

STATES OF JERSEY

OFFICIAL REPORT

TUESDAY, 22nd SEPTEMBER 2020

COMMUNICATIONS BY THE PRESIDING OFFICER.....	8
1.1 Welcome back to Assembly	8
1.2 Tribute to Mac Pollard.....	8
APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS.....	8
2. Nomination of the Deputy of St. Martin and Deputy I. Gardiner of St. Helier as members of the Economic and International Affairs Scrutiny Panel.....	8
2.1. Deputy K.F. Morel of St. Lawrence (Chair, Economic and International Affairs Scrutiny Panel):	8
QUESTIONS.....	9
3. Written Questions.....	9
3.1 The Connétable of St. Brelade of the Minister for Infrastructure regarding the demolition of the old Les Quennevais School (WQ.322/2020):	9
3.2 Senator K.L. Moore of the Chair of the States Employment Board regarding H.R. Case Management (WQ.324/2020):	10
3.3 Deputy L.M.C. Doublet of St. Saviour of the Chief Minister regarding the data collected from testing for Covid-19 (WQ.325/2020):	10
3.4 Deputy L.M.C. Doublet of St. Saviour of the Minister for Health and Social Services regarding medical advice in respect of singing during the Covid-19 pandemic (WQ.326/2020):	11
3.5 Deputy J.H. Perchard of St. Saviour of the Minister for Education regarding the contract for the provision of school meals (WQ.327/2020):	12
3.6 Deputy J.H. Perchard of St. Saviour of the Minister for Health and Social Services regarding the rate of Covid-19 amongst incoming travellers to the Island (WQ.328/2020):	14
3.7 Deputy M.R. Le Hegarat of St. Helier of the Chair of the States Employment Board regarding vacancy rates in senior levels of the public sector (WQ.329/2020):	15
3.8 Deputy R.J. Ward of St. Helier of the Minister for Treasury and Resources regarding the Income Tax paid by High Value Residents (WQ.330/2020):	16
3.9 Deputy R.J. Ward of St. Helier of H.M. Attorney General regarding prosecutions under the Public Health and Safety (Rented Dwellings) (Jersey) Law 2018 (WQ.331/2020): .	18
3.10 Deputy R.J. Ward of St. Helier of the Minister for External Relations regarding the impact of Brexit legislation enacted in the United Kingdom on Jersey's international reputation (WQ.332/2020):	18
3.11 Deputy R.J. Ward of St. Helier of the Minister for Infrastructure regarding the Sustainable Transport Policy (WQ.333/2020):	18

3.12 Deputy C.S. Alves of St. Helier of the Minister for Home Affairs regarding the data collected by the Customs and Immigration Service on arrivals in the Island (WQ.334/2020):	22
3.13 Deputy C.S. Alves of St. Helier of the Minister for Home Affairs regarding the Jersey E.U. Settlement Scheme (WQ.335/2020):	22
3.14 Deputy C.S. Alves of St. Helier of the Minister for Children and Housing regarding Subject Access Requests made to the Children’s Service (WQ.336/2020):	23
3.15 Deputy M.R. Higgins of St. Helier of H.M. Attorney General regarding the legal relationship between the States Assembly and Jersey’s Courts (WQ.337/2020):	24
3.16 Deputy M.R. Higgins of St. Helier of H.M. Attorney General regarding the status of propositions adopted by the States Assembly (WQ.338/2020):	24
3.17 Deputy M.R. Higgins of St. Helier of the Minister for Health and Social Services regarding the impact of Coronavirus on care homes in Jersey (WQ.339/2020):	25
3.18 Deputy M.R. Higgins of St. Helier of the Minister for Home Affairs regarding the use of restraining devices by the States of Jersey Police (WQ.340/2020):	25
3.19 Deputy M.R. Higgins of St. Helier of the Minister for Home Affairs regarding the psychological testing of States of Jersey Police officers (WQ.341/2020):	30
4. Oral Questions	33
4.1 Deputy K.G. Pamplin of St. Saviour of the Minister for External Relations regarding access to fishing waters and the U.K.’s departure from the European Union (OQ. 238):	33
Senator I.J. Gorst (The Minister for External Relations):	33
4.1.1 Deputy K.G. Pamplin:	33
4.2 Deputy R.J. Ward of the Chair of the States Employment Board regarding racial abuse in the workplace (OQ. 240):	33
Connétable R.A. Buchanan of St. Ouen (Vice-Chair, States Employment Board - rapporteur):	34
4.2.1 Deputy R.J. Ward:	34
4.2.2 Deputy L.M.C. Doublet of St. Saviour:	34
4.2.3 Deputy M. Tadier of St. Brelade:	34
4.2.4 Deputy R.J. Ward:	35
4.3 Deputy D. Johnson of St. Mary of the Minister for Health and Social Services regarding the gathering of choirs and singers (OQ.244):	35
Deputy R.J. Renouf of St. Ouen (The Minister for Health and Social Services):	35
4.3.1 The Deputy of St. Mary:	35
4.3.2 Deputy L.M.C. Doublet:	36
4.3.3 Deputy L.M.C. Doublet:	36
4.3.4 Deputy R.J. Ward:	36
4.3.5 Deputy R.J. Ward:	36
4.3.6 Deputy M. Tadier:	37
4.3.7 Deputy M. Tadier:	37
4.3.8 Deputy K.F. Morel:	37
4.3.9 Deputy K.F. Morel:	37
4.3.10 Deputy I. Gardiner of St. Helier:	38
4.4 Deputy I. Gardiner of the Chief Minister regarding the 2021 census (OQ.251/2020): 38	
Senator J.A.N. Le Fondré (The Chief Minister);	38
4.4.1 Deputy I. Gardiner:	38

4.4.2 Deputy M.R. Higgins of St. Helier:	39
4.4.3 Deputy K.F. Morel:.....	39
4.4.4 Deputy I. Gardiner:	39
4.5 Deputy J.H. Perchard of St. Saviour of the Minister for Infrastructure regarding parking provision for pregnant women (OQ.234/2020):	39
Deputy K.C. Lewis of St. Saviour (The Minister for Infrastructure):.....	40
4.5.1 Deputy J.H. Perchard:	40
4.5.2 Deputy L.M.C. Doublet:	40
4.5.3 Deputy L.M.C. Doublet:	40
4.5.4 The Deputy of St. Mary:	40
4.5.5 Deputy J.H. Perchard:	41
4.6 Deputy K.F. Morel of the Minister for Economic Development, Tourism, Sport and Culture regarding cyber-security national risk assessment surveys (OQ.233/2020):..	41
Senator L.J. Farnham (The Minister for Economic Development, Tourism, Sport and Culture):	41
4.6.1 Deputy K.F. Morel:.....	41
4.7 Connétable A.S. Crowcroft of St. Helier of the Minister for Treasury and Resources regarding allocating 1% of States revenue expenditure to the arts (OQ.236/2020): ..	41
Deputy S.J. Pinel of St. Clement (The Minister for Treasury and Resources):	42
4.7.1 The Connétable of St. Helier:	42
4.7.2 Deputy R.J. Ward:.....	42
4.7.3 Deputy R.J. Ward:.....	42
4.7.4 Deputy K.F. Morel:.....	42
4.7.5 Deputy K.F. Morel:.....	43
4.7.6 The Deputy of St. Mary:	43
4.7.7 Deputy G.P. Southern of St. Helier:	43
4.7.8 Deputy G.P. Southern:	43
4.7.9 Deputy C.S. Alves of St. Helier:.....	44
4.7.10 The Connétable of St. Helier:.....	45
4.8 Deputy M.R. Le Hégarat of St. Helier of the Minister for Health and Social Services regarding risk and governance in Government (OQ.243/2020):	45
The Deputy of St. Ouen (The Minister for Health and Social Services):	45
4.9 Deputy C.S. Alves of the Minister for Health and Social Services regarding the out-of-hours G.P. service (OQ.249/2020):.....	45
The Deputy of St. Ouen (The Minister for Health and Social Services):	46
4.9.1 Deputy C.S. Alves:	46
4.9.2 Deputy R.J. Ward:.....	46
4.9.3 Deputy G.P. Southern:	46
4.9.4 Deputy M. Tadier:.....	46
4.9.5 Deputy M. Tadier:.....	47
4.9.6 Deputy C.S. Alves:	47
4.10 Deputy M.R. Higgins of the Minister for Health and Social Services regarding preparations for a winter spike in coronavirus cases (OQ.245/2020):	47
The Deputy of St. Ouen (The Minister for Health and Social Services):	47
4.10.1 Deputy M.R. Higgins:	47
4.10.2 Deputy K.G. Pamplin:	48

4.10.3	Deputy K.G. Pamplin:	48
4.10.4	Deputy J.H. Perchard:	48
4.10.5	Deputy G.J. Truscott of St. Brelade:	49
4.10.6	Deputy G.J. Truscott:	49
4.10.7	Deputy M.R. Higgins:	49
4.11	Deputy G.P. Southern of the Chief Minister regarding income levels (OQ.242/2020):	49
	Senator J.A.N. Le Fondré (The Chief Minister):	50
4.11.1	Deputy G.P. Southern:	50
4.11.2	Deputy R.J. Ward:	50
4.11.3	Deputy R.J. Ward:	50
4.11.4	Deputy G.P. Southern:	51
4.12	Deputy M. Tadier of the Chief Minister regarding consultancy work by non-British European entities (OQ.247/2020):	51
	Senator J.A.N. Le Fondré (The Chief Minister):	51
4.12.1	Deputy M. Tadier:	51
4.12.2	Deputy K.F. Morel:	52
4.12.3	Deputy K.F. Morel:	52
4.12.4	Deputy M. Tadier:	52
4.13	Deputy R.J. Ward of the Minister for Infrastructure regarding the pilot bus service for Highlands College (OQ.241/2020):	53
	Deputy K.C. Lewis (The Minister for Infrastructure):	53
4.13.1	Deputy R.J. Ward:	53
4.13.2	Deputy J.M. Maçon of St. Saviour:	53
4.13.3	Deputy J.M. Maçon:	54
4.13.4	Deputy R.J. Ward:	54
4.14	Deputy M.R. Higgins of the Minister for Children and Housing regarding the right of social workers to confiscate mobile telephones belonging to clients (OQ.246/2020): ..	54
	Senator S.Y. Mézec (The Minister for Children and Housing):	54
4.14.1	Deputy K.F. Morel:	55
4.14.2	Deputy M.R. Higgins:	55
4.15	Deputy C.S. Alves of the Minister for Home Affairs regarding police and customs officer training (OQ.250/2020):	55
	Connétable L. Norman of St. Clement (The Minister for Home Affairs):	55
4.15.1	Deputy C.S. Alves:	56
4.15.2	Deputy I. Gardiner:	56
4.15.3	Deputy M. Tadier:	56
4.15.4	Deputy R.J. Ward:	56
4.15.5	Deputy C.S. Alves:	56
4.16	Deputy K.F. Morel of the Chief Minister regarding non-resident business licenses (OQ.235/2020):	57
	Senator L.J. Farnham (Assistant Chief Minister - rapporteur):	57
4.16.1	Deputy K.F. Morel:	57
4.16.2	Connétable M.K. Jackson of St. Brelade:	57
4.16.3	Deputy K.F. Morel:	58

4.17 The Connétable of St. Helier of the Minister for Economic Development, Tourism, Sport and Culture regarding free swab testing for passengers at Jersey ports (OQ.237/2020):	58
Senator L.J. Farnham (The Minister for Economic Development, Tourism, Sport and Culture):	58
4.17.1 The Connétable of St. Helier:	58
4.18 Deputy K.G. Pamplin of the Minister for Children and Housing regarding islanders who are homeless or in emergency housing (OQ.239/2020):	58
Senator S.Y. Mézec (The Minister for Children and Housing):	58
4.18.1 Deputy K.G. Pamplin:	59
4.18.2 Deputy K.F. Morel:	59
5. Questions to Minister without notice - The Minister for Economic Development, Tourism, Sport and Culture	60
5.1 Deputy K.G. Pamplin:	60
Senator L.J. Farnham (The Minister for Economic Development, Tourism, Sport and Culture):	60
5.2 The Connétable of St. Saviour:	61
5.3 Deputy G.J. Truscott:	61
5.3.1 Deputy G.J. Truscott:	61
5.4 Deputy R.J. Ward:	62
5.4.1 Deputy R.J. Ward:	62
5.5 Deputy K.F. Morel:	62
5.5.1 Deputy K.F. Morel:	63
5.6 Deputy S.M. Ahier of St. Helier:	63
5.6.1 Deputy S.M. Ahier:	63
5.7 Deputy G.P. Southern:	63
6. Questions to Ministers without notice - The Minister for the Environment	64
6.1 Deputy S.M. Ahier:	64
Deputy J.H. Young of St. Brelade (The Minister for the Environment):	64
6.1.1 Deputy S.M. Ahier:	64
6.2 Deputy R.J. Ward:	64
6.2.1 Deputy R.J. Ward:	65
6.3 Senator K.L. Moore:	65
6.3.1 Senator K.L. Moore:	65
6.4 Deputy S.G. Luce of St. Martin:	66
6.5 The Connétable of St. Brelade:	66
6.6 Deputy J.H. Perchard:	66
6.6.1 Deputy J.H. Perchard:	67
7. Questions to Ministers without notice	67
7.1 Deputy M.R. Higgins:	67
Senator J.A.N. Le Fondré (The Chief Minister):	67
7.1.1 Deputy M.R. Higgins:	67
7.2 Deputy M.R. Le Hegarat:	68
Senator S.Y. Mézec (The Minister for Children and Housing):	68
7.3 Deputy K.G. Pamplin:	68
Senator J.A.N. Le Fondré:	68
7.3.1 Deputy K.G. Pamplin:	68

7.4 Deputy M. Tadier:.....	69
Deputy S.J. Pinel (The Minister for Treasury and Resources):.....	69
7.4.1 Deputy M. Tadier:.....	69
7.5 Deputy R.J. Ward:.....	69
Senator J.A.N. Le Fondré:.....	70
7.5.1 Deputy R.J. Ward:.....	70

LUNCHEON ADJOURNMENT PROPOSED..... 71

LUNCHEON ADJOURNMENT..... 71

7.6 Deputy K.F. Morel:.....	71
Deputy J.A. Martin (The Minister for Social Security):	71
7.6.1 Deputy K.F. Morel:.....	71
7.7 Deputy G.P. Southern:	72
The Deputy of St. Ouen (The Minister for Health and Social Services):	72
7.7.1 Deputy G.P. Southern:	72
7.8 The Deputy of St. Mary:.....	72
Senator L.J. Farnham (The Minister for Economic Development, Tourism, Sport and Culture):	72
7.9 Connétable D.W. Mezbourian of St. Lawrence:.....	73
The Deputy of St. Ouen:.....	73
7.9.1 The Connétable of St. Lawrence:.....	73
7.10 Deputy I. Gardiner:	73
The Deputy of St. Ouen:.....	73
7.10.1 Deputy I. Gardiner:	73
7.11 Deputy L.M.C. Doublet:	74
The Deputy of St. Ouen:.....	74
7.11.1 Deputy L.M.C. Doublet:	74
7.12 Deputy R.J. Ward:.....	74
Deputy K.C. Lewis (The Minister for Infrastructure):.....	74
7.12.1 Deputy R.J. Ward:.....	75
7.13 The Connétable of St. Brelade:.....	75
Senator L.J. Farnham:	75
7.13.1 The Connétable of St. Brelade:	75
7.14 Deputy S.M. Ahier:.....	75
The Deputy of St. Ouen:.....	76
7.14.1 Deputy S.M. Ahier:	76
7.15 Senator K. L. Moore:	76
The Deputy of St. Ouen:.....	76
7.15.1 Senator K.L. Moore:.....	76
7.16 Deputy M.R. Higgins:.....	76
The Connétable St. Clement (The Minister for Home Affairs):	77
7.16.1 Deputy M.R. Higgins:	77
7.17 The Connétable of St. Lawrence:.....	77
Senator L.J. Farnham:	77
7.18 Deputy K.G. Pamplin:.....	77
The Deputy of St. Ouen:.....	78
7.18.1 Deputy K.G. Pamplin.	78
7.19 The Deputy of St. Martin:	78
The Deputy of St. Ouen:.....	78
7.20 Senator K.L. Moore:	78
Senator L.J. Farnham:	79

7.21 Deputy K.G. Pamplin:.....	79
The Deputy of St. Ouen:.....	79
7.21.1 Deputy K.G. Pamplin:.....	79
7.22 Deputy K.F. Morel:.....	79
Senator J.A.N. Le Fondré:.....	79
7.22.1 Deputy K.F. Morel:.....	79
7.23 Deputy M. R. Higgins:.....	80
Deputy J.H. Young (The Minister for the Environment):.....	80

PUBLIC BUSINESS..... 80

**8. Senators and Deputies: removal of citizenship requirement (P.75/2020) - as amended
..... 80**

8.1 Deputy M. Tadier:.....	81
Deputy K.F. Morel:.....	84
Mr. M.H. Temple Q.C., H.M. Attorney General:.....	84
8.1.1 Deputy R. Labey of St. Helier:.....	85
Deputy J.A. Martin:.....	85
The Attorney General:.....	86
8.1.2 Connétable R. Vibert of St. Peter:.....	86
8.1.3 Deputy G.C. Guida:.....	87
8.1.4 Connétable J. Le Bailly of St. Mary:.....	88
8.1.5 Deputy I. Gardiner:.....	89
The Attorney General:.....	91
Deputy K.C. Lewis:.....	91
Deputy G.J. Truscott:.....	92
Deputy R.J. Ward:.....	92
Deputy M.R. Le Hagarat:.....	92
8.1.6 Senator S.Y. Mézec:.....	93
8.1.7 Deputy L.B.E. Ash of St. Clement:.....	95
8.1.8 Senator I.J. Gorst:.....	96
The Attorney General:.....	99
Deputy I. Gardiner:.....	100
8.1.9 Deputy L.M.C. Doublet:.....	100
8.1.10 Deputy J.H. Young:.....	102
8.1.11 Deputy K.F. Morel.....	103
Deputy M.R. Higgins:.....	105
The Attorney General:.....	105
Deputy M. Tadier:.....	106

ADJOURNMENT..... 106

[9:44]

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

COMMUNICATIONS BY THE PRESIDING OFFICER

The Bailiff:

1.1 Welcome back to Assembly

Could I start by welcoming Members back into the Assembly at this, the first tranche of a hybrid sitting so styled, which is part of our journey back to hopefully normality in the not too distant future. **[Approbation]** It is experimental and I dare say we will progress in stages and sometimes there may be one or 2 setbacks, which will cause break-ups in the sitting but I hope that Members ... in fact, I know that Members will bear with us while we try and make this work. I therefore want to thank both P.P.C. (Privileges and Procedures Committee) for their efforts in this regard but also the Greffier and his team and the I.T. (information technology) individuals who are here, who have worked so hard and are continuing to work so hard to make this work. I thank them on Members' behalf. **[Approbation]**

1.2 Tribute to Mac Pollard

As Members may have noticed, a former Member of the Assembly passed away recently. Mac Pollard was first elected as the Connétable of St. Peter in February 1992, being re-elected in 1995, and for the last time in May 1998. He became vice-chairman of the Comité des Connétables in February 2000 and was then elected chairman in September of that year. His honorary service to his Parish spanned a period of 21 years, during which he only missed 3 police meetings. Over the years he served on many committees, perhaps the most memorable for him being Sport, Leisure and Recreation and the Gambling Control Committee and the Prison Board, all of which he served virtually throughout this career in the Assembly. The latter being particularly close to his heart. He also served on the Tourism Committee for 2 terms, and the Committee of Inquiry into the circumstances surrounding the release of the former chief officer for Sport, Leisure and Recreation, and the House Committee. His most proud achievement in the Assembly was persuading the Assembly on 8th June 1993, just over a year into his first term of office, to approve the introduction of green lanes for the benefit of both residents and visitors alike. His Parish was the first indeed to designate certain lanes as green lanes and introduced a 15-mile-per-hour speed limit to enable pedestrians and cyclists to enjoy the countryside in safety. He retired from the Assembly in June 2001 and was able then to dedicate his time to some of his other passions, such as commentating at Island cattle shows, judging budgerigars and canaries, and tending his horses and sheep. I ask Members to stand for one minute's silence in his memory. **[Silence]** May he rest in peace.

APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS

2. Nomination of the Deputy of St. Martin and Deputy I. Gardiner of St. Helier as members of the Economic and International Affairs Scrutiny Panel

The Bailiff:

We now under F, have appointment of committees and panels, and there is a nomination of the Deputy of St. Martin and Deputy Gardiner as members of the Economic and International Affairs Scrutiny Panel.

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

I would be pleased to nominate both Deputy Gardiner and the Deputy of St. Martin as members of the Economic and International Affairs Scrutiny Panel. Both have strong interests in the area and have either business experience or, in the case of Deputy of St. Martin, also has worked in this area

previously. So I certainly recommend them and they will take the membership of the panel up to the maximum of 6.

The Bailiff:

Are those nominations seconded? [**Seconded**] Are there any other nominations? I therefore declare that the Deputy of St. Martin and Deputy Gardiner have been appointed as members of the Economic and International Affairs Scrutiny Panel.

QUESTIONS

3. Written Questions

Deputy R.J. Ward of St. Helier

I wonder if may raise Article 12 of the Standing Orders as regards Written Question 332/2020? I think it may well be an error, I put it in the chat. I think it may be a simple one to adjudicate on. I wonder if you could take some time, thank you, Sir.

The Bailiff:

Yes, in which case I will consider that over the next break and indicate my answer as soon as I am able to do so, Deputy.

Senator I.J. Gorst:

I wonder if you could ask the Deputy to explain what his concern is about the response. I am more than happy to provide a fuller response, if that is the case.

