

to it, one that built on the 2 years minimum requirement up until the day, but it was a 5-year requirement and 6 months up to and including the election, which in itself is quite messy. So it sought to square the circle of the fact that, why would we have people working here as States Members if they could not work in another sector? This needs to be looked at again by perhaps a group of people, there is a coalition I believe in the States now who want to open up the membership beyond the usual British-only requirement. We need to get our heads together to find out how we do that. Just by implementing these changes today on their own, they would take us a step back. So I would ask Members to consider, if they are genuine about wanting to get a wider membership, to talk to me. Because I will be coming back to the States Assembly at some point for another try at, not removing the British nationality per se, but allowing non-British nationals to be able to stand for election on their own merit. I believe that there may be wider support and I would like to hear from those Members who support that as to what might be acceptable. I have kept within the 5 minutes. I cannot support this today as I could not on its own last year when it came to the Assembly. But I would like to work constructively with those Members who feel that it is right that we have a more-progressive, a more-representative States Assembly, but one that is ultimately controlled by the electorate because it is up to them to have the say as to who should sit in our Assembly.

**The Bailiff:**

Thank you very much indeed, Deputy. Is the adjournment proposed? Very well, the Assembly stands adjourned until 9.30 a.m. tomorrow morning.

**ADJOURNMENT**

[17:33]