Deputy R.J. Ward:

On the website the response to the question: "What action is Jersey's international standing in Brexit legislation?" the answer is: "There are no plans to demolish the school. So there are no funds currently earmarked." I think it may be an error.

The Bailiff:

My understanding, Deputy, is that there has been a mistake and that can be relatively quickly put right.

Deputy R.J. Ward:

Thank you, Sir. Obviously that is the only reference we have because we do not read out the Written Questions now.

3.1 The Connétable of St. Brelade of the Minister for Infrastructure regarding the demolition of the old Les Quennevais School (WQ.322/2020):

Question

Will the Minister advise Members of

- (a) the source of funding for the demolition of the old Les Quennevais school; and
- (b) the timeline for its demolition?

Answer

There are no plans to demolish the school, so there are no funds currently earmarked.

It will not be demolished until the future of the site is determined and this will be derived under the Island Plan. Suggestions have been put forward under the call for sites process and any subsequent use will be discussed with the parish.

Although the school has migrated, the library remains in situ as plans to collocate it with the new school were not deemed to be practical or desirable. Until the new library location is confirmed the IHE commitment to ensuring that the Government's assets are effectively used, means that the building will be available for this and other community uses where practical.

3.2 Senator K.L. Moore of the Chair of the States Employment Board regarding H.R. Case Management (WQ.324/2020):

Question

Will the Chair advise what mechanisms are in place to audit and monitor practices within HR Case Management to ensure they comply with best practice, as outlined in Government policies; and will he also advise whether there any external and independent audit of Case Management is undertaken and, if so, when any such audits have been conducted in the past 5 years?

Answer

As the Senator is aware, greater investment was identified in last year's Government Plan for Human Resources, in order to bring our HR practices up to best possible standards. As of 2019, the Government's case management team follow ACAS best practices for investigations, cases are audited by an independent external auditor.

HR case management was the subject of an external independent audit in December 2019.

3.3 Deputy L.M.C. Doublet of St. Saviour of the Chief Minister regarding the data collected from testing for Covid-19 (WQ.325/2020):

Question

Further to the oral question without notice which I asked on 8th September 2020, will the Chief Minister confirm that ethnicity data is being collected with Covid-19 test swabs, and will he publish that data, where it is possible to do so without identifying individuals, as well as the related death rate and recovery rate?

Answer

Progress has been made in updating the Integrated Public Health Record (IPHR) to include a field to capture ethnicity. The categories in this field reflect other administrative systems across the Government of Jersey. The process to proactively collect this information as part of the IPHR has been introduced from September for both positive Covid-19 cases and direct contacts, which will then enable analysis of recovery and other outcomes going forward. For positive Covid-19 cases identified prior to this change in process, a retrospective data collection exercise is being considered, which would seek not only to capture ethnicity data but also more widely to collect valuable feedback on the experiences of individuals who have received a positive test result in Jersey. This work will be co-ordinated between Health and Community Services, Public Health and Environmental Health, as part of a wider study to understand the public health impacts of the pandemic in the Island. It is

expected that the findings will be published, whilst ensuring that best practice principles are followed in order to protect identifiable patient information.

3.4 Deputy L.M.C. Doublet of St. Saviour of the Minister for Health and Social Services regarding medical advice in respect of singing during the Covid-19 pandemic (WQ.326/2020):

Question

Will the Minister –

- (a) provide the dates and minutes of any meetings held at which the current guidelines advising against singing were discussed;
- (b) advise what research was considered in any such meetings, including whether the study published in August 2020 by the University of Bristol arising from the research project known as PERFORM (Particulate Respiratory Matter to Inform Guidance for the Safe Distancing of Performers in a COVID-19 Pandemic) was taken into account; and
- (c) agree to a meeting with me to review the current policy in order that singing activities can resume safely as soon as possible?

Answer

(a)

Discussions took place at the Scientific Technical Advisory Cell (STAC) on three occasions - 20th July, 17th August and again on Wednesday 2nd September – to apply changes to guidance allowing school-aged children to sing and play wind instruments in small groups of three. The minutes for these meetings are not released where content still relates to government policy under development.

The key references for the evidence base that was considered in preparing evidence for STAC are a range of studies on aerosol droplet transmission of COVID 19 and cluster infection and include risk assessment, observational research and meta-analysis:

Becher, Lia, Amayu Wakoya Gena, and C. Völker. "Risk assessment of the spread of breathing air from wind instruments and singers during the COVID-19 pandemic." (2020).

Kain, Morgan P., et al. "Chopping the tail: how preventing superspreading can help to maintain COVID-19 control." medRxiv (2020).

Parker, Alexander Stuart, and Kenneth Crookston. "Investigation into the Release of Respiratory Aerosols by Brass Instruments and Mitigation Measures with Respect to Covid-19." medRxiv (2020).

Parker, Alexander Stuart, and Kenneth Crookston. "Investigation into the Release of Respiratory Aerosols by Brass Instruments and Mitigation Measures with Respect to Covid-19." medRxiv (2020).

Buonanno, Giorgio, Lidia Morawska, and Luca Stabile. "Quantitative assessment of the risk of airborne transmission of SARS-CoV-2 infection: prospective and retrospective applications." medRxiv (2020).

Asadi, Sima, et al. "Aerosol emission and superemission during human speech increase with voice loudness." Scientific reports 9.1 (2019): 1-10.

Prakash, Meher K. "Eat, Pray, Work: A meta-analysis of COVID-19 Transmission Risk in Common Activities of Work and Leisure." medRxiv (2020)

(b) The University of Bristol research was not available on the two earlier dates when STAC met to discuss this matter. However, the key outcomes of the Bristol evidence reviewed had similar conclusions for the risk of respiratory droplet spread in singing and woodwind and brass instrument playing.

(c) A meeting with Ministers and relevant officers took place on Thursday 17th September and the Minister for Health and Social Services remains available to discuss the matter.

3.5 Deputy J.H. Perchard of St. Saviour of the Minister for Education regarding the contract for the provision of school meals (WQ.327/2020):

Question

Further to the reports that a contract to prepare meals for 5 secondary schools has been awarded following "a rigorous tendering and evaluation process", will the Minister advise –

- (a) how many businesses made a bid for the contract;
- (b) against which criteria the bids were evaluated;
- (c) in light of the response to Written Question 458/2019 (in which it was stated that an exemption from the procedures for obtaining quotations and tendering was approved for the pilot programme by the then Education Department, Operations and Finance Director and the then Director of Procurement) how it was ensured that the tendering process for the contract was fair for all bidders; and
- (d) why an exemption from the tendering process was sought for the pilot scheme?

Answer

- (a) Five suppliers expressed an interest and two submitted a tender response
- (b) Over and above standard due diligence pass / fail criteria such as insurance cover, financial records and registration with Environmental Health, a range of weighted scored criteria were used as below:

Membership of accredited bodies, including trade and professional, ISO9000 accreditation, ISO14001 accreditation, 3 years of trading history, references and price
Health & Safety statement / policy, staffing and qualifications
Last inspection notes, report or letter from Environmental Health

Previous experience of catering or managing catering concessions
How School Food standards would be met and how staff would be trained to encourage healthier eating principles to students when they are choosing meals
HACCP and training records
How staff will be trained, by whom and to what standards, what, if any, continued staff training is forecast
Procedure to manage staff absence, especially at short notice
Food sources used, including Fairtrade, organic, and locally produced
The number of staff and resources to be employed for each site of this contract including roles, responsibilities and qualifications and who will be on site for the delivery of the contract
Detailed Implementation Plan, to include how the contract will be mobilised and how key implementation dates will be achieved
Organisational arrangements to be put in place for this contract, with specific reference to the requirement for a large number of freshly cooked meals to be served in a very short space of time
Any initiatives for the marketing and promotion of the catering services for the schools and the food products
Procedure for student, staff and parental concerns and what systems to investigate complaints
Systems to monitor and improve performance including staff communication with students, the standard of meals, financial and efficiency of staff
Procedure to self-evaluate performance and what key indicators used to measure this
Evidence all staff working on this contract are paid the Jersey Living wage
Confirmation all staff working on this contract will be DBS checked
Explanation of how all staff compliance with the Safeguarding Children Guidelines will be achieved
Environmental management policy, registration with the ECO-ACTIVE Business scheme, proposed assistance with the school's Eco-active programmes and what environmentally friendly chemicals will be used and how they will be managed

- (c) The tender for the school catering concessions was opened on the Government of Jersey ePortal on Monday 29th June 2020 and closed at 12.00pm Friday 24th July 2020.

<https://procontract.due-north.com/Advert?advertId=59a39323-04ba-ea11-8104-005056b64545&p=59ed6324-03e4-e611-80da-005056b64545>

Advertisements were also placed in the Jersey Evening Post Gazette notices on Friday 3rd July 2020 and Monday 6th July 2020. The evaluation panel consisted of a team of 12 representatives from the schools, CYPES, SPPP and Commercial Services departments. The commercial services procurement framework was followed and before the tender evaluation all members of the panel signed conflict of interest declarations.

- (d) A three-year exemption was sought to gauge the level of uptake from parents, and to evaluate the benefits for the children across the service. The data from the pilot scheme will be evaluated and used to determine the next phases of the project, one of which may be a full tendering process depending on financial directive thresholds.

This was not a commercial venture and all income generated from the pilot is reinvested back into the scheme for future project development of the hot school meal service.

3.6 Deputy J.H. Perchard of St. Saviour of the Minister for Health and Social Services regarding the rate of Covid-19 amongst incoming travellers to the Island (WQ.328/2020):

Question

Further to the Assembly's adoption of 'A safer travel period: States Assembly approval' (P.84/2020), as amended, ahead of which States Members and the public were advised to expect one case of Covid-19 every 7 weeks once the borders were re-opened, will the Minister advise –

- (a) what explanation, if any, has been identified for the underestimate of the number of incoming cases;
- (b) who was responsible for the estimate of one case in every 7 weeks;
- (c) what action, if any, has been undertaken to correct the estimate in light of the experience to date;
- (d) what the expected number of cases entering the Island each week now is; and
- (e) at what number of cases entering the Island each week the Government will consider –
 - (i) the closure of the borders; and
 - (ii) the enforcement of self-isolation for everyone awaiting a test result?

Answer

(a) The Scientific Technical Advisory Cell's original estimate was based on the Office of National Statistics' assessment of live infection prevalence in England as of June¹; evidence about the proportion of asymptomatic cases; and data related to the likelihood of onward seeding of infection and the efficacy of PCR testing at the border. English prevalence at the time was 1:1700. The table below [in part d] shows 73,889 arriving passengers from the start of July to the 13th September, with a total of 49 positive cases which is a rate of approximately 1:1500 cases².

(b) The original estimate of one case in every seven weeks was referring to the anticipated rate of onward transmission from an incoming passenger who is positive before they got their result (based on 1000 arrivals per week). This estimate remains an accurate assessment.

(c) In response to the increase in national and international rates of infection, the Medical Officer of Health has routinely reviewed country risk assessments and also brought forward a regional approach for passengers arriving from countries which represent the most frequent traveller activity. This has allowed a more targeted application of the test and isolate regime to passengers entering the Island from areas of higher risk.

¹ [Coronavirus \(COVID-19\) Infection Survey Pilot England and Wales 18 June](#)

² To note that passenger numbers include people travelling from countries other than UK also

(d) Below is the table of weekly travellers and the number of positive inbound travellers who were active at the time of detection^{3 4}. In more recent weeks, there has been more testing than arrivals due to a higher number of travellers arriving from Amber areas and requiring a Day 5 test. For every positive inbound traveller case, there is on average 10 direct contacts.

Inbound Travel (date of arrival)	Sum of Positive	Sum of Arrivals	Sum of Tests	Positive rate (Arrivals)
<06/07/2020	2	759	766	0.26%
06/07/2020 - 12/07/2020	1	2212	2216	0.05%
13/07/2020 - 19/07/2020	1	4143	3995	0.02%
20/07/2020 - 26/07/2020	4	5860	5531	0.07%
27/07/2020 - 02/08/2020	4	7031	6509	0.06%
03/08/2020 - 09/08/2020	2	9448	8734	0.02%
10/08/2020 - 16/08/2020	8	9597	9149	0.08%
17/08/2020 - 23/08/2020	8	10197	9629	0.08%
24/08/2020 - 30/08/2020	7	9418	8776	0.07%
31/08/2020 - 06/09/2020	3	7874	8002	0.04%
07/09/2020 - 13/09/2020	9	7350	7952	0.12%
Grand Total	49	73889	71259	0.07%

(e) The Safer Travel Policy Covid-19 Strategy sets out a consistent approach and response to the increase in new cases within countries and regions. The policy objective continues to support safe travel and to allow Islanders to visit relatives who live off-Island and support local business. Broader public health measures such as on-island testing, increased tracing capacity and establishing enforcement continue to play an important role in ensuring the number of cases on-Island resulting from travel remains low.

There are no precise numbers at which the initiatives mentioned by the Deputy would be triggered. The policy and the data remain under constant review. This week, Ministers have asked officers to consider applying regional classifications to English lower-tier authorities. This may better reflect the distances between higher and lower levels of infection in county areas and may stop the scenario where higher infection rates in larger county towns could be masked by lower infection rates in the surrounding countryside.

3.7 Deputy M.R. Le Hegarat of St. Helier of the Chair of the States Employment Board regarding vacancy rates in senior levels of the public sector (WQ.329/2020):

Question

³ Data from Public Health Intelligence: To note: excludes 'old' cases as confirmed by serology.

⁴ Data from Public Health Intelligence: To note: differences between arrivals and tests due to those aged under 11 years, those who are exempt or those who choose to self-isolate instead of getting a test.

Following the answer provided to Written Question 291/2020, will the Chair provide the number of vacancies in each of the specified Government employment categories, and the budget required for any such vacancies, for January 2018 and July 2020?

Answer

Table 1 reflects the vacancies breakdown for the Government employment categories requested in written question 291 for January 2018:

Staff Group	Vacancies	*Budget
Chief Officers or A-Grades	0.0	£0.00
Other A-Grades	3.0	£434,485.92
Grade 15	5.7	£594,179.69
Grade 14	12.8	£1,127,426.69
Spot Salary (Above Grade 15)	1.8	£220,995.56
Grand Total	23.2	£2,377,087.87

**Budget data has been produced based on the maximum salary increment (except Chief Officers, Other A-Grades and Spot Salary which will be based on an average) for each category in 2018 and includes employer pension and social security contributions.*

Table 2 shows the vacancies breakdown for the Government employment categories requested in written question 291 for July 2020:

Staff Group	Vacancies	*Budget
Tier 1	0	0
Tier 2	2	£341,600.00
Grade 15	8	£930,186.56
Grade 14	16	£1,684,163.27
Spot Salary (Above Grade 15)	3	£454,942.06
Total	29	£3,410,891.89

**Budget data has been produced based on the maximum salary increment (except Spot Salary which will be based on an average) for each category in 2020 and includes employer pension and social security contributions.*

Vacancies covered by temporary appointments will not be reflected in the 2018 and 2020 data.

Vacancy management has previously been identified as an area requiring improvement and will be subject to further work during the remainder of 2020 and in 2021.

3.8 Deputy R.J. Ward of St. Helier of the Minister for Treasury and Resources regarding the Income Tax paid by High Value Residents (WQ.330/2020):

Question

Will the Minister advise on the following with regards to the Income Tax of High Value Residents (H.V.R.s) –

- (a) the amount of income generated in 2018 and 2019 from the annual payment of £145,000 in Income Tax by H.V.R.s;
- (b) an estimate of the income expected to be generated in this way in 2020; and
- (c) the amount of income generated in 2018 and 2019, as well as the estimated income for 2020, from the additional 1% Income Tax on all other worldwide income payable by H.V.R.s?

Answer

The Deputy's question asks for information about those making an annual payment of £145,000. It is assumed that the reference to 'High Value Residents' ('H.V.R.s') in this question relates to those individuals who have come to Jersey by obtaining "entitled status" under Regulation 2(1)(e) of the Control of Housing and Work (Residential and Employment Status) (Jersey) Regulations 2013 and those who have access to preferential tax rates as a result. For the avoidance of doubt, this relates only to those arriving in or after 2018. Therefore, information has not been included for H.V.R.s whose status was granted under earlier legislation.

Taxpayer data relating to the 2018 tax year is available in full. Taxpayer data relating to 2019 and 2020 will not be available, in full, until after the first quarter of 2021 and 2022 respectively. The last filing date for 2019 and 2020 personal returns is the 31 July 2020 and 2021 respectively, and all returns need to be processed to obtain a full year's data. This response has been prepared using estimates where necessary.

The previous H.V.R. arrangements in force had lower prescribed limits. These were;

- £100,000 to 29th December 2010 (with lower rates of 10% and 1%)
- £125,000 to 30th June 2011 (with lower rates of 10% and 1%)
- £125,000 to 31st December 2017 (with lower rates of 1%)

In the figures provided in the answers to (a) to (c) below, the application of the "prescribed limit" of £145,000 under Article 135A (3A) of the Income Tax (Jersey) Law 1961 is time apportioned to the date of arrival of the H.V.R. in that year.

The information below relates to the tax years 2018, 2019 and 2020.

- (a) The income generated from payments falling within the prescribed limit is;

2018 £ 432k

2019 £ 2m (estimated)

- (b) The income expected to be generated within the prescribed limit for 2020 is £3.8m (estimated)

- (c) The income generated on the tax on income at 1% is;

2018 £134K

2019 £180k (estimated)

2020 £301k (estimated)

3.9 Deputy R.J. Ward of St. Helier of H.M. Attorney General regarding prosecutions under the Public Health and Safety (Rented Dwellings) (Jersey) Law 2018 (WQ.331/2020):

Question

Will H.M. Attorney General advise –

- (a) how many cases have been identified for prosecution under the Public Health and Safety (Rented Dwellings) (Jersey) Law 2018 since it was enacted; and
- (b) how many prosecutions have taken place within this timeframe?

Answer

In relation to part (a) the phrase ‘identified for prosecution’ has a multitude of potential interpretations. I have interpreted this as meaning the number of cases that have been brought to the attention of the Law Officers’ Department and recommended for prosecution as that is within my Department’s remit.

On this interpretation, the answer to both (a) and (b) of the question is none.

3.10 Deputy R.J. Ward of St. Helier of the Minister for External Relations regarding the impact of Brexit legislation enacted in the United Kingdom on Jersey’s international reputation (WQ.332/2020):

Question

Will the Minister advise what action is planned, if any, to protect Jersey’s international standing should Brexit legislation that is considered to disregard international law be enacted in the U.K.?

Answer

Jersey is not covered under the proposed UK Internal Market Bill and it is a matter for the UK Parliament to decide how they wish to proceed.

As the Bill is not relevant to Jersey, we will not be taking any direct action in consequence of it. The Government of Jersey will monitor the progress of the Bill, as we do with all proposed UK legislation that affects the UK’s international relationships.

3.11 Deputy R.J. Ward of St. Helier of the Minister for Infrastructure regarding the Sustainable Transport Policy (WQ.333/2020):

Question

Will the Minister provide an update on progress made to implement the Sustainable Transport Policy since its instigation in December 2019; and will he state what further progress will be made by December 2021, identifying any further areas of the Policy which he expects to be in place by that time?

Answer

Progress made on implementing the Sustainable Transport Policy

The Sustainable Transport Policy (STP) was adopted on 11th March by the States Assembly. The adoption of this policy unlocked funding from the Climate Emergency Fund that was ring fenced for transport projects.

The transport projects we were intending on delivering with the first tranche of this funding were outlined in the accompanying document to the STP, *The Sustainable Transport Strong Start Delivery Plan* (Strong Start). The projects were quick-win type projects that were designed to be implemented during 2020 whilst Government undertook significant strategic policy development to identify a future programme of projects to assist with the delivery of the STP.

One of the issues with delivering transport projects in Jersey, is that often suggestions for projects come from the viewpoint of the individual or user, who solely has their own interests at heart. Rarely, does any consideration get given to what is best at an island-wide level and this strategic policy work was designed to do just that. The transport system is very nuanced and anything you do to improve things for one user group, often has knock on effects for another user group, e.g. removing parking to provide a cycle lane. This fact makes it even more important that we consult broadly and get things *right first time* for Jersey.

The Strong Start programme has been impacted by difficulties in delivery due to the outbreak of the coronavirus pandemic. During the pandemic, the STP's delivery teams were redeployed to more pressing matters, such as implementing emergency street closures to assist with physical distancing or creating an entirely new construction permit scheme to get a sector back to work and minimise the impact on the economy.

Prior to the pandemic, work was in full flight, whether this was engineering design teams identifying how to deliver bus improvements on the Esplanade or the sustainable transport team liaising with schools how to pilot school shuttle buses or implement walking buses in the Summer term. Much of this good work had to stop abruptly for good reasons, such as schools closing to contain the virus and is now being restarted.

As we move now into the *new normal*, we now have a fundamentally different set of transport issues that need identifying and addressing. This is the same for the Island Plan, which is now being delivered with a new timeframe in mind whilst we assess the true impact of the pandemic. One example of this was that reducing travel demand was at the centre of pre-pandemic thinking, now, with wholesale working from home common, we know that too much of this has a detrimental impact on our economy, particularly in St Helier's shops, cafes and restaurants.

There are challenges associated with rapidly scaling delivery teams. We are starting this journey with small team and as anyone in business will know, there are challenges associated with rapid scaling to increase output. One only has to look at Tesla, the maker of electric cars, to know that you have to get the supply chain and all the underlying machinery working, to ramp up production of the end product.

The Government of Jersey are in the process of recruiting a Sustainable Transport Policy Officer and a Cycling Infrastructure Development Officer who will assist with unlocking the potential for delivering projects in this area.

The rollout of bus shelters has continued, we are on track to deliver nine shelters by the end of the year and seven have been installed already.

My officers have delivered the first of our covered cycle parking facilities in Sand Street car park, providing a space for people to park their bikes out of the elements, helping prolong their investment in their bicycle.

As a response to the pandemic, we have fast-tracked the roll out of bicycle parking stands in St Helier in areas where we know there is a cycle parking issue. Temporary stands are being located as part of a trial and these are being replaced with permanent stands following a settling in period.

It is worth noting the considerable impact that backbench propositions have on the delivery of the Sustainable Transport Policy. These propositions consume significant resources in preparing responses and they divert the delivery teams away from the day job. Much of this can be avoided by members consulting with me in advance of submitting propositions.

Further areas of policy under development:

As signposted in the STP, there are four major pieces of strategic transport policy that are currently under development and work has been commenced to scope the briefs for these projects. Key stakeholders have been engaged to contribute towards the development of these briefs and further consultation is planned before these are finalised.

A brief indicative synopsis of what these projects will include is provided below. However it should be emphasised that this is being revisited following feedback from stakeholders.

- Active Travel Strategy

The Active Travel Plan will set out how we will make active journeys safer and easier for Islanders of all abilities over the coming years. It will identify key cycle corridors in order that they can be preserved in the Island Plan, exploring improvements in modal interface at ports and airports and include medium-term investment plans for walking and cycling infrastructure.

- Bus Service Development Plan

The Bus Service Development Plan will undertake a systematic and whole-system analysis of the options, opportunities and challenges associated with making changes to:

- the optimum distribution, design and frequency of routes, including existing routes;
- infrastructure, including where improvements could make it quicker and more convenient to get the bus;
- the size and types of vehicle used eg smaller buses, wheeled trams etc;
- allocation of space, including for priority bus lanes, junctions and bus stops;
- the ticketing and fare structure, concessions and the government subsidy;
- the school bus network and service; and
- the long-term investment plan for the bus fleet, acknowledging the move to ultra-low emissions technologies.

The Plan will be based on detailed quantitative modelling, and qualitative analysis, of where, when and why people do (and don't) want to travel.

- Mobility as a Service Strategy

Our transport system needs to be able to adapt to take advantage of such opportunities and to learn about and plan for future technologies as they are developed, including a legislative framework that can support mobility innovation.

A strategic partnership with Digital Jersey will be established to make progress in this area, and to ensure the government can draw on the best available on-Island skills and talent. The joint workstream will involve a range of projects and research into what a future focused and responsive transport system looks, globally and in Jersey

- Parking Plan

The Parking Plan will provide a blueprint for the future, including:

- setting out the strategic requirements of the parking system;
- examining how provision can be maintained or improved for those with limited mobility;
- presenting a detailed survey of current parking provision (on street parking, multi-story, public and private, costs and occupancy, asset management);
- assessing how much parking should be provided and where it should be located;
- considering the role of government in providing parking as a service;
- considering alternative uses for land currently dedicated to parking; and
- reviewing the charging structure to recognise, and price accordingly, the social and environmental costs of vehicles that use parking space.

Progress identified for December 2021

The completion of the majority of the strategic studies is targeted for the end of 2021 and will form the basis of identifying where public money can best be spent to achieve the value for money for islanders. If the timescales are expedited, we run the risk of having to shorten consultation periods, which would lead to a much poorer standard of work. I think it is important that Government listens to islanders.

Developing the policy projects outlined above will realise several co-benefits. For example producing a bus service development plan, will have the added advantage of being able to take into account the States' declared climate emergency and identify how we are hoping decarbonise this mode of travel in the future. Never has Jersey attempted to map out a long-term strategic delivery plan for transport and it is vital that this work is allowed to progress without outside interference. Key stakeholders and effective communication will be integral to the programmes of work.

We are due to publish an update on our cycling projects by the end of September, which will outline where we are focussing our efforts on route to becoming a cycling island. This sets out our new short-term deliverables as an immediate response to the coronavirus pandemic. These are split into five main areas:

- Improvements to infrastructure
- Developing education, training and promotion
- Taking advantage of technology to increase the use of digital mobility
- Policy Initiatives

- Events

This update should put some flesh on the bones of what the public of Jersey can expect to see within the next 18 months.

3.12 Deputy C.S. Alves of St. Helier of the Minister for Home Affairs regarding the data collected by the Customs and Immigration Service on arrivals in the Island (WQ.334/2020):

Question

Will the Minister advise –

- (a) what data, if any, is collected regarding the number of people, and the personal details of any such people, who are stopped by Customs Officers on arrival in the Island at the Harbour and Airport; and
- (b) how Customs Officers decide when, and whom, they stop and question?

Answer

- (a) If a member of the travelling public is stopped by a Customs and Immigration Officer on arrival into the Island, and a search takes place subsequent to initial questioning, then the incident is recorded to include information such as basic personal details and the outcome of the search.
- (b) The Jersey Customs and Immigration Service is an intelligence led organisation and as such will make operational decisions based on intelligence and other information obtained locally, and also from national and international organisations.

3.13 Deputy C.S. Alves of St. Helier of the Minister for Home Affairs regarding the Jersey E.U. Settlement Scheme (WQ.335/2020):

Question

Will the Minister provide an update regarding applications for Settled Status (under the Jersey E.U. Settlement Scheme) stating in particular –

- (a) how many applicants still need their identification to be verified;
- (b) what the average length of time is between the submission of an application online and the verification of identity in person; and
- (c) an estimate of the number of people who are yet to submit an application?

Answer

- (a) The settlement scheme has received 12,800 applications. 4,700 have been granted permissions. 7,500 applications have been processed to the point of requiring nationality and identity to be verified. 600 applications are yet to be processed.
- (b) In person verification of nationality and identity ceased in March 2020. Up to that point the average time between application and verification of nationality and identity was 4 months.

It is expected to launch an on-line solution before the end of September allowing applicants to verify nationality and identity remotely via a smart device. This will allow the outstanding applications to be dealt with in a prompt manner, without the need for in person appointments.

- (c) Initial estimates were that there are 20,000 EU nationals in the Island. Therefore there may be another 7,000 yet to apply. However the estimated figure is just that, as no firm data is held on how many EU nationals are currently resident in the Island. If the previous rate of applications to the scheme is used as a guide there may be only half that number yet to apply.

3.14 Deputy C.S. Alves of St. Helier of the Minister for Children and Housing regarding Subject Access Requests made to the Children’s Service (WQ.336/2020):

Question

Will the Minister state –

- (a) how many Subject Access Requests (S.A.R.s) under the Data Protection (Jersey) Law 2018 have been received in the last 2 years in respect of Children’s Services;
- (b) how many such S.A.R.s, if any, have led to complaints regarding inaccurate record keeping; and
- (c) how many of any such complaints are ongoing or outstanding?

Answer

(a)

Year	Number of SARs	Ongoing
2019	47	0
2020 (to 16/09/2020)	48	26
Total	95	26

(b)

Year	Number of SARs	Number of Complaints regarding Inaccurate Record-keeping
2019	47	Fewer than five

2020 (to 16/09/2020)	48	Fewer than five
Total	95	Fewer than five

(c)

The management of fewer than five complaints are ongoing.

3.15 Deputy M.R. Higgins of St. Helier of H.M. Attorney General regarding the legal relationship between the States Assembly and Jersey’s Courts (WQ.337/2020):

Question

Will H.M. Attorney General set out for States Members the legal relationship between the States Assembly and the Courts in Jersey, explaining, in particular, what powers, if any, the Courts have to limit the decision-making and powers of the States Assembly?

Answer

The Assembly, as the legislature of the Island, can create, amend or repeal any Law. The courts cannot overrule legislation passed by the Assembly but can, pursuant to Article 5 of the Human Rights (Jersey) Law 2000, declare a provision in legislation to be incompatible with the European Convention on Human Rights. The role of the Courts is to administer the law and decide (for example in cases of doubt or ambiguity) the meaning of legislation in accordance with established principles of statutory constitution.

The Assembly has the right to decide its own internal procedures without interference from any outside authority, including the courts. The existence of this privilege was confirmed by the Royal Court in the case of *Syvret v. Bailhache & Hamon* (1998 JLR 128).

A decision of the States Assembly as a legislature is not susceptible to an action for judicial review in the Courts in the same way as, for example, a decision of a Minister or public decision making body can be quashed or remitted back to the decision maker. An exception is where the States is acting in an administrative capacity under the Compulsory Purchase of Land (Procedure) (Jersey) Law. A decision of the States acting in an administrative capacity to acquire land by compulsory purchase can be the subject of an application for judicial review.

3.16 Deputy M.R. Higgins of St. Helier of H.M. Attorney General regarding the status of propositions adopted by the States Assembly (WQ.338/2020):

Question

Will H.M. Attorney General advise whether in-principle propositions that seek or request action from Ministers or the Council of Ministers are legally binding on any such Ministers or the Council?

Answer

Approval of a proposition “in principle” by the Assembly which requests a Minister or the Council of Ministers to take action does not of itself create legislation. Such decisions show the will of the Assembly to the Minister or Council of Ministers to make decisions or exercise their powers a particular way, but they do not constitute a legal obligation to do so.

In addition the Minister could not, for example, be legally bound to take steps in relation to a proposition approved by the Assembly if the Minister does not have the power to take such action under the relevant law, or if it would put the Minister in breach of the relevant law.

There may however be political consequences if the Minister or the Council of Ministers fail to take action in respect of a proposition approved by the Assembly, for example a vote of no confidence.

3.17 Deputy M.R. Higgins of St. Helier of the Minister for Health and Social Services regarding the impact of Coronavirus on care homes in Jersey (WQ.339/2020):

Question

Will the Minister advise members what review, if any, the Government has undertaken with care homes about the collective response earlier in the year to the onset of the Coronavirus pandemic and its impact on care homes; and will he state what steps, if any, he is taking to ensure that any mistakes or deficiencies within the response have been addressed and that any successes will be built upon?

Answer

During the initial stages of COVID, a daily meeting was initiated with representatives of community providers, both from within and external to Government, inclusive of care homes and home care providers. The meeting was to ensure good communication, understand issues and offer support as necessary. The increased interface between health and community colleagues saw the identification of high-risk islanders and allowed for effective preventative medical management

This group took some time to review what had worked and what did not. It was clear that there was a limited understanding within Government of what was provided, and how, by external partners and there is now a much greater understanding between the different sectors.

It was evident that there was a need for accurate and timely information and good communications, particularly in relation to clinical guidance and workforce.

There is a continuation of this meeting on a weekly basis, with a larger group of stakeholders. This will continue to offer improved communications and to explore issues as a single system, including COVID preparedness, winter pressures, vaccination programme, immigration policy etc. It will also be the vehicle to offer additional support if required.

3.18 Deputy M.R. Higgins of St. Helier of the Minister for Home Affairs regarding the use of restraining devices by the States of Jersey Police (WQ.340/2020):

Question

Will the Minister state, for each of the last five years –

- (a) the number of attacks on States of Jersey police officers, setting out the nature of each assault, the nature of any injuries sustained, the penalties imposed on the perpetrator, and how the officer thwarted or contained the attack;
- (b) the number of times an officer used a baton, pepper spray, taser or other restraining device, including the circumstances in which it was used;

- (c) the number of times firearms officers were called to incidents and drew their weapons on a person, including the circumstances of each case and the type of weapon used by the person the officers were dealing with;
- (d) the number of times an officer drew a weapon on either a child or a person with a learning disability or some form of mental illness, giving the circumstances in each incident;
- (e) the number of officers who underwent psychological training or assessment to determine their suitability for using pepper spray, tasers or firearms, describing the nature of any such training or assessment; and
- (f) the number of officers who experienced mental health illness or issues, or who left the service with such issues?

Answer

(a)

Whilst every assault on a police officer is recorded as part of a crime investigation, to fully answer this question would require a manual trawl of 181 records in order to provide a comprehensive answer. Furthermore, additional research would be required of judicial outcomes or disposals in order to ascertain any penalties imposed on offenders. It is therefore not possible to provide a full answer to the Deputy’s question in the time available.

When considering the previous 5 year period (to date), there have been a total of 181 assaults against Police Officers in Jersey. A table showing the year on year breakdown can be seen below.

Year	Assaults on a Police Officer
2016	59
2017	34
2018	33
2019	23
2020 to date	32
Total	181

Of the 32 assaults against police officers in 2020, a number remain subject to investigation or are within the judicial process. Of those investigations which have concluded this year, the following outcomes have been recorded:

- 1 case was resolved with the individual having been issued with ‘words of advice’ as to their behaviour;
- A small number of cases were deemed to have either insufficient evidence or not be in public interest to proceed;
- A small number of cases involved incidents of mental health and were also deemed to be not in the public interest to proceed;
- A small number of other cases were amended from Assault on Police to the offence of Resisting Arrest.

(b)

Whenever officers have drawn or used PAVA, their ASP (baton) or Taser, a use of force form is submitted as per force policy. This form is assessed by the on-duty Inspector and disseminated more widely to the Training Department – specifically the Force’s Officer Safety Trainer – as well the Professional Standards Department. This use of force is then evaluated to ensure that it was lawful, proportionate, necessary and justified in the circumstances. Whenever a person has been subject to use of force by a police officer involving PAVA, their ASP or Taser, they are routinely seen by a Forensic Medical Examiner (a Doctor) and any injuries are treated, documented and photographed.

There have been 56 use of force forms submitted by officers so far in 2020 and 66 were submitted the previous year. Whilst it is not possible to provide individual details surrounding every incident as this would require a manual trawl of records in order to provide a comprehensive answer, the data is stored on Police systems. With the provision of more time, this information would be able to be provided to the Deputy.

(c)

The criteria for the deployment of police firearms must reach the nationally recognised threshold and is defined within the College of Policing Authorised Professional Practice as:

“When an officer has reason to suppose that they may have to protect themselves or others from a person who is in possession of or has immediate access to:

- a firearm or other potentially lethal weapon,
- or is otherwise so dangerous that the deployment of armed officers is considered to be appropriate
- or as an operational contingency in a specific operation (based on the threat assessment)
- or for the destruction of animals which are dangerous or suffering unnecessarily.”

Only a trained Tactical Firearms Commander can authorise the deployment of firearms and this decision must be ratified by a trained Strategic Firearms Commander as soon as is reasonably practicable to the circumstances.

The firearms training department keep records of the number of firearms authorities granted and declined. The records they hold are recorded from December to November each year.

- For the period of December 2018 to November 2019 there were a total of 99 firearms authorities granted. A further 26 requests were considered by a firearms commander and were declined on the basis of their assessment. 71% of the authorities granted related to a report of bladed weapons. A further 15% of authorities related to a report of a firearm. During this period no conventional firearms were discharged by police.
- For the period of December 2019 to the current date (18th September 2020) a total of 78 firearms authorities have been granted. A further 25 have been considered by a firearms commander and were declined on the basis of their assessment. 73% of the authorities granted related to a report of bladed weapons. A further 8% of authorities related to a report of a firearm. During this period no conventional firearms were discharged by police. Taser has been discharged twice this year.

The number of times officers may have pointed a weapon at an individual as part of the resolution of one of these incidents is not held. During any deployment under such an authority a Tactical Firearms Commander is in place throughout. In turn, they are overseen by a Strategic Firearms Commander. Each and every deployment is subject to constant review and monitoring by the commander in charge and in doing so they apply the training they have received and use the national decision making model.

Since its adoption in 2014, Taser has been 'used' in Jersey 341 times. A 'use' in terms of Taser has a broad definition. A 'use' can be counted as any one of the following –

- an officer equipped with a Taser unholstering the device;
- a verbal instruction or a physical gesture by the officer to highlight that they are in possession of a Taser;
- arcing the taser whereby showing an individual by way of a deterrent that the device carries an electric current;
- placing the red-dot laser on a person to indicate where the taser will strike should they fail to comply; and,
- actually discharging the taser at an individual because all other efforts have tried and failed or would be likely to fail if tried.

Of the 341 uses in Jersey there were 181 occasions where an officer opted to simply draw the Taser from its holster to indicate its presence by way of a deterrent, and a further 152 occasions where the red-dot laser was placed on a person as a warning of the officers' preparedness to use force. Taser has therefore only been discharged on 8 occasions with each achieving the intended outcome of bringing the incident to a safe resolution without injury to the person or officers involved. The majority of these discharges were against individuals in possession of bladed weapons, however Taser has also been deployed successfully to save life and has prevented persons from significant self-harm or suicide.

(d)

If it is suspected that a person may have a learning disability, impaired judgement or mental illness, officers will respond in accordance with their training, employing specific tactics to ensure that the

individual is afforded additional time and space wherever possible to ensure that they understand and can consider their actions. Use of force is always the last option employed by the police.

Without significant additional research involving a manual trawl of individual records it is not possible to provide a full answer in the timeframe provided.

Information regarding use of Taser is available. Taser has never been discharged at a child or person under the age of 18 in Jersey, however 5 young people have had Taser pointed at them as a result of their possession of bladed weapons and the threat they posed to themselves or others.

(e)

The process of assessing the suitability of officers to carry out their duties is a continuous one.

Any new applicants who wish to join the States of Jersey Police as police officers are subject to a rigorous application process which includes medical and physical health assessments, as well as an extended interview day where characteristics and personality traits are drawn out and assessed as to their suitability for the role.

New student officers then undergo an intensive 10-week national initial training programme where they are subject to ongoing assessment and monitoring of their performance and behaviours, aligned to the Policing Professional Competency Framework and Code of Ethics. On completion of this 10-week training course, officers are then tutored by experienced Constables for an additional 10-week period and only once a series of competencies have been demonstrated and evidenced to a satisfactory standard are the new officers then permitted to work independently.

New officers remain on a 2-year probationary period thereafter where they undergo quarterly performance assessments with their line managers. Officers are not permitted to specialise in areas such as Firearms during this initial stage of their career and remain in uniform policing to ensure that they are competent in rank of Police Constable.

Throughout an officer's service, line managers will conduct 1:1 meetings with officers to identify and address any performance concerns or personal issues which may be affecting their ability to fulfil their role. If an issue is identified, mechanisms are in place to provide welfare support and if deemed necessary the officer can be temporarily withdrawn from frontline work.

Experienced Police Constables and Sergeants may apply to become Authorised Firearms Officers (AFO). The application process to become an AFO consists of a paper application process via their line managers, the Chief Firearms Instructor and the portfolio lead, and if successful applicants are then assessed against their performance records, disciplinary records and sickness levels. Prior to being accepted onto the firearms training course, every officer must undergo a medical with a Forensic Medical Examiner to determine their physical and mental wellness for the role. Those selected will undergo an initial Taser training course for 1-week prior to commencing the full firearms course. This is to allow the training staff to identify any judgement or performance issues early on which may then render them unsuitable to continue training as a firearms officer.

The full firearms course that follows is 8-weeks in duration and if successfully completed, the individual officers then continue with an ongoing training commitment of 108 hours throughout each calendar year, which equates to 2 days of training per month. The training focusses heavily on situational judgement, dealing with mentally unwell or unpredictable people, the use of negotiation and less lethal tactics. Training inputs are assessed on a pass or fail basis and officers will be subject to withdrawal from firearms duties if they are unsuccessful in any element. Further training and re-assessment is provided where necessary. The training programme consists of role plays, cinetronic judgemental inputs (a dynamic video-based system) and live fire exercises to test an officer's ability to work under pressure and assess their decision making. All training is documented and debriefed after every section to identify learning or gaps which may need addressing or refreshing.

If a welfare issue is identified with a firearms officers, they will be withdrawn from carrying a firearm and removed from the firearms team until such time as it is deemed appropriate to have them return to this duty. This may include referrals to welfare support services or a referral to the occupational health service, AXA.

(f)

Sadly, a number of officers have and continue to experience mental health illness. Not all mental ill health relates to the workplace. Over the past 5-years, mental health has been cited in 46 instances of sickness reporting. Without additional detailed research it is not possible to establish how many individual officers this involves as one officer may have reported sick on more than one occasion.

Year	Number of reports
2016	11
2017	9
2018	9
2019	13
2020 to date	4
Total	46

Some of these individuals may have left the service during this period, either as a result of retirement or ill-health retirement.

3.19 Deputy M.R. Higgins of St. Helier of the Minister for Home Affairs regarding the psychological testing of States of Jersey Police officers (WQ.341/2020):

Question

Will the Minister provide the answer to the following –

- (a) what, if any, psychological testing is undertaken of States of Jersey Police officers, including when it takes place and its frequency and explaining what happens if an officer becomes psychologically unsuited to their role and what happens as a consequence;

- (b) what specific training do officers receive in the use of batons, pepper spray, tasers and firearms and where does such training take place;
- (c) what, if any, psychological assessments are undertaken of officers who are authorized to use pepper spray, tasers or firearms and how often does any such testing take place; and
- (d) how many officers have been found to be psychologically unsuited to be trained in the use of firearms?

Answer

(a)

The process of assessing the suitability of officers to carry out their duties is a continuous one.

Any new applicants who wish to join the States of Jersey Police as police officers are subject to a rigorous application process which includes medical and physical health assessments, as well as an extended interview day where characteristics and personality traits are drawn out and assessed as to their suitability for the role.

New student officers then undergo an intensive 10-week national initial training programme where they are subject to ongoing assessment and monitoring of their performance and behaviours, aligned to the Policing Professional Competency Framework and Code of Ethics. On completion of this 10-week training course, officers are then tutored by experienced Constables for an additional 10-week period and only once a series of competencies have been demonstrated and evidenced to a satisfactory standard are the new officers then permitted to work independently.

New officers remain on a 2-year probationary period thereafter where they undergo quarterly performance assessments with their line managers. Officers are not permitted to specialise in areas such as Firearms during this initial stage of their career and remain in uniform policing to ensure that they are competent in rank of Police Constable.

Throughout an officer's service, line managers will conduct 1:1 meetings with officers to identify and address any performance concerns or personal issues which may be affecting their ability to fulfil their role. If an issue is identified, mechanisms are in place to provide welfare support and if deemed necessary the officer can be temporarily withdrawn from frontline work.

Experienced Police Constables and Sergeants may apply to become Authorised Firearms Officers (AFO). The application process to become an AFO consists of a paper application process via their line managers, the Chief Firearms Instructor and the portfolio lead, and if successful applicants are then assessed against their performance records, disciplinary records and sickness levels. Prior to being accepted onto the firearms training course, every officer must undergo a medical with a Forensic Medical Examiner to determine their physical and mental wellness for the role. Those selected will undergo an initial Taser training course for 1-week prior to commencing the full firearms course. This is to allow the training staff to identify any judgement or performance issues early on which may then render them unsuitable to continue training as a firearms officer.

The full firearms course that follows is 8-weeks in duration and if successfully completed, the individual officers then continue with an ongoing training commitment of 108 hours throughout each calendar year, which equates to 2 days of training per month. The training focusses heavily on situational judgement, dealing with mentally unwell or unpredictable people, the use of negotiation and less lethal tactics. Training inputs are assessed on a pass or fail basis and officers will be subject to withdrawal from firearms duties if they are unsuccessful in any element. Further training and re-assessment is provided where necessary. The training programme consists of role plays, cinetronic judgemental inputs (a dynamic video-based system) and live fire exercises to test an officer's ability to work under pressure and assess their decision making. All training is documented and debriefed after every section to identify learning or gaps which may need addressing or refreshing.

If a welfare issue is identified with a firearms officers, they will be withdrawn from carrying a firearm and removed from the firearms team until such time as it is deemed appropriate to have them return to this duty. This may include referrals to welfare support services or a referral to the occupational health service, AXA.

The States of Jersey police currently benefit from having a dedicated welfare officer and a committed volunteer welfare support team made up of individuals from within the organisation. Wellbeing sessions are available for staff and critical incident debriefing is routinely conducted after particularly stressful or challenging incidents. Counselling sessions can be provided where considered necessary and beneficial.

Officers who may need longer-term support and who may be abstracted from frontline duties for a period of time are managed by a 'Restricted Duties Review Group' which is chaired by a Senior Officer and is attended by a representative from Human Resources, other senior managers where needed and the Welfare Officer. This group ensures that officers receive the support that their ongoing welfare needs are met and oversees the process so that they can return to full duties as swiftly as possible.

In recent weeks the States of Jersey Police leadership have launched a new wellbeing strategy specific to policing. This document will further seek to enhance the support and guidance available to officers and across the organisation.

(b)

As part of an officer's initial training they receive a week-long officer safety training programme (known as OST) which teaches them the safe and approved way to use their ASP baton, PAVA and handcuffs. This is a national police package. Prior to any practical training element, inputs are provided on effective decision making and considerations for using such equipment.

Each year thereafter, every officer is required to take part in a one-day officer safety training session which again focusses on the practical use of handcuffs, ASP and PAVA as well as physical control and restraint. This is also a national police package and focusses heavily on decision making, judgement, and the safety and welfare of detainees. The National Decision Making model is at the

forefront of the training delivery. At the start of this training day, officers are also required to complete and pass the national standard fitness test.

Officers who apply to become firearms officers receive additional training. The selection and training process is set out in the answer Written Question 340/2020.

(c)

The process of assessing an officers suitability in their role is a continuous one and is set out in the answer provided to question (a) above.

(d)

The term 'psychologically unsuited' is ambiguous. In respect of welfare and well-being, there have been occasions where officers who, for short periods of time, have been temporarily removed from firearms duties due to their personal circumstances. This may be in relation to a work-based issue or something in their personal lives and can be initiated by the organisation or the individual themselves. These officers are offered support and are subject to training assessment prior to be permitted to carry a firearm once again.

4. Oral Questions

4.1 Deputy K.G. Pamplin of St. Saviour of the Minister for External Relations regarding access to fishing waters and the U.K.'s departure from the European Union (OQ. 238):

What discussions, if any, has the Minister had with the U.K. (United Kingdom) Government about access to fishing waters around Jersey after the end of the transition period following the U.K.'s departure from the European Union?

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

Ministers and officials are in continual dialogue with their counterparts in the United Kingdom Government on this important subject. While not attempting, of course, to second guess the purpose of the Deputy's question, I can confirm, as I did publicly last week, that it is not possible for the United Kingdom Government to offer rights or access to Jersey's territorial waters as part of negotiations with the European Union without our express consent and agreement. Jersey has autonomy over such matters and I reconfirm the statement of the Minister for the Environment that Jersey will not be ceding control of its territorial waters.

4.1.1 Deputy K.G. Pamplin:

Yes, he is of course correct, this is in response to the national news headlines that prompted my question. Since then, has the Minister reiterated his points that he has made in the Assembly today to those representatives in the U.K. on our behalf, leading those negotiations?

Senator I.J. Gorst:

I have, as have officials.

[10:00]

4.2 Deputy R.J. Ward of the Chair of the States Employment Board regarding racial abuse in the workplace (OQ. 240):

What data, if any, is collected regarding cases of racial abuse in the workplace across the States of Jersey; and how is any such data used to develop policy regarding how racism is dealt with in the workplace?

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

The Connétable of St. Ouen is taking this one.

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

The Government of Jersey does collect data about alleged racial discrimination cases and this data is used to inform our H.R. (human resources) policy and practice. Indeed, it is picked out in 3 policies at the moment: our bullying and harassment policy has a specific section relating to it, we have a code of practice through quality and diversity, and a statement of practice. Over the last 12 months there have been 2 cases of alleged racial discrimination raised and due to the very low number and in order to protect confidentiality, there is only certain information I can share. But I can say that complaint one was investigated and allegations of racial discrimination were not upheld. The second complaint is in very early stages and is still being investigated.

4.2.1 Deputy R.J. Ward:

Was there consultation with groups that represent minorities and those who face direct racism on the Island in all the developing policy so perhaps a truer picture can be gained of the extent of problems that may exist in the work force?

The Connétable of St. Ouen:

I am not able to provide him with an instant answer to that question. I am aware that we have some external consultation but I am able to get back to him with an answer within the next week or so.

4.2.2 Deputy L.M.C. Doublet of St. Saviour:

I understand the question is about racial abuse, which is perhaps quite an extreme occurrence in the workplace. Is there anything that is done to collect information on perhaps smaller microaggressions - I think is the term - and there might be behaviours that are due to unconscious bias that people are not doing intentionally? Is there any work being done to perhaps hold focus groups or consult with people who are members of an ethnic minority just to find out what their experiences are in the workplace?

The Connétable of St. Ouen:

There are no specific groupings set up to look into that but we do have a helpline where people can call in anonymously with complaints, and they are quite diverse in nature. I take the Deputy's point and I will try and get back to her with some more information on that.

The Bailiff:

I am unable to indicate on my screen when I have acknowledged that someone has asked a question, the icons are just blank and I cannot do the usual thing of indicating that I have noted. That is why they are not appearing at the moment.

4.2.3 Deputy M. Tadier of St. Brelade:

Does the Assistant Minister support the idea of an equalities commission for Jersey that could oversee the development and implementation of discrimination and human rights legislation in the Island?

The Connétable of St. Ouen:

I am not entirely sure whether that question is directed at me personally or as deputy chair of the S.E.B. (States Employment Board)? Perhaps the Deputy could clarify that.

The Bailiff:

It can only be directed to you as deputy chair of the S.E.B.

The Connétable of St. Ouen:

The S.E.B. would support any process or committee in the Island that would help highlight racial discrimination. We take it very seriously. Clearly there are racial discrimination laws, as the Deputy well knows, and we have developed our own policies from that. But anything that happens that improves the position in terms of racial discrimination is to be applauded by the S.E.B.

4.2.4 Deputy R.J. Ward:

Thank you to Deputy Doublet for raising a very key point, and she is right. Would the Assistant Minister take on board the fact that dealing with issues before a complaint needs to be made are one of the key factors to cultural change in our workplace? Has Team Jersey, which has a role in cultural change in the workplace, is part of their remit to address issues of racism, whatever, before they have to be dealt with, with complaints? If not, why not?

The Connétable of St. Ouen:

The Deputy is entirely correct. Racism in the workplace is completely unacceptable and is a core part of Team Jersey's ethos and it will become part of the States culture, as and when that is developed by Team Jersey.

4.3 Deputy D. Johnson of St. Mary of the Minister for Health and Social Services regarding the gathering of choirs and singers (OQ.244):

Will the Minister advise whether there are any plans to review the present restrictions applicable to the gathering of choirs and singers on the basis that, by using large spaces, proper ventilation, shorter rehearsal periods, strict hygiene protocols and distancing, small groups of singers could potentially rehearse with very little risk; and, if not, why not?

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

We have already made changes to guidance at level 1 to support children's music education and at the end of last week, with the support of the Minister for Education, I also tasked officers to work with colleagues in Education to develop a way to safely allow singing in early years and also in primary school age children, recognising the important role that it plays in learning and development in young children. As with all areas, the public health team continues to review emerging research and modify the guidance where it is felt appropriate to do so, taking account of the current infection rate, both on-Island and in our close neighbours. The U.K. Scientific Advisory Group for Emergencies, S.A.G.E., completed a review of current research on singing on 12th September and provided a series of recommendations. We are considering those recommendations and have commenced a review of our guidance to identify potential ways of easing the existing restrictions on singing in the lowest risk scenarios. As per the S.A.G.E. recommendations, a variety of factors to mitigate the spread of infection will be considered and we will be engaging with choirs, music schools and others who have contacted us, and that work is going on right now.

4.3.1 The Deputy of St. Mary:

I thank the Minister for his reply and I note the discussions going on with children and schools. My real concern was in respect of the adult population where there are small groups of singers who are effectively prevented from even meeting. Could he ensure please that that further review does proceed at pace otherwise we are in danger of losing these choirs?

The Deputy of St. Ouen:

Yes, I understand the point made by the Deputy and we will engage with those choirs, and we are now considering how singing might be permitted in the case of adults and not solely children.

4.3.2 Deputy L.M.C. Doublet:

I do want to thank the Minister and his officers, and the Minister for Education and her officers, who met with myself and campaigners in this area at the end of last week. We have made some progress, as the Minister referred to, in terms of allowing singing in early years and primary school. Would the Minister agree to prioritise children in secondary schools and find a way that they can access singing and music lessons? I am of the view that it does not need a review to do this and the same protocols could be followed that are being followed with early years and primary. Would the Minister agree to this please, recognising that music is important to older children as well as younger children?

The Deputy of St. Ouen:

I recognise the developmental aspects of singing. I will not at this stage say I am prioritising children over adults. I think we can look at the whole community together and look at how S.A.G.E. has come forward with its recommendations in the U.K. and apply those to our Jersey situation in the case of older children and adults together.

4.3.3 Deputy L.M.C. Doublet:

Would the Minister also agree to ensure that research on the benefits of singing, physical and mental benefits, including benefits to the immune system, that all of those pieces of research are taken into account and that singing is recognised as being an essential activity, not just a nice to have?

The Deputy of St. Ouen:

That case has been very well made by the Deputy and others who have contacted us. We recognise the beneficial and therapeutic effects very often and if the Deputy has further studies that she wishes to present to the public health team we would be pleased to receive them.

4.3.4 Deputy R.J. Ward:

Does the Minister believe that music from bands using amplification provides the same dangers as large choirs?

The Deputy of St. Ouen:

That is a technical issue. I would not want to give a firm opinion on that because within the S.A.G.E. recommendations, there are a variety of factors which should be considered, including amplification, including limiting the length of the activity, the size of the room, the ventilation of the room is also very important, as well as the physical numbers involved in playing in the band or the audience surrounding them. There are a number of factors, and that will be just one. I cannot at the moment prioritise one above the other.

4.3.5 Deputy R.J. Ward:

Does the Minister feel perhaps there could be a little more clarity given, and it is summed up a little simpler for those who are thinking of trying to get live music back on stage, given the complexity of the answer that he has just given? Is there a way of making that a simplified set of guidelines for people?

The Deputy of St. Ouen:

Very happy to consider that. Of course it is important that guidance should be as clear as possible but then there are very many scenarios in which people may wish to sing. For example, in a night-time venue, it may be problematic for a group to be playing in an enclosed environment and have their music amplified, because that would generally mean that if people are talking and drinking at the same time they will be talking loudly or shouting. But if it is a concert hall, that may well be different because generally an audience is there to listen to that music and can be well physically

distanced. So the context has to be considered. But the question of amplification is part of the scenarios that we will be considering.

4.3.6 Deputy M. Tadier:

On the Government's own website, when it comes to talking about singing, wind and brass instruments, the words used are "strongly discouraged" and there is also talk about it being particularly important to implement these when music is an indoor setting. It talks about being advised as well. Can the Minister state whether he thinks that there should be some kind of compulsion rather than just advice, and does he need to bring more clarity to groups when considering these issues?

The Deputy of St. Ouen:

I am not sure what the Deputy might envisage by compulsion. At the moment, the Deputy is right, the guidance is as he has said. That recognises the real risks there are. Singing has been identified as one of the major vectors of the spread of the disease but if sufficient and adequate precautions are taken the risks can be mitigated, and it is that work that we are doing now.

[10:15]

Considering very significantly the S.A.G.E. advice in the U.K. I think that is all I can say on that for the moment.

4.3.7 Deputy M. Tadier:

Does the Minister agree that because there is a lot of room for manoeuvre within the guidance and there is no compulsion under law either way, and there is very little clear advice, some would-be music providers have put a blanket ban on things like having live music at all, even where there is no wind, singing or brass instruments involved? Even this week there has been a directive that busking should be banned, even though that does not seem to have been done in a joined-up fashion. Would the Minister consider issuing more detailed guidelines but in conjunction with talking to his ministerial colleagues who have a responsibility at Culture for this issue?

The Deputy of St. Ouen:

Yes, I will talk with colleagues and they are welcome to contribute, as is any States Member, and those with an interest in the subject. The guidance will be more detailed because we have seen that happen in the U.K., and I consider that we will be trying to adapt those mitigations to our situation in Jersey.

4.3.8 Deputy K.F. Morel:

Would the Minister give a timeline for when new guidance is expected to come out with regard to singing and playing instruments? Would he also accept that current guidance prevents brass bands, marching band and wind instruments from even rehearsing? Will he ensure that guidance is brought out, which enables rehearsals to take place as soon as possible before these plans again find it impossible to carry on?

The Deputy of St. Ouen:

I cannot undertake that the guidance will enable certain activities because the study is going on at the moment, and we will consult with bands and other groups as to exactly what is safe. At the end of the day, we will be guided by the medical opinion. I am sorry, I have forgotten the first part of the Deputy's question.

4.3.9 Deputy K.F. Morel:

I will use it as a supplementary. Do you have a timeline for when you expect this guidance to be published?

The Deputy of St. Ouen:

We are working on it at the moment. We recognise that this is a concern to many people, so we are doing that as quickly as possible. It would be wrong to give a precise date because that would rush things perhaps when we have not consulted, as we should be. We want to get that consultation in but still, as quickly as possible, introduce the mitigating facts.

4.3.10 Deputy I. Gardiner of St. Helier:

Live music, including karaoke, is permitted within strict guidelines, including low noise level only, where the audience are seated and able to have a normal conversation. All music is safe outdoors. Why is karaoke still permitted but not choirs?

The Deputy of St. Ouen:

I am not sure if karaoke is permissible, if it is amplified. Again, it might depend on the context and the venue. That is a detail. If the Deputy would like to discuss it with me or the team outside of the sitting, I will be happy to try and explore any specific instances where she has concerns.

Deputy I. Gardiner:

It is within the guidelines and it will be good to discuss this.

4.3.11 The Deputy of St. Mary:

I thank the Minister for his replies to various questions. I appreciate he said he is not able to give a precise timeline at the moment but given that the present rules are such that it appears that some choirs are ignoring them completely, does he recognise that there is an element of urgency and, in drafting those guidelines, will he take account of the fact that Jersey's situation is not the same as that in the U.K. and that accordingly some greater relaxation might be appropriate?

The Deputy of St. Ouen:

I do recognise the urgency. I am regularly contacted, as are other Ministers and members of the team, by those who wish to see some relaxation of the guidance. So we are working as quickly as we can to get this in place. I would be cautious about saying that we can relax because we are not affected in the same way as the U.K., the risks are the same whether in the U.K. or here. I would not want singing to be so relaxed that it runs the greater risk of introducing infection. So it is finding that balance and recognising the therapeutic effects of singing and the pleasure it gives to so many people, but also balancing it against the risks of spread of infection. So we are working on that very hard.

4.4 Deputy I. Gardiner of the Chief Minister regarding the 2021 census (OQ.251/2020):

Will the Chief Minister update Members on the preparations for undertaking a census in 2021?

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

Statistics Jersey has been working on the 2021 census since the beginning of this year. They do remain on track to conduct the census on the preferred date of 21st March 2021. This of course remains contingent on the States Assembly passing an Appointed Day Act, to confirm this date as census day, and the Appointed Day Act is in the process of being lodged and we envisage it coming before the States Assembly in November. Preparations are including at the moment, finalisation of the questionnaire, any legal issues, method of census delivery and return, verification of the sample frame, i.e. households of the Island, and data-handling preparations. They are all in progress and are on schedule.

4.4.1 Deputy I. Gardiner:

It is good that preparations are under way. Would the Chief Minister consider to bring the census forward, which will allow to incorporate updated population information in the Island Plan, migration policy, and any post-COVID economic recovery strategy?

Senator J.A.N. Le Fondré:

If I understood the question correctly, that was what I consider bringing it forward. I think the issue is that there is a lot of work involved in the preparation of the census and obviously it is done by Statistics Jersey who, as we know, are also independent. I rather suspect that bringing it forward would cause a lot of difficulties because I suspect that the volume of work that is required to get everything in place - I believe there is training required of the various volunteers that help, et cetera - would be exceptionally difficult, particularly at a time of COVID.

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

Has the question plan for the census been determined or is it still capable of being amended?

Senator J.A.N. Le Fondré:

Again, I am not entirely sighted on that. I have seen some indications that the question plan is in the process of being finalised. Once again, that is being put together. I believe there has been some consultation, et cetera. I am very happy to get an update for the Deputy and come back to him. I might also ask if he would let me know ... not necessarily as part of this question, if he has got any specific references in mind I can obviously then investigate. I suspect, because things have been planned for quite a long time, that it is very much in the final stages of finalisation.

Deputy M.R. Higgins:

I will speak with him offline just to see if there is a possibility of some additional questions.

4.4.3 Deputy K.F. Morel:

This follows obviously from Deputy Gardiner's question but would the Chief Minister confirm that the census is not in danger of being deferred or pushed back due to cuts related to needing to rebalance finances and COVID-19, and that it will go ahead in March as planned?

Senator J.A.N. Le Fondré:

As of today there is no indication that the census is going to be delayed, certainly not because of cuts. It is in the funding that Members will obviously see fairly shortly in relation to the Government Plan. Obviously there are other events that overtake us, which would be COVID-related, I would suspect. That would be something in the future. But at the moment it is on track and scheduled for the date I have given.

4.4.4 Deputy I. Gardiner:

I apologise if I missed it in the first answer. What considerations have been given and preparations have been made to perform the coming census in digital form and not the paper one?

Senator J.A.N. Le Fondré:

This is obviously quite a technical area but I rather suspect that the nature of the census is very much dependent on making sure that households are present and therefore I suspect that this time round it is digital. There is a point that I believe it is going to be used to correlate the existing numbers that we have, for example, on the population calculations, and therefore will facilitate moving to an e-census in the future. But at the moment I believe that this is going to be a manual census. What I will do is when the Appointed Day Act is ready to go I will arrange for a briefing for Members so they know the whole mechanism behind the census. I am sure the chief statistician will be delighted to provide that.

4.5 Deputy J.H. Perchard of St. Saviour of the Minister for Infrastructure regarding parking provision for pregnant women (OQ.234/2020):

Will the Minister advise what provision, if any, is made in terms of parking spaces or areas designated for use by pregnant women?

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

Jersey Car Parks attempts to assist all its customers wherever possible and have, for some time now, had parent/child parking bays to assist with manoeuvring young children in and out of cars, which we know can be problematic. It is also recognised that sometimes pregnant women do need a little extra help, particularly during the latter stages when mobility can be an issue. Thus Jersey Car Parks has informally long allowed heavily pregnant women to use the parent and child bays by arrangement, to assist when entering and exiting the vehicle. Of course there are limited numbers of these spaces so in order to avoid disadvantaging other users a sensible discretion is required by customers wishing to access these spaces.

4.5.1 Deputy J.H. Perchard:

Could the Minister outline what he means by “by arrangement” and just clarify for any listeners how such arrangements can be made?

Deputy K.C. Lewis:

Yes, indeed. A telephone call to the office will suffice or to pop in. If anybody has special needs, for instance a heavily pregnant woman, or indeed if it was an adult with an adult child, for instance, or somebody with mobility problems, just pop into the office or give the office a ring and arrangements will be made.

4.5.2 Deputy L.M.C. Doublet:

Would the Minister consider the use of signage around these spaces to indicate to pregnant women that they can use these spaces? My concern is that women might not be aware that they can use them and then would be getting into difficulties when if the space is there available indicating to them that they can use it, would be helpful.

Deputy K.C. Lewis:

I would rather not because we started off with the mother and child bays and it was pointed out it could be the male parents of parent and child, it could be grandparents and children and, as we have just said, with heavily pregnant ladies. I do not want to be overburdened with signage. I would rather that common sense prevailed and we just made arrangements for anybody who has any special requirements.

4.5.3 Deputy L.M.C. Doublet:

How does the Minister propose to inform pregnant women that this facility is available please?

Deputy K.C. Lewis:

It has been operating informally for some time and it is quite widely known. The Deputy is publicising it even more now, so more heavily pregnant women can take advantage of this. But, as I say, it has been operating informally for some time.

[10:30]

4.5.4 The Deputy of St. Mary:

At the time when my wife was producing children there was a facility whereby pregnant women were granted temporary permits to use disabled spaces, which was also available to people with recent injuries. I understand that procedure was stopped because of abuse. Is there any prospect of it being introduced?

Deputy K.C. Lewis:

Disability permits are in fact authorised by the person’s doctor, so that is not something that directly affects parking control.

4.5.5 Deputy J.H. Perchard:

I would argue that the Minister is mistaken in his view that this is widely known for this question itself came to me directly from a member of the public who was worried about being able to park during pregnancy. So I would like to repeat Deputy Doublet's question; how will the Minister ensure that women who are pregnant - either heavily or who are suffering severe symptoms that would make it much easier for them if they could park quickly and easily - are aware that they are able to use those spaces, because they are not currently aware and that is clear from the contact we have had from the public.

Deputy K.C. Lewis:

I am more than happy to publicise that more but, as I say, it has been operating informally. Anybody with any special requirements, be it pregnancy or otherwise, can contact the office and arrangements will be made.

4.6 Deputy K.F. Morel of the Minister for Economic Development, Tourism, Sport and Culture regarding cyber-security national risk assessment surveys (OQ.233/2020):

Will the Minister explain why the contract to undertake a cybersecurity national risk assessment survey was awarded to an off-Island supplier, and can he confirm how many Island-based suppliers, if any, tendered or expressed an interest in the contract?

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

The portal for tenders was opened on 16th September 2019 and closed on 7th October 2019. The Government followed the procurement process and put the project out to tender in line with the rigorous guidelines set out in the Government's procurement best practice procedures. All tenders submitted were reviewed in accordance with predetermined contract award criteria and the most economically advantageous tender criteria. A total of 11 tenders were received; 7 from U.K.-based companies and 4 were from local firms. The contract was awarded on a balance of technical ability, value for money and expertise and experience that the successful company brought to the project. Feedback was given to the unsuccessful companies and the successful company was informed on 16th October 2019.

4.6.1 Deputy K.F. Morel:

Does the Minister think it appropriate and was he aware that the survey would involve a U.K. supplier using the project as a direct marketing opportunity to win business and take it away from Island funds?

Senator L.J. Farnham:

I hope the Deputy will know that I have been a champion of supporting local businesses as much as possible and I hope that we can improve the involvement of local companies in contracts that do often involve high level of expertise. Unfortunately those levels of expertise are not always available on-Island and that is why education and skills development are going to be so important in the economic recovery programme. So I do think it is disappointing; I would like to see local firms used for all of our contracts over here but that is just not realistic given the high technical nature of some of them. So, yes, I accept the Deputy's point and I regret that a local company was not chosen on this occasion, although I have full confidence in the procedure and I believe that the right company was chosen for this project.

4.7 Connétable A.S. Crowcroft of St. Helier of the Minister for Treasury and Resources regarding allocating 1% of States revenue expenditure to the arts (OQ.236/2020):

Will the Minister confirm that the States decision to adopt P.40/2019 will be honoured and 1 per cent of overall States revenue expenditure will therefore be allocated to the arts, heritage and culture by 2022; and if not, why not?

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

In the current circumstances the Government Plan has involved a lot of difficult decisions to ensure that we are on the right path as part of our response to COVID-19. This does involve managing costs and expenditure in a number of areas, and culture, arts and heritage are not excluded from this. We support the arts and respect the States decision that as a Government we have to make difficult decisions in the interests of Jersey. That is what we are doing and the whole package in the Government Plan will be lodged on 12th October.

4.7.1 The Connétable of St. Helier:

Could the Minister therefore say what percentage will be allocated if she is not planning to honour the States decision?

Deputy S.J. Pinel:

I cannot at this stage because it is part of the Government Plan and the figures and finances, costs and expenditures are all part of the whole plan which, as I said in my first answer, will be lodged on 12th October.

4.7.2 Deputy R.J. Ward:

Following on from the answer for that question where current circumstances were used can I ask the Minister: does this mean that propositions that were voted on in this Assembly we can expect to be habitually ignored in the coming weeks and months?

Deputy S.J. Pinel:

No, in answer to that, P.40/2019, which is the proposition in question was in the previous Government Plan but, as the Deputy and the Connétable will be aware, circumstances have changed considerably and it is not a matter of ignoring these propositions. It is a matter of every department and area having to adhere to the different circumstances that we find ourselves in than when the proposition was agreed by the Assembly.

4.7.3 Deputy R.J. Ward:

Can the Minister explain the mechanism then for not following propositions voted on democratically in this Assembly, and is that mechanism via the Council of Ministers, via unelected officials? Because I think the Assembly needs some clarity if propositions are not to be adhered to.

Deputy S.J. Pinel:

As I said in my last answer, the propositions are not being ignored or ... obviously I understand it has agreed by the Assembly, they are not being ignored, but we are in very different circumstances than we were in 2019 and adjustments have to be made to deal with the current circumstances; and that is across the board.

4.7.4 Deputy K.F. Morel:

Following on from Deputy Ward's question, if in the Government Plan the Minister intends not to honour P.40/2019 will the Minister adopt proper procedure and bring a proposition to the Assembly to rescind that States decision, as that would be the only suitable way to provide the Minister for Treasury and Resources with freedom to ignore that proposition.

Deputy S.J. Pinel:

No, I think the Deputy has slightly misjudged this. It is not a matter of ignoring the proposition; it is a matter of adapting to our current circumstances which when this proposition was passed we were not having to face the difficulties and the expense that we are now facing. It is not just a matter of P.40, it is the situation across the board that we will be bringing with the Government Plan on 12th October and then if amendments are required then obviously the Assembly is free to do so.

4.7.5 Deputy K.F. Morel:

Given the Minister's answer that it is a matter of adapting, would the Minister not feel it is more appropriate to free herself of the bindings of P.40 and to bring a rescindment of the proposition in advance of the Government Plan?

Deputy S.J. Pinel:

No. The Government Plan will be lodged on 12th October and then it is up to States Assembly Members; if they wish to bring an amendment they can do so.

4.7.6 The Deputy of St. Mary:

It was at one time mooted that the proceeds of the Channel Island lottery would be applied to the same sectors as those referred to in the Constable's original question. Will the Minister confirm that in coming to any calculations as to reduction of percentage going to those sectors she will not take into account the prospect of the Channel Island lottery proceeds being used as well?

Deputy S.J. Pinel:

I think the Channel Island lottery benefits can be applied for by anybody, I understand, so there is no reason why arts, culture and heritage could not apply for some of those financial benefits.

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

Is the Minister not announcing here that no budget is safe and that what we are proceeding with now is the lowest common denominator; salami slicing budgets left, right and centre in the new Government Plan?

Deputy S.J. Pinel:

No, I am not saying that at all, I am just saying that we have to adjust to the current circumstances, which everybody knows that we have to do. It is quite apparent that there is a huge amount of expenditure and cost that has had to be directed to deal with the current situation of COVID-19 and therefore not everything can go ahead as planned in 2019.

4.7.8 Deputy G.P. Southern:

Is the Minister not directly announcing then that no budget is safe and that cuts will occur willy-nilly across the board; no project is safe?

Deputy S.J. Pinel:

No, I am not directly announcing that. The Deputy is trying to put words into my mouth. I am not saying that at all, I am just saying that the restrictions have to be applied because of the current situation. I cannot say it more than that.

Deputy G.P. Southern:

You cannot say more, then indirectly you have said it.

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

I am very disappointed with this, to be perfectly honest with you, because in the very beginning I thought that the sums that were going to be distributed with everybody was very poor anyway. But

I would like to know now what is going to happen to our speeches. You say there is going to be no help now when we all voted for P.40 for help to be given. What I find very sad about this is that ...

The Bailiff:

Connétable, I am afraid this cannot be a speech; this has to be a question.

The Connétable of St. Saviour:

In that case, could you tell me why the Back-Benchers vote, when it is going to be overruled by the Council of Ministers anyway, because that is what happened to the hospital and that is what is happening now to the arts. Maybe the Minister could tell me why we are even voting for anything when we are going to be overruled as Back-Benchers?

Deputy S.J. Pinel:

Sorry, I had difficulty in hearing what the Connétable was saying. There is no question of propositions being overruled; it is just that when we have to consider the extraordinary expenditure that we are having to deal with, with the current situation of COVID-19, that we have to make alterations in all areas. It is not just one particular one. Every department area has had to come forward with suggestions as to how they can make savings in order to function with the enormous expense that we have with COVID-19. But it is not a matter of overruling Back-Benchers or Assembly propositions; it is just Government has to make some very strong decisions as to how we fund the expenditure that this pandemic is causing.

The Bailiff:

Deputy Alves has asked to ask a question. I had called the list which normally indicates that that is closed, but 2 supplementaries have been passed up on so I am prepared on this last occasion to be flexible.

4.7.9 Deputy C.S. Alves of St. Helier:

Thank you very much, Sir, I really appreciate that. I am not sure whether I had misunderstood, however, it was my understanding that the Government Plan is a 4-year plan with annual budget updates so, therefore, can the Minister just clarify if that is the case and did P.40 not apply to the Government Plan as a whole?

[10:45]

Deputy S.J. Pinel:

Yes, the Deputy is absolutely correct; it is a 4-year plan with annual budget updates. But of course when the Government Plan was produced in 2019 of course we were not in the pandemic situation that we are now, so adjustments have had to be made going forward in order to finance the situation that we find ourselves in.

4.7.10 Deputy C.S. Alves:

Can the Minister clarify then: did P.40 apply to the Government Plan as a whole?

Deputy S.J. Pinel:

It did, and I thank the Deputy, she is absolutely right, it did apply to the Government Plan as a whole, which was 2019 to 2023. As I have repeatedly said, we had no idea when that Government Plan was produced that we would be in this kind of situation, so all expenditure has to be reduced because of the current situation. The P.40 was adhered to in 2019; going forward we will have to adjust that, and it is not just P.40, everything has had to be recognised and re-established in the current one which will be lodged on 12th October.

The Bailiff:

Senator Moore, you have asked for a question. I am afraid I cannot give you a question; I have already called the questions closed. I allowed one extension because Deputy Alves mistakenly asked for a point of clarification when she clearly should have asked a question, but we now close the questions for this and a final supplementary, Connétable of St. Helier.

4.7.10 The Connétable of St. Helier:

The Minister I know has a professional commitment and a great deal of skill when it comes to the arts and I must say I am surprised that she does not recognise that in a time of a pandemic the public - Islanders as well as visitors - have more requirement for the support provided by culture, arts and the heritage than at other times. Does she not feel that now is a good time to increase the investment and financial support for the arts rather than subjecting it to the same kind of salami slicing that other departments are experiencing? Will she not reconsider that in these difficult times people need that access to the arts just as much as they need, for example, access to open space?

Deputy S.J. Pinel:

I completely agree with the Connétable and I thank him for his compliment. My entire history and career prior to politics was in the arts and culture and I am a great, great supporter of the arts. But in my current situation as Minister for Treasury and Resources I have to be balanced across the whole of expenditure and the balance sheet to be fair to all departments. You cannot say that the arts, from my position, are more demanding or need more attention than education or health or any of the other demands on the purse, for want of a better description. But there is no question that I am a great supporter of the arts, so we are trying to be balanced across the entire expenditure for the next Government Plan.

4.8 Deputy M.R. Le Hegarat of St. Helier of the Minister for Health and Social Services regarding risk and governance in Government (OQ.243/2020):

Further to a public hearing of the Health and Social Security Scrutiny Panel on 10th June 2019 during which the director general of Health and Community Services agreed to provide the results of work that was being undertaken by a U.K. consultant on risk and governance in government, will the Minister advise when this work was completed and when Members can expect to receive the results?

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

The report was received in October 2019 and since that time the Health and Community Services Department has been implementing its recommendations. I am happy to share the report with Scrutiny members in the first instance, and then with any States Member who would like to receive it.

4.8.1 Deputy M.R. Le Hegarat:

Can I ask the Minister why, when it was promised to us once it was completed and we are almost 12 months since it was completed, have we not already received this information?

The Deputy of St. Ouen:

I cannot say why that has occurred. I have not looked back at the precise text of the discussion but if there was a promise made I regret that it has not been followed up, but I also note that the Scrutiny Panel has not asked for it until the Deputy has lodged this question, but I am very happy to provide it to the panel.

4.9 Deputy C.S. Alves of the Minister for Health and Social Services regarding the out-of-hours G.P. service (OQ.249/2020):

Will the Minister explain why prior to COVID-19 the out-of-hours G.P. (general practitioner) provided telephone advice free of charge but the advice now incurs a charge of £20?

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

G.P. practices, including the out-of-hours services, are able to charge for a video or telephone consultation if they wish, and these charges are not laid down by Government. So it may be that there was a time when a particular practice made no charge and may now charge £20.

4.9.1 Deputy C.S. Alves:

I was referring to the out-of-hours G.P. service so can the Minister therefore confirm, are those charges set by each individual G.P. practice or are they set centrally, as this is a service that I believe is provided from the hospital?

The Deputy of St. Ouen:

I believe the G.P.s who combine together to provide that service decide upon their charges. It is true it is run from the hospital and there is an agreement whereby Customer and Local Services would provide a rebate for any fees charged, in the same way that that happens in a face-to-face consultation in normal surgery hours. But the charge payable by the patient is set by the G.P.s participating in the scheme because they are independent practitioners and businesses, and are in business as commercial enterprises.

4.9.2 Deputy R.J. Ward:

Can I extend this to a small matter but one that has been brought to my concern for the Minister? It is the same for repeat prescription charges that previously in some places were a nominal charge of £2 and have been raised to £5 because the prescriptions are being dropped at the pharmacy, which is sometimes just downstairs. Is it the case that it is because of the independent business nature of the G.P.s in this way that these charges are increased, and does the Minister have any say or influence over these charges? They may be small but they are significant for some.

The Deputy of St. Ouen:

I think the Deputy is right, I cannot tell the G.P.s what to charge in their businesses.

4.9.3 Deputy G.P. Southern:

Is it the Minister's intention to maintain this position whereby G.P.s can set their own fees for the delivery of whatever service they should choose; and does he not, along with the Minister for Social Security, intend to take greater control over how and how much G.P.s can charge?

The Deputy of St. Ouen:

I think it is pretty clear that the Island does not want government to control G.P.s. There has been some fear of that and Members will have received letters about even suggesting that we are on a course to nationalise the health service or bring all G.P.s under the wing of government, and that is not the case and I do not wish it to be the case. I think we are well served by our G.P.s as independent practitioners, but the Deputy knows that we are working on a scheme to help those who are financially vulnerable so that we do not see the harmful ill-effects of people being unable to afford healthcare and their health suffering as a result. So we will mitigate and intervene in the market in that way, but there is no sense in which we are taking away from the independence of G.P.s as professionals in business.

4.9.4 Deputy M. Tadier:

The Minister said that the Island does not want us to control G.P.s and does not want us to nationalise the G.P. service, but would the Minister reconsider his words and acknowledge that the Island is not homogenous and in fact there are many different views. From a user point of view, what many people who cannot afford doctors and who do not have the habit of going to see a doctor on a regular basis, they notice that the access that was provided around COVID-19 was very helpful and that might be

the first context in which they have come into contact with a medical professional free of charge during what has been a health crisis. Does he acknowledge that point?

The Deputy of St. Ouen:

Yes, of course, I acknowledge there are different views and each view has some merits and some demerits. My comments are drawn, I think, from a survey of some years ago, a government survey, in which people it seems wished to retain the present arrangements. But equally I know G.P.s are anxious to ensure that we have the best healthcare that we can deliver on the Island, and the situation is evolutionary. This is what the Jersey Care Model will envisage; change takes place, learning from best practice that all practitioners seek to achieve, and we will work together to improve access to healthcare. But I believe it is more an evolutionary process rather than a revolutionary process.

4.9.5 Deputy M. Tadier:

Does the Minister acknowledge that philosophically and politically speaking there is absolutely nothing wrong with regulating the price that G.P.s can charge? We do it for taxi drivers; for example, we tell taxi drivers how much they can charge for a particular journey, yet is not healthcare much more important than transportation in the Island?

The Deputy of St. Ouen:

That is a huge issue that would need to be addressed in a substantial debate if we wish to have it. I think the important thing is to make sure that those who are vulnerable can access healthcare rather than imposing across the board measures in a system that needs some tweaking but essentially provides excellent healthcare for the Island.

4.9.6 Deputy C.S. Alves:

Can the Minister therefore tell me what work or data was analysed on the potential impact of introducing this charge which did not exist prior to COVID?

The Deputy of St. Ouen:

It is not a charge the Government introduced; it is a commercial decision taken by the G.P.s so there was no government research around it I believe. I could just say if patients are concerned about having been charged or the quality of service they receive then they can discuss that initially with the practice but unresolved issues can also be referred to the primary care governance team, which does sit within Government.

4.10 Deputy M.R. Higgins of the Minister for Health and Social Services regarding preparations for a winter spike in coronavirus cases (OQ.245/2020):

Will the Minister update States Members on his department's principal preparation for a potential spike in the coronavirus cases in the next few months and throughout the winter?

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

I am pleased to answer this question and reassure the Deputy that Health and Community Services has been undertaking extensive winter planning and COVID preparedness. We have clinical and operation groups from across the department meeting on a weekly basis to ensure that business continuity plans are updated; and that is across the hospital, the community, mental health and social care services. In addition, we continually engage with partners such as G.P.s, such as charities and other third sector organisations around the delivery of care, in particular infection prevention control, the continued supply of P.P.E. (personal protection equipment) and the development of pathways of care to ensure citizens are looked after.

[11:00]

4.10.1 Deputy M.R. Higgins:

Can the Minister assure Members that they have sufficient P.P.E. for all - hospital staff, care home workers, emergency services, et cetera - and that they have sufficient testing agents and material for testing Islanders and for us to deal with the severe side effects that patients experience with COVID-19 in its extreme form?

The Deputy of St. Ouen:

We have good supplies of P.P.E. and the testing swabs. We have a policy to hold at least 3 months' supply of P.P.E. in reserve and we are in a good place with all those stocks.

4.10.2 Deputy K.G. Pamplin:

Part of the principal preparations for the winter is the hospital and so can the Minister outline any updates on the plans in case of any sort of either flu, norovirus or of course the COVID-19; what preparations are in place to ensure the hospital can deal with that?

The Deputy of St. Ouen:

The large part of our preparations is around vaccination programmes. We are encouraging as many people as are eligible to take up the flu vaccine and we are rolling that out to people aged 50-plus rather than the usual 65-plus. I do hope that many members of the public will take that up because it provides additional protection and reduces any pressure that might occur on hospital services if we were to have a bad flu season. Then of course we are preparing for the COVID vaccine, which we hope will come as soon as it can, but first of all we will be dealing with the flu vaccine. The hospital is in a good state of preparedness; we have learnt a very great deal from the lockdown and the need to be ready to deliver care. At the same time we are catching up with the backlog that occurred at that time and making good progress through the lists.

4.10.3 Deputy K.G. Pamplin:

The crux of my question was the hospital; can he confirm the situation of staffing levels in terms of will people be allowed annual leave and holiday? Can he update us in those preparations specifically, including ensuring those staff members get any sort of vaccination?

The Deputy of St. Ouen:

Specifically on vaccination, staff will be among the first cohort and they are prioritised for vaccination. Annual leave has not been cancelled, yes, of course all staff are entitled to annual leave. They are working to normal terms and conditions but we do recognise that staff have been put under a great deal of pressure and we have a completely dedicated but somewhat exhausted staff in some respects, and we are mindful of that. There have also been extensive preparations and measures put in place to address their mental health and well-being. Those are continuing and I am very proud and pleased of the programme that has been put in place and has been taken up by very many members of staff who recognise the importance not just of trying to maintain their physical fitness but the wider well-being needs as well. I hope that answers the Deputy's question.

4.10.4 Deputy J.H. Perchard:

Following on from the initial question: when will the Minister share the department's plans for dealing with a potential spike of coronavirus with the Assembly?

The Deputy of St. Ouen:

These are very much operational plans. I will undertake to circulate if not the very granular detail but a good summary of exactly how this is planned, but there are numerous business continuity plans across all sectors of hospital and social care services, so there is good preparation and a lot of planning that has gone into this.

Deputy J.H. Perchard:

My question was when will the Minister share these plans?

The Deputy of St. Ouen:

I will ask officers to prepare a document which ... I do not want to just send out dozens of business continuity plans for each care group within the service. That would be almost impenetrable. So I will ask officers to prepare a good resumé and then if Members wish to delve into the detail we can provide that.

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

With the flu season nearly upon us and with COVID-19 on the rise in countries to the north and the east of us, will the Minister finally consider making the wearing of facemask covering in confined public spaces mandatory rather than voluntary as is the case now; and if not, why not?

The Deputy of St. Ouen:

Yes, I think that is coming. That is in our legislative programme to introduce a law that would provide for mask wearing in indoor public places, and that will come before the Assembly to make that decision. Meanwhile it remains strongly recommended and we are to engage in discussions with retailers particularly about how they might encourage the wearing of masks in retail outlets because I believe we are very relaxed in Jersey. Anyone who has been to the U.K. or other countries this summer will have seen how much more the wearing of masks is prevalent there, and there is a much greater sense of what we face whereas perhaps in Jersey we have become too relaxed about this and we do not realise that COVID is still with us and poses a threat. So this will receive a greater profile.

4.10.6 Deputy G.J. Truscott:

One cannot help feeling there is a battle with the flu bug and COVID-19 looming. Personally I feel we should be using every tool in our locker to combat this public threat. Would the Minister indicate how soon he could implement the necessary changes to legislation to make the wearing of face coverings compulsory in a prescribed situation in a public place?

The Deputy of St. Ouen:

To make it compulsory I am advised that we need to introduce legislation. That has been drafted, I have had talks around it, but it will need to be lodged I hope at the beginning of October, and then of course we would need a 6-week lodging period unless it is the case that the Assembly wish to take the debate within a shorter time. I will speak to the Deputy, I will test out Members before perhaps to see if that might be something that the Assembly would wish to do.

4.10.7 Deputy M.R. Higgins:

I would like to thank the Minister for his answers and for agreeing to supply us with further details. From what he just said, can we be assured that unlike when the pandemic first broke out in March that we should experience no similar problems going forward?

The Deputy of St. Ouen:

We are in a good place, we are better prepared. It would be foolhardy to give my personal assurance that we will not encounter any bumps along the way because this is an unpredictable situation, but we are in an excellent state of preparedness through the hard work of many teams in the public service and I do not think we have omitted anything that we needed to have done to be prepared.

4.11 Deputy G.P. Southern of the Chief Minister regarding income levels (OQ.242/2020):

What data or estimates does the Chief Minister have either from Statistics Jersey's Income Distribution Survey or elsewhere on income levels and their distribution pre-COVID-19 in 2019 and following the outbreak of the pandemic during the first 6 months of 2020; and will he provide a date by which such data will be shared with Members prior to any debate on the economic recovery plan?

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

The Deputy did ask me a similar question I think twice in June - one was a written question and one was an oral question - where I highlighted that the chief statistician expected the results of the analysis of the household income data, which was collected between July 2019 and March 2020, to be published in quarter 4 2020. As I stated in that answer, the results would be available to all Islanders for review. One thing I did realise in kind of preparing for the answer to this question is that I did say at the time I would meet the chief statistician to try and get some more details and to discuss the matter. Unfortunately to date that has not been possible. I think it has probably been as result of the combination of COVID and trying to get the Government Plan into a decent shape, but I have asked for that to be expedited and I will feed that back to the Deputy as soon as I have had that discussion.

4.11.1 Deputy G.P. Southern:

The Chief Minister appeared, when he last answered my questions on this topic, to say that the chief statistician was completely independent of his direction but I would beg the Chief Minister to simply ask the question as to when will we see this data, because it is important for one of the major thrusts of our policy to reduce income inequality, and that surely he can say whether it will come in the first half of October or whether we have to wait for it until December before we see what this vital piece of information suggests.

Senator J.A.N. Le Fondré:

As I have just said, I did undertake to have that discussion and unfortunately it did not take place. I have for that to be expedited and as soon as I get a date I will feed it back to the Deputy and Members. But the point is the chief statistician, when we last spoke to him, was basically saying it would be during quarter 4 and I suspect it is a case of how long it takes to finish compiling and summarising the data.

4.11.2 Deputy R.J. Ward:

Given that the Government Plan is due to Scrutiny on Monday how can the key Common Strategic Policy target of reducing income inequality be addressed effectively without this data being available to the Council of Ministers or those not in the Council of Ministers deciding upon the Government Plan?

Senator J.A.N. Le Fondré:

As I said previously, this data and the results of the survey have long been scheduled for quarter 4 and the Government Plan - as the Deputy is absolutely correct - is scheduled to go to Scrutiny effectively in the word form on Monday, and that is what we are focusing on. So that is the timing that we are dealing with and in terms of the area that the Deputy has alluded to, we are ensuring that the format of the Government Plan is very similar to last year and will obviously work through the various C.S.P. (Common Strategic Plan) priorities. I do emphasise the point, we have been through and are continuing to go through the pandemic crisis. This has caused all sorts of ructions to normal preparation and has caused all sorts of delays, and that is what Scrutiny will see and then Members will see when we present it.

4.11.3 Deputy R.J. Ward:

I agree with the Chief Minister that we have been through a very difficult time with COVID and it is clear that those on the lowest incomes and our poorest in our society are disproportionately affected. Therefore, this data which uncovers that inequality, would it not enrich the response that we can make and make it more effective and, therefore, is there not a gap in the analysis in order to develop the Government Plan in this area.

[11:15]

Senator J.A.N. Le Fondré:

I am not unsympathetic to the Deputy's comments. I think I will break it into 2; one is we will get the data and then of course it will feed into the following year's Government Plan. Secondly, the Deputy is right, there are all sorts of individuals that have been affected by COVID-19 and, as we know, measures were put in place both in income support levels through the C.R.E.S.S. (COVID-19 Related Emergency Support Scheme) scheme, through others measures to address some of that, and that included within the fiscal stimulus measures where not only does every Islander get the £100 vouchers, which included those at the lower end of the spectrum, but also those at the lower end also received an extra £100 each which was paid out in July. So we have tried to take the measures we needed to take to protect the vulnerable in society, including the financial terms, but as we said, we are dealing with extraordinary times and they will continue for the next few months as well.

4.11.4 Deputy G.P. Southern:

No matter how extraordinary the times it is a simple matter of timing. I could press the Minister to say earlier is better than later but whatever it is, if we know when we are going to see this data then we can prepare for what measures we want to see in the Government Plan more accurately, better researched, if we can have that. So it is a simple matter of tell us when we can see this data so that we can plot it into our work schedule to get decent amendments to the Government Plan.

Senator J.A.N. Le Fondré:

As I said, I am not unsympathetic to that comment. I will make sure that discussion is held shortly with the chief statistician and I will come back to Members as soon as I can. I do apologise to the Deputy from the perspective I did say I would do it in June but, as I said, with the combination of both COVID and getting the Government Plan into a reasonable shape - and we will obviously be updating Members on that - obviously unfortunately I think matters got overlooked. But I will rectify that as soon as I can.

4.12 Deputy M. Tadier of the Chief Minister regarding consultancy work by non-British European entities (OQ.247/2020):

Le Gouvernement a-t-il pour habitude de solliciter des expressions d'intérêt de la part de particuliers ou d'entreprises européens non-britanniques pour des travaux de conseil, là où une expertise hors de l'Île est jugée nécessaire; et sinon, pourquoi?

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

(1 minute and 20 seconds French spoken)

The Bailiff:

Are we able to put a translation of that into the chat?

Senator J.A.N. Le Fondré:

Yes, Sir.

The Bailiff:

There will be a translation of the answer in the chat. You have a supplementary question, Deputy Tadier?

4.12.1 Deputy M. Tadier:

(57 seconds of French spoken)

Senator J.A.N. Le Fondré:

(52 seconds of French spoken)

The Bailiff:

It is of course entirely open to Members to ask questions and indeed to respond in the French language; that is a permissible use of the French language within this Assembly. Could I just remind Members though that in doing so they run the risk that they will not be understood by a good number of the Members here, possibly not even in every material respect by the Presiding Officer, and that if it is important that other people hear - and presumably it is - then it may be useful if there is to be a question posed in French for an ad hoc translation to be provided at the same time. I say that not to make a ruling but simply to guide Members.

Senator J.A.N. Le Fondré:

I have put a translation of the earlier response into the chat so I am happy to read that out if it helps. I am also happy to give a quick translation of the reply I just gave.

The Bailiff:

I think the moment has probably passed for that, Chief Minister, but if Members can read what is in the chat, Deputy Morel has indicated a desire for a supplemental question.

4.12.2 Deputy K.F. Morel:

(24 seconds of French spoken) Why does he think that there are almost never any European responses to contracts?

Senator J.A.N. Le Fondré:

(45 seconds of French spoken) I think it is a very good question. Part of it will be links between obviously British firms having sometimes branches or connections with Jersey already so they are more aware of the system. Sometimes it will be that even though things are advertised, for example, on the relevant portals going to the European networks, that European companies are probably looking at Jersey as a small place and although we are very proud of our Island we are small and sometimes those contracts may not be of interest to them.

4.12.3 Deputy K.F. Morel:

(34 seconds of French spoken) Does the Chief Minister think that we can use this opportunity through our public contracts to grow links with the European Union?

Senator J.A.N. Le Fondré:

(52 seconds of French spoken) I think it is a good point. I think there are always possibilities of improving links and business links with E.U. (European Union) countries. Two very quick examples that I gave is obviously the J.E.C. (Jersey Electric Company) have supply contracts with E.D.F. (Électricité de France) and in fact I think are quite a significant customer in terms of export for E.D.F. At the other side of the spectrum in terms of fibre contracts, the wooden crash barriers you will see going up Beaumont Hill on the side of the road I believe are French made and either from a company in Normandy or Brittany, or perhaps that was where the contacts were made. So there are examples but I think we can always do more.

4.12.4 Deputy M. Tadier:

(26 seconds of French spoken)

Senator J.A.N. Le Fondré:

(28 seconds of French spoken) Basically in principle I agree and sometimes it can be difficult for speed or practical reasons but as a principle we should be looking for whoever can give the best solution to the Jersey situation.

4.13 Deputy R.J. Ward of the Minister for Infrastructure regarding the pilot bus service for Highlands College (OQ.241/2020):

I am sure my French teacher would be proud if I was to ask this in French but I will continue in English. What was the outcome of the pilot bus service for Highlands College from Liberation Station?

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

A morning peak service operated service 17 between the bus station and Highlands College, which was run by LibertyBus in spring 2019. After meetings between the 2 organisations indicated there was enough interest to warrant the pilot. Actual demand for the service proved to be lower than initially expected. Despite efforts from Highlands College and LibertyBus to promote the facility fewer than 40 student trips in total were recorded on the service between the summer holidays. Due to the low demand it was decided at the end of the term the service 17 would not be reinstated in September 2019.

4.13.1 Deputy R.J. Ward:

Was consideration taken of the fact that at Highlands College there are many different starting times throughout the day and evening and so, therefore, it may well have been that simply the bus service timing was inappropriate to attract significant numbers?

[11:30]

Deputy K.C. Lewis:

Indeed, this was an initiative brought forward by LibertyBus, which is something I really approved of. I thought it an excellent initiative to pick up the students and take them straight into campus. I thought: "Excellent idea." But sadly it did not work. LibertyBus officials attended many events at Highlands College, they consulted with the students, they tried to work out the best times and there was a lot of publicity down at LibertyBus station on the big screens there, with the students, leaflets, and Highlands College leafleted it widely. But sadly the bus was not taken up and I think there was about 40 students used it in total. I would like to see it return possibly in the future but at the moment it is not feasible.

Deputy R.J. Ward:

With respect I do not want to use up my final supplementary on a question that I have already asked.

The Bailiff:

You do not get a final supplementary if you have had a supplementary and no one else has asked a question, so this is your last question. So do you want to clarify what the position is?

Deputy R.J. Ward:

Yes, I would like to clarify. I asked about whether an understanding of the different timings in which students may travel to Highlands was undertaken by LibertyBus, i.e. not just at peak times but throughout the day when the bus service may have been more useful was undertaken. I got the same answer again.

Deputy K.C. Lewis:

The students at Highlands College were interviewed. There was a lot of research going on in the background by Highlands College themselves and LibertyBus to work out the best times, et cetera. But sadly the buses were not taken up, which I find quite sad. I am with the Deputy on this, I would love to have seen this work, as I say, and take students straight into campus. But there was an awful lot of research done but sadly it was not taken up.

4.13.2 Deputy J.M. Maçon of St. Saviour:

I wonder if the Minister could explain why there are buses for Hautlieu, J.C.G. (Jersey College for Girls), Victoria College, Beaulieu and De La Salle but not for Highlands who are doing equivalent to A levels? Were any shared services considered?

Deputy K.C. Lewis:

All bus services are shared. A lot of students use the student bus service, a lot of students use the regular bus service or a combination of both. It is whatever is convenient for the student. As I say, this was an initiative by LibertyBus and all the consultation was carried out in consultation of Highlands College to find the best service possible.

4.13.3 Deputy J.M. Maçon:

Does the Minister think, therefore, that it is about time that we had - as Deputy Southern has called for, for many years - a town Hoppa bus service?

Deputy K.C. Lewis:

Well that is another different kettle of fish altogether. A Hoppa service would not necessarily go to Highlands College. But anywhere where there is a demand for bus services I would encourage LibertyBus to put a bus on there. But, as I say, it is quite sad that this particular service was not taken up.

4.13.4 Deputy R.J. Ward:

I am always perplexed when a trial is undertaken with the notion of a consultation fully beforehand. Would the Minister agree that in order to change behaviour one has to invest for a longer period of time and look at flexibility such as an all-day service of the Hoppa type that was mentioned by Deputy Maçon, in order to change the behaviour of people as much as anything else. Would the Minister consider trying this again as we move into the coming years and try to address a sustainable transport policy and a climate change initiative?

Deputy K.C. Lewis:

Yes, indeed, I would encourage LibertyBus to give it another try, absolutely. The more people on the buses the better. Obviously we have COVID at the moment. This trial took place in 2019 but as soon as COVID is over I would hope that LibertyBus would try it again; I would encourage them to do so. As I say, there was extensive lobbying of students, posters were put up at Highlands College, leaflets were sent out to students by Highlands College, T.V. (television) screens at Liberation Station, hard copies were also displayed at Liberation Station and they did go the full way. But I would encourage them to try again in the future in liaison with Highlands College. Indeed, the more people that use buses the less cars on the road, the less traffic, which is all good for the S.T.P. (Sustainable Transport Policy).

4.14 Deputy M.R. Higgins of the Minister for Children and Housing regarding the right of social workers to confiscate mobile telephones belonging to clients (OQ.246/2020):

Will the Minister state on what basis social workers may confiscate the mobile telephone of a client during a meeting and not return it to them? If there has been a recent incidence of this will he ensure that the telephone is immediately returned or, if not, that the client is compensated for the loss? Will he take steps to ensure this cannot happen in future?

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

In terms of what basis a social worker could confiscate a phone from a client and not return it to them, there is absolutely no basis for that and it should not happen, full stop. Since this question has been lodged I have begun looking into this and have discovered that there is one allegation of this happening and I will be investigating it further.

Deputy M.R. Higgins:

I would like to thank the Minister for his answer and I look forward to hearing the results of his investigation.

4.14.1 Deputy K.F. Morel:

Would the Minister accept that forcing somebody to give up any element of property is theft and that any employee of the government who has coerced or forced somebody to give up some of their property should be prosecuted as you would expect any member of the public to be prosecuted?

The Bailiff:

I am afraid I cannot allow that question, Deputy. It is asking for an expression of opinion about the legal consequences of a particular act and whether a Minister thinks a criminal prosecution could ensue. Obviously if there is an allegation of a criminal offence that is something that should be laid before the police and a report made and a decision taken by the Attorney General if a prosecution is merited, and I do not think it would be helpful or advisable for any Minister to express a view in this place as to whether such a thing might happen. But if you wish to rephrase your question?

Deputy K.F. Morel:

Will the Minister treat such allegations as allegations of theft?

Senator S.Y. Mézec:

I think it is an extremely serious allegation and it is one that I have not yet had the opportunity to understand the exact story behind it and the full details. But, as I have said, there is no basis for that sort of thing taking place. It should not be happening and it is very serious.

4.14.2 Deputy M.R. Higgins:

Could I ask the Minister if he will reaffirm that it is the right of any citizen who is dealing with his officers to record the conversations of their meetings as a personal record of what went on for accuracy, and that they should not be prevented from doing so?

Senator S.Y. Mézec:

That is the case but obviously that would get complicated when such recordings began to be shared with a wider group of people afterwards, and that is where difficulties would arise. If there are people who feel that they want to have their own personal record of meetings that are taking place it would be a good idea to share that with the people who are also in that meeting so that they can all have confidence in that.

The Bailiff:

We come now to question 15. I think given the fact that time is pressing - we have well under 20 minutes before we conclude this period of questions - any Member asking a supplementary question will not be able to ask a follow-up supplementary question in the way that we have done, and hopefully we will then fit all of the questions in.

4.15 Deputy C.S. Alves of the Minister for Home Affairs regarding police and customs officer training (OQ.250/2020):

Will the Minister advise what training, if any, police and customs officers currently receive in unconscious bias?

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

States of Jersey Police officers receive input on unconscious bias through training provided. In addition, officers receive College of Policing accredited vulnerability training that covers bias towards hard to reach and vulnerable groups, for example missing persons, adults at risk, modern

slavery, sex workers, et cetera. Jersey customs and immigration officers must adhere to an equality and diversity policy which applies to all government employees. Additionally, since the beginning of this year all new-starters have received the new government induction programme called My Welcome. This includes a module on diversity, inclusion and belonging which covers unconscious bias. It is planned that this will now be rolled out to all employees, including existing officers at Jersey Customs and Immigration Service.

4.15.1 Deputy C.S. Alves:

Given the answer to my question today, 334, which suggests data impacted on who was stopped and questioned unless a search takes place; how is the Minister measuring and monitoring whether unconscious bias is present and if the training is having an impact?

The Connétable of St. Clement:

What I can say is this sort of situation would be measured by any complaints which are received. If the Deputy has any suggestions that there has been inappropriate behaviour by either a police officer or customs or immigration officer that she must bring it to the attention of the chief officer of the relevant department.

4.15.2 Deputy I. Gardiner:

I would like to ask the Minister if there was any consideration given or any training given on cross-cultural communication, including non-verbal communication skills?

The Connétable of St. Clement:

That is a very detailed question. I am not privy to the detail of the training that is provided, but I tell you what, I have got absolute confidence in the States of Jersey Police and the customs and immigration service who conduct themselves in an excellent manner. As I say, if there is any doubt about that at all I would be grateful if the Deputy or anyone would bring it to my attention.

4.15.3 Deputy M. Tadier:

Is the Minister for Home Affairs aware of any conversations around the establishment of an equalities and human rights commission in Jersey which could have the benefit of providing a framework for issues such as unconscious bias but more generally around issues of discrimination and human rights?

The Connétable of St. Clement:

I am not aware of any such discussion and certainly I am not privy to any.

4.15.4 Deputy R.J. Ward:

Would the Minister not say that it is a wholly inadequate way to measure the equality or not of unconscious bias training by waiting for complaints to be made, which many people on the Island would simply not do because they cannot understand the complaints process?

The Connétable of St. Clement:

I really do not know how else to measure this. I mean, certainly the department has an equality and diversity working group which meets regularly. If there are issues in this area, with the police or with the customs and immigration service, please let me know, but I am not going around looking under the tables to find out if there are any issues because unless people are concerned about them I am not going to be looking for them. If there are issues, tell me about them, but if there are no issues let them get on with their job.

4.15.5 Deputy C.S. Alves:

In light of some of the concerns that have been raised, would the Minister consider asking at the very least the customs officers to keep some kind of record of who is being questioned, not just who is subsequently searched?

The Connétable of St. Clement:

I certainly can ask the chief officer about that but there are many people who come into this Island every day, or certainly there used to be pre-COVID, and hopefully there will be again in the not too distant future, but certainly I can put that question to the chief officer at customs and immigration.

[11:45]

4.16 Deputy K.F. Morel of the Chief Minister regarding non-resident business licenses (OQ.235/2020):

Will the Chief Minister state how many non-resident business licences to work in Jersey were issued by the Population Office for the years 2018, 2019 and to date in 2020 and what income was generated in each year by the sale of these licences?

Senator L.J. Farnham (Assistant Chief Minister - rapporteur):

Just as a reminder, the business licences alluded to allow for local individuals and companies to bring in services that they are not able to source locally or where there is a long wait for that service or skill to be available, thus stifling those businesses and individuals from moving forward with projects such as construction and medical projects just to name some of them. So these enable local firms to import skilled labour to finish the projects on time. In 2018, 310 licences were issued that generated £399,000 in revenue. In 2019, 355 licences were issued generating £407,515 in revenue. In 2020 to date 160 licences have been issued generating £165,000.

4.16.1 Deputy K.F. Morel:

Would the Minister advise simply whether he is considering increasing the cost of these licences in order to increase to some extent income to the Treasury, but also to ensure that such licences are seen as valuable and not used as a way around using local companies?

Senator L.J. Farnham:

These licences can be quite useful because we can import skills and companies to complete projects, so they come over, they do the work and they go, thus not staying behind and putting extra pressure on our population challenges. As part of the post-COVID-19 economic recovery programme and the sort of the look through of our charges where we can increase charges, there might be an opportunity here to perhaps base the fee on the contract value, for example. That is something we will be looking at moving forward and I will keep the Deputy as chair of our Scrutiny Panel updated on any discussions we might have about that in the future.

4.16.2 Connétable M.K. Jackson of St. Brelade:

Would the Minister consider that it is unwise to encourage more of the issue of these licences, particularly in the light of COVID at the moment and the impending spike that is occurring in the U.K.?

Senator L.J. Farnham:

As I alluded to in my opening statement, these are generally issued when the skills or the service provided cannot be readily or quickly obtained locally so they do not hold up important contracts. The advantage is individuals do not stay, they come over, complete the work and they leave. As we are trying to support the local economy as much as possible, I would agree with the Constable and we would much rather find the work from our local economy. However, notwithstanding the tough economic situation we find ourselves in, there are still some industries and some economic sectors

that are busy - for example construction is one of them - so there is even now still a call to import some of this labour to make sure important projects stay on time.

4.16.3 Deputy K.F. Morel:

Would the Minister advise the Assembly as to the extent of efforts that the Government makes to ensure that businesses do not come over and operate here without the licence? With the numbers that the Minister kindly provided in my earlier question, is he certain that 100 per cent of the businesses have come to Jersey on a temporary basis?

Senator L.J. Farnham:

I think we capture the vast majority of businesses that come over. There have been instances of business coming over without the correct licences but customs officials are very alive to the fact and a close watch is kept on the comings and goings of commercial vehicles, and regular spot checks are carried out. I cannot guarantee we get everybody but the vast majority are licensed.

4.17 The Connétable of St. Helier of the Minister for Economic Development, Tourism, Sport and Culture regarding free swab testing for passengers at Jersey ports (OQ.237/2020):

Will the Minister undertake to support the tourism industry by taking such steps as are necessary to ensure that swab testing for passengers arriving at Jersey's ports remains free?

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

A comprehensive on arrival P.C.R. (polymerase chain reaction) testing programme, as Members will know, is an important part of the safer travel arrangements and represents a considerable commitment by the taxpayer to maintain Jersey as a holiday destination to support a number of sectors within our economy including tourism. So at this stage I certainly would not support the introduction of charges for the testing as we have seen in other jurisdictions, for example Iceland, where they did introduce a charge for the test this could cause a sharp drop in passenger numbers to the overall detriment of our community. Our Island is successfully containing the spread of the virus and the travel is helping to support Islanders, businesses and the visitor economy, albeit it at a significantly reduced rate. I would say that it might not be sustainable to continue the full cost of testing indefinitely, but I certainly would not support any changes to the current arrangement until such time as we were being vaccinated and we saw a lot more confidence from the airlines and a lot more security for the airlines and the shipping companies as they make a global recovery. So right now I intend to continue to throw my support behind the current arrangement and support not just tourism but all Islanders with the safer travel policy.

4.17.1 The Connétable of St. Helier:

I am sure the tourism industry, hospitality and other sectors will be very relieved to hear the Minister's words. Could I just ask the Minister to pass on my thanks, and I am sure the Assembly's thanks, to all of those staff who work so hard at the ports to provide a testing service which has already won national regard and is frequently referred to in national media.

Senator L.J. Farnham:

Yes, I certainly will, thank you.

4.18 Deputy K.G. Pamplin of the Minister for Children and Housing regarding islanders who are homeless or in emergency housing (OQ.239/2020):

Further to Oral Question 155/2020, will the Minister update the Assembly on the homelessness review and advise how many Islanders are currently either homeless or under emergency housing?

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

The most up-to-date figures that I can get the Deputy for the number of homeless people that we are aware of in Jersey come from Shelter Trust where, overnight on Monday, they were supporting 115 people across 8 sites, which includes 2 new sites which they opened during the pandemic. They are also supporting a further 12 people outside of their accommodation elsewhere in the community. Of course though that does not include figures that are extremely difficult to come by in terms of the unknown homelessness and the people who might be sofa surfing or living in very insecure conditions that meet the definition of homelessness. I can confirm that the homelessness review and strategy is due to be published in early October, which will be an important moment in drawing to our attention the things we need to do to help address this issue. But, irrespective of that, we are working with officers to include provisions for extra homelessness support in the next part of the Government Plan which will of course be published in due course.

4.18.1 Deputy K.G. Pamplin:

Would it surprise the Minister to say I have got the answer to my original question in front of me where he stated it in June, when I asked the question, that 114 persons were being looked after by the Trust. Just to be clear, he did state 12 extra people in other properties; so there has not been much movement and the same answer has been given in terms of the other numbers. How urgently is he treating this? We need to know the exact numbers from all the other charity groups and agencies so he can have a ballpark figure, regardless of waiting for the review. Does he agree how urgent this situation could be, especially after recent votes in this Assembly?

Senator S.Y. Mézec:

Yes, I obviously agree with that and I believe it has been treated with the sense of urgency that it ought to have been over recent months. Efforts were stepped up in a way that has never happened before in Jersey in providing support for homelessness cases, and on the Government's side bringing officers away from other work they were doing deliberately to help provide solutions for these people. We have had a huge amount of success in helping take people who face those urgent situations, which were exacerbated by the COVID crisis into not just emergency accommodation but permanent accommodation as well. As I said at the end of my answer to his first question, this has not stopped me putting forward proposals which will come to light when the Government Plan is published for some extra tangible support for homelessness that I hope the Assembly will want to approve wholeheartedly when it gets to it.

4.18.2 Deputy K.F. Morel:

Similarly in response to Deputy Pamplin's questions of a few months ago, I also asked the Minister what actions he had taken to reduce homelessness in Jersey. We can see that homelessness has not particularly reduced in Jersey. Would he be able to advise the Assembly, since the last time I asked this question, what actions has he taken that have directly impacted on homelessness in Jersey?

Senator S.Y. Mézec:

I do sort of feel like I have answered that question when Deputy Pamplin raised it in similar terms. So we have had several months of extraordinary circumstances where problems to do with homelessness basically have been exacerbated, partly because of Government requirements on how people could move, et cetera, and that an effort was stepped up to mitigate that as much as possible, which I consider to be a great success in the number of cases that came to us that we were able to find solutions to. That has provided a really good base then for looking to what will be a homelessness provision during normal times when there are not these sorts of restrictions. Just to add to that of course, we did also ban evictions during this time so just imagine how bad things might have been had we not done that. So given the extraordinary circumstances we have faced over recent months, I think the work that has been undertaken has been a success and I hope in the coming weeks

when we can provide more detail on the new provisions I hope to be introducing once the Government Plan has been Assembly, that will show those further things we will be able to do.

The Bailiff:

That I am afraid brings the time allocated for this question period to an end. We accordingly move to questions to Ministers without notice and the first Minister is the Minister for Economic Development, Tourism, Sport and Culture.

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

5.1 Deputy K.G. Pamplin:

Can the Minister update us on the co-funding payroll scheme and clear up any ambiguity about what has been reported? As was originally stated, it was to be phased out by March, but can the Minister update the Assembly on what negotiations or any changes have been done in respect of funding and targeting groups who are really struggling and will struggle up until that end period?

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

As previously advised, it is proposed that the payroll scheme is extended until March of next year on a reducing basis. The plan is that September and October it reduces 80 per cent with a 30 per cent detriment test to a 60 per cent contribution to payroll with a 20 per cent detriment test. November and December, that would reduce to 40 per cent with a 20 per cent detriment test, January and February to 30 per cent and March to 20 per cent although I would stress that the Government only has the authority to do this until the end of ...

[12:00]

Deputy K.G. Pamplin:

For the benefit of those who may be listening live, we have lost the audio stream from the Assembly in response to my oral question. So if you are listening or watching the Assembly now, there is a technical problem in the Assembly. We are still live and I am sure once they have got that technically up and running again we will resume, so for anybody listening that is where we are. So apologies for those listening and watching at home and we will be back soon.

The Bailiff:

Yes. Thank you very much, Deputy. Connétable, would you say something into the microphone just to test it?

Male Speaker:

Testing, testing, testing.

The Bailiff:

Yes, and, Deputy Guida, would you try that? Let us just try that one.

Deputy G.C. Guida of St. Lawrence:

Good morning, is this working?

The Bailiff:

Very well, we appear to be functioning again. The Minister was answering a question posed by Deputy Pamplin and so, Minister, if you would answer that question again.

Senator L.J. Farnham:

As previously announced, it is proposed to extend the payroll scheme until March of next year. The current scheme contributes up to 80 per cent of business's payroll with a 30 per cent detriment test. The proposal is to reduce the percentage to 60 per cent with a 20 per cent detriment test for September and October, 40 per cent with a 20 per cent detriment test for November and December, 30 per cent with a 20 per cent detriment test for January and February with a 20 per cent detriment test for March. The Government does not have the authority to extend past the end of the year. That is a matter for the Assembly and that will be accounted for in the Government Plan. In addition to that, officers are in discussions with certain industry sectors that represent those businesses that have been particularly hardest hit because of government guidelines and restrictions, which have prohibited them from operation. I would cite as one group, event organisers who have been severely impacted because of the limits on numbers that can attend an event. Of course, any decision then they would have to undergo the full ministerial approval process but talks are ongoing so I am very much hoping we can get approval for some further assistance to those hardest-hit businesses as we move into what looks like a very challenging winter ahead.

The Bailiff:

A supplementary question, Deputy Pamplin?

Deputy K.G. Pamplin:

No, I am conscious of the time and I will allow other people to ask questions but thank you.

5.2 The Connétable of St. Saviour:

Can I just confirm that a meeting was held yesterday with hoteliers - well some - to see how best to help and how the money could be distributed to help them and why 5-star and 4-star members were asked but 3-star and below seem to have been left off the invitation list?

Senator L.J. Farnham:

No, I can confirm that a meeting has not been held with the hoteliers but there is a meeting planned to be held with hoteliers to present the ideas around further support for the accommodation sector. I will also confirm that any representation of hoteliers will be fully representative of all grades of hotel and visitor accommodation.

The Connétable of St. Saviour:

I would like to thank the Minister for that and as it has gone out publicly that I hope he sticks to that. Thank you so much.

The Bailiff:

Really a supplementary question must be a question and not a comment on the answer, but Deputy Truscott.

5.3 Deputy G.J. Truscott:

The skateboard park has been earmarked for development on the playing fields at Les Quennevais. Can the Minister advise or update the Assembly as to the current status for the project?

Senator L.J. Farnham:

The project is being ably overseen by Senator Pallett, the Assistant Minister. My understanding is the project is progressing. I am not quite sure of the current timeline but I can provide that information to the Deputy and to Assembly Members if they would like. But I can confirm that Les Quennevais Sports Centre has been announced as the chosen site and that the consultation report was published in January of last year. I will get an update for the Deputy on progress but I can assure the Deputy it is progressing. Thank you.

5.3.1 Deputy G.J. Truscott:

I thank the Minister for providing the update. Obviously the project will have to go to Planning for consent; can the Minister in his update give an indication as to when that will go in for approval?

Senator L.J. Farnham:

I understand that a lot of the initial ground investigation work has been completed, the relevant ecological and other surveys, meetings with States of Jersey Police regarding crime impact assessment and mitigation and the initial sketches have been drawn up. So, again, I would have to come back with the exact timing for the planning process but I believe it is imminent.

5.4 Deputy R.J. Ward:

What is the yearly funding from the Government for Locate Jersey and is he expecting that amount to stay the same, increase or decrease in the coming months and years?

Senator L.J. Farnham:

Locate Jersey is not an independent or arm's-length body, it is part of the department. Their budget is in the region of £500,000 a year; the majority of that money is used to promote Jersey before business relocation and for the high net worth programme of relocation. We have seen a reduction in the amount of budget used over the past couple of years and we said that the interest in location to Jersey has remained high but it is consistently under review. But all the budgets across our departments are constantly under review but I do consider Locate Jersey to be an important part of the work that is done for economic benefit, especially with the business location relocation programmes which play a significant part, and will continue to play a significant part, in improving productivity in the new sectors of industry and economy that they are generating and they are producing.

5.4.1 Deputy R.J. Ward:

Would the Minister believe that Locate Jersey provide value for money for the taxpayer in terms of its high-value residents attraction and the effect that they may have on the economy?

Senator L.J. Farnham:

Yes, I do. We know from the tax revenues generated and other sources of income, for example, stamp duty purchased on high-value properties that the high net worth contribution is many millions of pounds a year. I think last year in excess of £10 million in stamp duty alone was generated, that is without taking into account the income tax derived from the high net worth community, so it does present a substantial return on the investment on the budget of Locate Jersey.

5.5 Deputy K.F. Morel:

If I could take the Minister back to my first questions of the morning that I had lodged in advance of the sitting. When the department chose an off-Island supplier to run the National Risk Assessment cybersecurity survey, did the Minister or did the department take into account that Island businesses would be asked to send important details and very sensitive details of their cybersecurity arrangements to an unknown off-Island supplier? If they did take that into account, does the Minister think that that is an appropriate thing for the department to ask of Island businesses?

Senator L.J. Farnham:

Yes, and I do think it is important because the Island-wide cybersecurity risk assessment is an important piece of work to protect the Island and maintain its industries across the private sector moving forward. There has been great concern, not just in relation to the Government's own cybersecurity, but the importance of helping and promoting the importance of cybersecurity to the private sector because if there is a breach then that could have far-reaching consequences for our economy. The survey is still available, it closes on 5th October, and local businesses are still invited to participate. It is almost providing a free support and audit service for private sectors to provide

the advice for them to strengthen their cybersecurity provision. Yes, as part of the tender process, the credentials were very carefully checked of the winning company, so we have full confidence in the confidentiality of the service they are providing.

5.5.1 Deputy K.F. Morel:

It is irrelevant whether the Minister has full confidence in the company providing the service. The issue is: did the Minister not think it strange that local businesses would be asked to break one of the cardinal rules of cybersecurity and send their cybersecurity details to a company that they were not aware of and were not provided any technical information about with regard to maintaining the safety of their cybersecurity credentials? Did the Minister not think that that was an inopportune thing to ask of Island businesses?

Senator L.J. Farnham:

No, I do not. I think it was completely appropriate given the nature of the survey that is being conducted. I did not mean to say that I was satisfied, although I should re-phrase that, that I have confidence in the process that was deployed in the selection of the successful company and in the work they are carrying out. There are certainly no breaches of data protection and there are certainly no cybersecurity issues that are being breached or are or should be a reason for a concern given the due diligence that has been carried out on the company that is performing the survey.

5.6 Deputy S.M. Ahier of St. Helier:

Will the Minister advise the Assembly whether he has had any discussions or meetings with GreenAir which intends to supply electric aviation to Jersey, Guernsey and Alderney in the near future?

Senator L.J. Farnham:

No, not as yet. I do not recall of having been approached but I would be happy to discuss any potential opportunities for the Island but nothing as yet.

5.6.1 Deputy S.M. Ahier:

Would the Minister be considering making any loans available to GreenAir, as was the case with Blue Islands?

Senator L.J. Farnham:

That is not an issue that has come before Ministers, as I understand it, as yet. I think, rather than comment any further, there has been no approach as far as I am aware and no considerations been given.

5.7 Deputy G.P. Southern:

Would the Minister inform Members whether he has engaged in any discussions with Jersey Gas about the relationship between the States and Jersey Gas in the light of the relatively recent rise in gas prices as a result of a breakdown of communications with the department?

Senator L.J. Farnham:

We have not had any breakdown of communications with Jersey Gas. We have maintained a regular dialogue with the company throughout the pandemic. I have met with the new chief executive and I would suggest we have had what I would describe as a productive meeting, our intention to stay in close contact. I have made my position clear to the chief executive. We expressed our disappointment at their decision to increase the tariff and that we do recognise that they did also suffer significant detriment because a lot of their supply goes into the business sector and especially the hospitality sector, which was very hard hit at the beginning of the pandemic. Jersey Gas have confirmed they are committed to Jersey. They see they have a future in supplying energy and expanding on their energy provision and the types of energy they provide moving forward and they

have undertaken to keep their tariffs under constant review. We will be continuing that dialogue. We do have certain responsibilities and power under the Jersey Gas Law but would be reluctant to use those given the circumstances and given the level of detriment that Jersey Gas has suffered during the pandemic.

6. Questions to Ministers without notice - The Minister for the Environment

The Bailiff:

Very well, that brings the allocation for this period of questions for the Minister to an end. The next Minister is the Minister for the Environment.

[12:15]

6.1 Deputy S.M. Ahier:

What actions will the Minister take to protect Le Val-André from development if the hospital is built at Overdale?

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

Well, first of all to say is that as the Minister I have kept entirely out of the site selection process for the new hospital because at the end of the day, under Article 12 of the Planning Law, it will be myself under the current law that has to make the decision on the inspector's report after the inspector's inquiry. I would expect that any issues in terms of impact of the development, wherever it is, irrespective of the place that the Deputy named, will be included within the inquiry in accordance with the principles of the supplementary planning guidance. The supplementary planning guidance, which I was asked to issue by the team, provides, if you like, the advice for applicants. On that particular point, it points out that there will need to be an environmental impact assessment of the impact on surrounding properties wherever it is and also the possibility of mitigating measures. In the absence of mitigating measures being able to work, the supplementary planning guidance requires the acquisition of the properties would be regarded as a suitable alternative, so, therefore, that is the general advice I have given. I cannot give any comments about the particular site, I think it depends entirely what sites the States agrees and I shall have no part in that decision.

6.1.1 Deputy S.M. Ahier:

Is the Minister aware of any endangered local species residing in Le Val-André?

Deputy J.H. Young:

There is no question, I think, that it could be a number of sites where there is going to be impact on wildlife and part of the requirements of the planning application. If it is necessary to develop into areas where potentially that is an issue, then that needs to form part of any assessment that takes place as part of the application. Of course that will probably need surveys of species and so on to be able to establish that, which is obviously going to take some time. So those are all factors that would have to be taken into account on any particular site. But at the end of the day, I think the supplementary planning guidance makes it plain there is no perfect site for a hospital in Jersey where there will be no impacts. What has to be done is to assess those impacts and make a decision, or make a recommendation against how those factors weigh, the planning judgment. That is what the inspector's job is and, at the end of the day, it will be my job as Minister to decide whether or not to accept that or not.

6.2 Deputy R.J. Ward:

Are there any plans to reduce or remove duty on biodiesel currently being sold on-Island and, if so, what is the time span for acting on these plans?

Deputy J.H. Young:

Well I think it has been discussed and, to be frank, I cannot be sure it has been discussed recently because I know that there is no question that advanced generation biodiesel, not the historic ones where there were problems, is potentially advantageous environmentally. But of course there are very big price penalties for it because it is in short supply and therefore there is the issue of tax. I think I would have to come back to the Deputy with a more detailed answer because I know that there are trials taking place and I have heard reports of that. But I think the issue about tax reduction is certainly an issue for the Minister for Treasury and Resources and not myself because there is no question, subject to proper assessment, biodiesel is capable of making a contribution. How big it is I think remains to be discovered.

6.2.1 Deputy R.J. Ward:

Given that this is really a small trial by one garage on the Island and this could work as a transition fuel as we make the move from polluting cars, would the Minister commit to taking this discussion forward to the Council of Ministers as a very small but simple action that can be taken to lower our carbon emissions almost immediately?

Deputy J.H. Young:

I will certainly take it forward for further discussions and consideration, yes.

6.3 Senator K.L. Moore:

Is the Minister content that work to establish a public interest test is now at an adequate place to assist him in deliberating upon any Future Hospital application that might come before him?

Deputy J.H. Young:

I thank the Senator for her question and obviously it is the big issue of the day. The hospital, I have explained my general position on it, but of course that is why I put an enormous amount of effort into the supplementary planning guidance; I spent a lot of time to get it right. Some may consider it long and boring but it contains all the factors in there which will be relevant. What I would say to the Senator is the entire planning process is done in the public interest. All the issues are in the matter of public interest. Obviously there is universality, we need a hospital, the community needs it. That is a strong plus point in the public interest. There are also the negative assessments which may occur on individual sites and, because the Senator knows I am not party to those site selection processes, those judgments, whatever is decided will have to be evaluated in the process I have just described. So I am quite clear, the public interest test is very clear, it is the weighing the various planning factors in the past. Previous decisions went against because the factors against overwhelmingly exceeded the positives but that judgment remains to be made on the new proposal.

6.3.1 Senator K.L. Moore:

I thank the Minister for his answer and would like him to clarify that he did, therefore, apply the public interest test in his mind when he determined the previous application.

Deputy J.H. Young:

Absolutely. In fact, I hope we could go back over this but of course I made extensive statements at the time to explain, set out what the factors were. Of course, I remind the Senator that there was a very clear recommendation for the inspector, which was cleverly worded, and I think I dealt with that in the answers at the time and it shows that, in effect, if the Senator is looking for an overriding policy on the public interest, of course the planning decision can make that, but one cannot override all the other factors. I think other Members are almost certainly going to ... those factors are likely to merge and Members are raising them already even before we get to the site selection but I am confident the process is robust. What I hope is that the team that is producing the application follow the supplementary planning guidance because if that is done, that will help us make the best decision.

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

Could I ask the Minister if he has any plans to increase the opportunities for Islanders, both private and commercial, to increase the amount of sustainable energy they produce on site?

Deputy J.H. Young:

I think we do have a policy. I think the Deputy is probably referring to situations, for example, solar panels and so on. Certainly I know that we have had approaches and, at the moment, there is a general policy which enables them to be waived, but there are a number of safeguards in there. I think at the moment those planning applications are going forward to the Planning Committee. They have been decided by the planning application, they are being judged on the current policy. I think it is clear that the new policy will need to be revised and improved as part of the Island Plan and as part of the carbon neutral proposal but, I will be frank, I personally would not want to see the fields of Jersey covered in solar panel arrays. I think we should be able to make use of roof spaces and others on industrial buildings, and indeed people's homes, because I think that is where we need them. But that is my personal view, the processes, revised policies and the carbon neutral work, so I think it is a question of watch this space.

The Deputy of St. Martin:

I am grateful for the answer.

6.5 The Connétable of St. Brelade:

In a previous answer the Minister suggested with regard to the hospital development that, I believe, in answers to questions back early on last year with regard to Gloucester Street he suggested that he was not comfortable with making the decision on the siting of the hospital. Could he confirm that in the light of supplementary guidelines, that he has suggested, that he will be content to be the final arbitrator when this project comes to him, comes to his desk, as and when it does?

Deputy J.H. Young:

I thank the Connétable. Yes, I did express that view and I certainly was uncomfortable because it was a very high-pressure situation, the judgment to make, but I made enormous efforts and I am confident that, I believe, on that application I got it right. But I did say that I thought there was a case for having a change to the law. My answer just now to Members was based on the law as it stands. I can tell Members that I have signed a ministerial authority to include a widening of that responsibility in the Planning Law amendment, which I have been waiting for for about 2 years, and I am hoping is going to come before the States at the end of this year. What it will include is a recommendation, or at least a change, that that decision can be made by either the Minister alone or by the Minister with his Assistant Minister and a chairman of the Planning Committee. So, that is the proposal but that is not yet articulated in a draft and will need to come before the Assembly but whatever is the situation at the time, I will deal with it under the law as it stands.

The Connétable of St. Brelade:

I thank the Minister.

6.6 Deputy J.H. Perchard:

What is the Minister's view on a policy that would dictate that a certain percentage of the Island should always remain green?

Deputy J.H. Young:

Certainly it is my personal political aspiration. I am not sure whether that needs to be translated into a mathematical equation; from my point of view it is axiomatic. I stood on the basis of a policy which meant protecting our coast and countryside and I am absolutely committed to that. But I say

also that, whether we like it or not, as an Island we live as a community and we do need to provide for community needs to be met. That is why we have a planning system, that is why we have an Island Plan. As we go into that process, the judgment on whether or not we have to compromise any area of countryside for dwellings is going to be a collective decision of the Assembly. At a planning inquiry there will be a lot of conflicting views. I have always said that the hardest thing for any Minister for the Environment, anyone to do, is to stand in front of the Assembly and propose zoning and loss of countryside. That is not a thing I am warm about and I want to make sure we do that no more to the extent that is necessary.

6.6.1 Deputy J.H. Perchard:

I just wanted to push the Minister on this particular view of the percentage though because would it not, from a planning point of view, give a bit more flexibility in the sense that, as long as the percentage was maintained, areas could be rezoned for different uses as long as the percentage of the Island that was green was maintained?

Deputy J.H. Young:

I think the last figures I have, I would have to take advice on the detail of that, but I do remember the Island Plan process that is looking at potential housing needs and the proportion that might be met by possible zoning proposals, that they certainly are relating those to the current land area. We know the percentage land areas and, I apologise, I cannot give that number off the top of my head. My recollection, I think, is that around about 25 per cent of the Island at the moment is developed but I will come back to the Deputy with those exact numbers. Also I will ensure the Island Plan team are provided with the estimate of what the additional zoning land, if it is required; what, if you like, the impact potentially could be but I think at the end I am in the hands of Members. If Members want to propose a planning policy that does such a thing, that can be done. At the moment I am not hearing that coming out of the process but I will ensure the team give that thought but that is without any commitment.

7. Questions to Ministers without notice

The Bailiff:

Very well, that brings the period of questions for this Minister to an end. We now start the questions to Ministers without notice of one hour's duration and the first question is Deputy Higgins as for the Chief Minister.

7.1 Deputy M.R. Higgins:

Will the Chief Minister explain why he is proposing to delay the introduction of the Ombudsman Law when as the Care of Children Panel, which is looking at redress in the Island, is finding the whole system is totally inadequate and will he, first of all, explain why he is not bringing it forward as a matter of urgency?

[12:30]

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

The answer to this question was given at the last States Assembly and, in short, as we have said with everything, we have had to look at all matters in relation to the impact of COVID-19, and I believe COVID-19 did delay some of the preparation for the Ombudsman in any event in terms of the legislation. But what it has also allowed is for the health side of the public sector to be brought into the scope of the Ombudsman. So the intention is to get the legislation in place before the elections but obviously the Appointed Day Act to come in afterwards. Obviously if matters change we can try and accelerate but that is the present position.

7.1.1 Deputy M.R. Higgins:

Does the Chief Minister accept that by not having a proper complaints system, cases like the Alwitry case which are going to be deciding the quantum of damages, he has already won his case and it is a question we could be paying millions in compensation, does he not realise that by delaying it we could be losing more money than he is saving by putting it off for as long as he is?

Senator J.A.N. Le Fondré:

There are a whole range of issues, as we know, around quantum of damages and the Deputy will recall it was the legislation that we brought in almost as one of our very first events, which was to reduce the exposure of damages by the public to claims. But, again, I am not unsympathetic to his remarks but I do refer him directly to the detailed response we gave in the previous sitting.

7.2 Deputy M.R. Le Hegarat:

What funding support has the Minister for Children and Housing or the Government given to the Shelter Trust in order to assist them in the extra numbers of homeless?

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

I do not have the number itself to hand but I know that officers have been working very closely with the Shelter Trust and have helped assist them in acquiring new premises to house people for emergency housing. We are in that awkward phase where the Government Plan has yet to be published so we cannot go into full detail of this, but I will be making proposals in that for support for homelessness charities in Jersey. But I cannot say too much of the detail on that but would be happy to speak to Deputy Le Hegarat if this is an area she is interested in.

7.3 Deputy K.G. Pamplin:

As the Chief Minister gave away it was me, indeed, and it should not be a surprise to the Chief Minister that I am asking him about my proposition P.88 as amended by the Government where we were missing certain parts of that proposition. It is brought to my attention that S.T.A.C. (Scientific, Technical and Advisory Cell) minutes have been updated but not up to the date as of today. So again I ask the question of the Chief Minister: when will my proposition, unanimously voted by this Assembly, that every single part of that proposition will be in place, which should have been in place by 1st August?

Senator J.A.N. Le Fondré:

My understanding that the S.T.A.C. minutes are slowly coming online. We have been pushing for them to be at least updated and we continue to try. I do make the point that the S.T.A.C. body is made up of ... I was going to say literally operating clinicians as in they do do operations as well and I think quite literally it has been workload, but we have been making the point quite clearly that it is a States Assembly decision and it needs to be expedited. As I said, Members will have seen some movement, there is further to go.

7.3.1 Deputy K.G. Pamplin:

Just picking up on what the Chief Minister said there, he said “updated” the minutes. If the minutes are recorded in the moment that they are, I do not understand, and hopefully he can clarify what he means, that interpreted that it does not mean they are amended. Minutes taken in the moment should be therefore present, fact checked, of course, and I guess legally as well, that everyone is happy with them to be presented, equally to Scrutiny first, which still has not happened, as well as then publishing them online. I appreciate what he is saying and I reiterate the point I do not want to put pressure on staff and workload, this is clearly for those with responsibility to ensure a proposition is fully, fully succeeded. Thank you.

The Bailiff:

Deputy, was that a question? Because your only ability to respond is to follow up with a supplemental question, not to make a comment.

Deputy K.G. Pamplin:

Yes, sorry, the question was the Chief Minister's statement where he said the minutes were being amended or updated, could he just clarify what he means by that remark?

Senator J.A.N. Le Fondré:

If I used the word "amended" I certainly did not mean to imply anything. I think, as I understand it, bearing in mind these are published or, sorry, rephrase that, they are being asked to be published, I am presuming there is a point where, depending if the minutes had any very personal information in there or anything along those lines, they would have to be reviewed - is probably the word I needed to use - to make sure there was not any breach, so effectively they are not part B minutes that are being published. I believe that is the process that is having to be gone through. I have not been terribly close to that process because at the end of the day all I am concerned about is that the minutes are published in the appropriate format. I certainly did not want to suggest in any shape or form that they are being amended in a negative tone but I do suspect there has got to be a review process to make sure that there are no breaches of personal information when their minutes were originally produced with probably not envisaging being published.

7.4 Deputy M. Tadier:

Does the Minister for Treasury and Resources recognise that Treasury officials have no mandate to go against the P.40 decision on arts funding and that, in fact, they have the opposite mandate and duty to honour the States decision for 1 per cent of funding for the arts in 2022 and beyond until such a point as the States has decided to rescind that decision?

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

I understand completely where the Deputy's question is coming from. What I said in answer to question number 7 earlier in the day is that for 2021 the Government Plan has had to change some directions for all departments, all areas of expenditure, but the proposition P.40/2019 was to be adhered to by 2022 and I do not see a problem with doing that.

7.4.1 Deputy M. Tadier:

Would the Minister explain why then that the figures I have been given for 2022 and beyond show a significant shortfall in the 1 per cent of funding in the art sector? Does she know the damage that this sends out in terms of a message to the arts sector in a period when confidence had been building and they thought they had turned a corner in their relationship with Government?

Deputy S.J. Pinel:

I have to say that if the Deputy has figures for 2022 and beyond, he should not be revealing them because they are going to be in the Government Plan, which is going to be launched and published on 12th October.

Deputy M. Tadier:

A point of order. First of all, I did not reveal any figures but the Minister has not answered the question and I would like her to answer the question.

Deputy S.J. Pinel:

I stick by what I said, that I cannot reveal any figures until the Government Plan is published in October.

7.5 Deputy R.J. Ward:

Given that a key part of our democracy is that all Members have the equal right to bring propositions to the Assembly, would he agree that any delay or failure to implement any proposition or amendment to the Common Strategic Policy is a threat to our democracy?

Senator J.A.N. Le Fondré:

I think I would like to know what the Deputy is referring to.

Deputy R.J. Ward:

I did not realise it was question time but I am quite willing to give it a go. I can refer to perhaps arts funding for the classifications of functions of government that has not happened, the Sustainable Transport Policy that has not really happened, to the Common Strategic Policy agreement to build a youth centre in the north of town, which has not happened, to P.88, the much talked-about regards the S.T.A.C. minutes that have not happened. There are increasing numbers of propositions that do not seem to be acted upon and I raise it as a genuine concern of those who are non-Executive Members of the Assembly. Thank you.

Senator J.A.N. Le Fondré:

I thank the Deputy for clarification. There are a variety of issues in there which are to be included in the Government Plan. I think there needs to be a recognition from the Deputy that when - and as I said the Members will see the impact of COVID-19 - that in the event that we have had severe impact that sometimes one may have had to reprioritise. But the Government Plan does not get finalised until Friday; therefore, the Deputy is obviously aware of other information that perhaps may have been erroneously fed in because until that Government Plan is finalised there are still conversations going through about how matters do get completed. What I will say, again, and it will always be a matter for the Assembly, is that there are times when we have to make some priority decisions and, for the sake of argument, it may be a case that one needs to prioritise things like mental health and children's services versus some other more esoteric areas, although they might be important in the context of the financial pressures we are facing, but that will be a case of being finalised in the plan. What we have tried to do to date is maintain growth where we can. Now that does not mean it is the same magnitude of growth that we had originally thought about but there is growth in the plan detailing with many of the priorities but bearing in mind the sheer impact of COVID-19. We are in a good place in terms of financial in the Island, that is important to remember, we are in a good place from a health perspective and we do not willingly go out and ignore decisions of the Assembly. Sometimes there are things that take longer for very practical reasons.

7.5.1 Deputy R.J. Ward:

The context of this is the constant referral by members of the Council of Ministers to delay and to the impact of COVID. So, therefore, one assumes, unfortunately, that one of the casualties of the COVID-19 is the democratically-agreed propositions that we have in this Assembly. It is still unclear, and perhaps the Minister can give clarity, and that is my question, how these decisions will be made because we are not seeing or being involved in those decisions as non-Executive Members.

Senator J.A.N. Le Fondré:

I hate to phrase it this way but the fact that the Deputy is a non-Executive Member means that until the Government Plan is finalised he will not see the outcome, which is the nature of the system we deal with. In terms of taking account of the democratic decisions of the Assembly, we do our very best to take account. There are times when the timing on that means that we cannot deal with everything as quickly as we might like, partially because of, as I said, or mainly because in this year the sheer impact that COVID-19 has had. So, for example, we do want to see the S.T.A.C. minutes published but unless Members want me to apply unacceptable pressure to clinicians who are keeping members of the public alive and healthy to do what they would regard as an administrative role, then there are balances within that and I am not prepared to do that. We do raise the point that we do need

it to be expedited but equally and, as the Deputy should be aware, there are many other issues emerging in other jurisdictions around us at this moment and that has been a priority. What I will be doing is as we get to the Government Plan having been signed off in the Word format, which is what is happening in the next few days, we will get back to obviously the briefings that Members were seeing before the summer recess both for COVID-19 and obviously for the Government Plan itself. I think at that point we need to look at it in the context of the overall plan.

The Bailiff:

Thank you very much indeed, Chief Minister. That reaches the point where it is normal for me to ask whether the adjournment is proposed.

LUNCHEON ADJOURNMENT PROPOSED

The Bailiff:

The adjournment is proposed. Before we adjourn until after lunch, the Draft Statistics and Census (Amendment of Law) (Jersey) Regulations P.115 and the Draft Census (Appointed Day) Act P.116 were lodged this morning. Very well, the States stands adjourned until 2.15 p.m.

[12:45]

LUNCHEON ADJOURNMENT

[14:16]

The Bailiff:

Very well, we continue with what remains of the hour's period, some 45 minutes remains for questions to Ministers. The next listed to speak is Deputy Morel.

7.6 Deputy K.F. Morel:

My question is to the Minister for Social Security and I would like first just to refer back to Written Question 283/2020, which I asked at the last Assembly. In that question I asked for details of social security contributions and the Minister, in her answer, said that she could not give answers for 2020. I would like to ask the Minister why she was unable to provide me with details of the 2020 contributions when in the Fiscal Policy Panel's letter to the Minister for Treasury and Resources dated 5th August it clearly states that the number of class one social security contributors saw a modest fall in January and February but a more significant fall in March of 1.5 per cent. The same data suggests earnings have been holding up in March; however, a more significant decline is likely to be seen in quarter 2. So it appears that the Fiscal Policy Panel have been provided with this information but the Minister was unwilling to provide it to me in the answer to Written Question 283, could she explain why?

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

Yes, thank you, Deputy, and I really must apologise. This was brought to my attention at our Social Security meeting the week after on the Friday. The Fiscal Policy Panel had got some figures; again, the officers from Social Security were concerned that they were not completely right so we are looking into this now. We probably should have written to the Deputy at the same time and this was pointed out to me. There was no intention of not getting the Deputy the figures he requested, I was told they were not available in a robust enough format. But I will rectify that as soon as I possibly can and I am sorry, again.

7.6.1 Deputy K.F. Morel:

Does the Minister have a timeframe for correcting that and providing me or the Assembly with the answers?

Deputy J.A. Martin:

The officers were tasked, that would be 2 weeks ago because it was a States sitting, to find out what has gone on and I will find out that timeframe asap and get back to the Deputy. Thank you.

7.7 Deputy G.P. Southern:

Will the Minister publish the data which underpins the Jersey Care Model forecast showing the reduction of some £23 million of required expenditure growth for the healthcare system by 2036? Will he advise to what extent this is dependent upon moving residential and nursing placements from residential homes to patients' homes and by moving treatment follow-ups out of the hospital and into the community?

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

Yes, the data is published in the proposition that has been lodged over the lunch break to seek approval for the Jersey Care Model. To that proposition is attached the PwC stress testing reports of the care model and the Deputy will be able to dig down into the data. As a member of the Scrutiny Panel, which is preparing a report on the care model, he will also have access to information and be able to ask us questions in Scrutiny, and of course can make use of his own advisers to interrogate the data. It is the case that we anticipate that there would be savings of £9 million if care home provision moved to domiciliary and support of people at home and savings of up to £6 million could be made for providing rehabilitation support in the community rather than in the hospital in line with best practice. So I look forward to discussing all these matters with the Deputy in Scrutiny.

7.7.1 Deputy G.P. Southern:

Does the saving of £23 million of required expenditure growth depend on placements in patients' homes and follow-ups in the community being other than in residential homes or in hospital?

The Deputy of St. Ouen:

I am not sure I quite understand the question. So if care is delivered in people's homes in lieu of hospital or care home settings, the intent is that that would achieve savings in other growth, in anticipated growth, over the period of the care model.

7.8 The Deputy of St. Mary:

Following up my oral question this morning regarding gatherings of musicians and choirs, I simply wish to ask the Minister, as Minister for Economic Development, Tourism, Sport and Culture, does he acknowledge the importance of such choirs to the fabric of the Island community and could he give some indication as to the input which he or his department has in the forthcoming discussions?

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

I thank the Deputy for that question. Both the Assistant Minister and I are fully supportive of that sector. We understand the importance, the cultural importance, and the impact on Islanders' general well-being that activities such as singing provides for them. In fact, that has been one of the major concerns is the non-COVID-related health and well-being issues that we must not neglect. However, we are listening to the advice of S.T.A.C. and our medical experts. We sometimes, shall we say, have very meaningful conversations about what should and should not be allowed and the bottom line is that while there seems to be some inconsistencies on what is allowed and what is not and some different expert views on what is safe and what is not in this sort of uncertain time as we come into the winter, the bottom line from the medics' point of view is the more that we allow now then the more the risk could increase at this crucial stage. We are having similar conversations about church congregations as well, which are equally as important and challenging. So I do very much hope we can get back to normality as soon as possible but we must always remember that sometimes we have to consider very carefully any additional risk for allowing additional activity against the impact that could have on the economy if it was to backfire.

The Deputy of St. Mary:

I thank the Senator for his answer and I have no further questions.

7.9 Connétable D.W. Mezbourian of St. Lawrence:

As the Minister will know, the sudden cancellation last week of the proposed changes to travel restrictions has caused huge uncertainty for travellers. When will a revised list be produced and how much notice will be given of any further restrictions such as changing an area to amber or red from green?

The Deputy of St. Ouen:

Yes, I acknowledge that some passengers will have felt inconvenienced, it is not our intention of course to do so, but this is a difficult area to try and get right. So competent authorities Ministers met yesterday, the Council of Ministers is meeting this evening, this is under discussion, and, subject to Council's views, I anticipate that an announcement will be made possibly tomorrow and the intention is to give good time to people to make their plans for travel. Thank you.

7.9.1 The Connétable of St. Lawrence:

Can I ask the Minister to give a definition of "good time" please?

The Deputy of St. Ouen:

This has to be discussed with those who are operating the tests and tracing system and who know about flight schedules through the ports, flights and harbour schedules and when most people travel. So we want to avoid, as much as we can, disruption. We want to give due notice, at the same time as not unduly increasing risk of feeding infection into the Island. So I cannot be precise until those further discussions have taken place but we are aware of the concerns that the Connétable outlines.

The Bailiff:

To answer a question posted in the chat; I have carried forward the question list from this morning. Deputy Gardiner has a question for the Minister for Health and Social Services.

7.10 Deputy I. Gardiner:

As testing times are falling and infection rates in the U.K. are rising, would the Minister for Health and Social Services reconsider his decision to allow people travelling from the U.K. freedom to move around Jersey before they get their test results and ask everyone to self-isolate until they get their results?

The Deputy of St. Ouen:

This is under constant consideration by Ministers and the members of S.T.A.C., and perhaps I can give some heart to the Deputy that with our new on-Island testing procedures available, the time between taking the test and receiving the results is going to be considerably shortened, thereby even further reducing any risk to Islanders.

7.10.1 Deputy I. Gardiner:

Within the last changes, the U.K. seems to be turning into a jigsaw puzzle of tiny areas, and it is complicated and you would not want to be there. Would the Minister consider the overall cut-off number of incoming infections that would trigger a change in the policy and, as the Minister mentioned, with shorter times for waiting their policy can be more robust and clear?

The Deputy of St. Ouen:

Yes, we recognise the changes that are happening in the U.K., and that has been the subject of much discussion and will continue to be this evening when the Council of Ministers meet. So we are continuing to try and ensure that our safer travel policy is the best we can achieve for the Island to

ensure that we create the least possible harm to our health and well-being. The matter is being reviewed in the way that the Deputy suggests and further announcements will be made when decisions have been arrived at. Thank you.

The Bailiff:

I am afraid I am going to have to pause the meeting. I have been forcibly removed from the online connection, I am afraid. I have tried to rejoin but I have been forcibly removed twice, so I shall need to step out of the meeting for the time being while somebody fixes that.

Senator I.J. Gorst:

Are you asking for a recess while that can happen?

[14:30]

The Bailiff:

I was intending to ask for a recess on the basis that someone would need to fix it but if the Greffier is able to continue from where he is but my machine is non-functioning at the moment. Are you able to continue, Greffier?

The Greffier of the States:

Yes, I think so, as long as Members can hear me.

7.11 Deputy L.M.C. Doublet:

My question is for the Minister for Health and Social Services and I refer to the news, which I am not sure if it was announced, but I think the media have picked up on a planning application regarding the Maternity Unit and renovations to that part of the hospital. I would like to ask the Minister what consultation he has engaged in with parents and healthcare workers and what model of best practice is he following with this renovation, please?

The Deputy of St. Ouen:

The work we wish to do at the maternity unit is informed by the feedback from mothers and, indeed, fathers who have had their children there, and by the staff and by looking at best practice in such units in other healthcare systems. This will be an improvement, a much needed improvement, which is necessary until we get to the new hospital location.

7.11.1 Deputy L.M.C. Doublet:

Could the Minister please refer specifically to which model of best practice is being followed? He referred to consulting mothers and fathers, I am not aware of any systematic consultation that has taken place, could he advise what form that consultation took, please?

The Deputy of St. Ouen:

I believe that this would be from the collection of comments and feedback received, H.C.S. (Health and Community Services) throughout its services received a great deal of feedback. As to precisely which model, I will need to come back to the Deputy on that. So many of the improvements that are needed are about decoration and providing storage space and, indeed, improving our theatre provision for maternity too.

7.12 Deputy R.J. Ward:

Does the Minister have any plans to improve the cycle lane in particular along St. Aubin Bay? For example, by resurfacing with a clearer, lighter surface, a more visible surface and to improve signage for shared space which may assist with some of the problems that arise there?

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

Yes, indeed. Officers are working on that as we speak. There is a new cycle lane being built behind the original sea wall on the Esplanade, which will separate pedestrians and cyclists, and officers are also looking at the stretch going way back to the Gunsite Café to make sure that everything is safe and to try and keep people as separate as possible. We may lose a little bit of the car parking but as long as both pedestrians and cyclists are safe it will be a good move.

7.12.1 Deputy R.J. Ward:

Two things: one, whether a process of perhaps education about the use of shared space will be undertaken and, secondly, what is the timescale for the changes that he has suggested there?

Deputy K.C. Lewis:

As I say, the new cycle lane is being constructed as we speak behind the sea wall, so that is happening now. Officers are actively looking at ways of improving - it is an ongoing project - that whole length of pedestrian area and cycle lane going back towards to the Gunsite Café. There was an accident a while ago where somebody strayed into the cycle lane and was hurt. We are very aware of that, we just want to keep everybody safe, keep everybody apart, make sure cyclists are cycling at a reasonable speed and pedestrians and cyclists are kept separate.

7.13 The Connétable of St. Brelade:

In the light of the second COVID wave materialising in certain areas of the U.K., would the Minister confirm that he has had discussions with Ports of Jersey as to how they might be dealing with that should the necessity arise in the Island?

Senator L.J. Farnham:

Yes, we are having regular updates from Ports of Jersey and are monitoring very carefully the opportunities and impact to keep Islanders and visitors moving throughout the COVID pandemic. The latest challenges are, of course, coming from the reclassification of jurisdictions and regions within the jurisdictions as the number of the COVID cases are increasing. All of our current efforts are on ensuring we can maintain our safer travel policy, while working within the European standards on those classifications. The short answer is, yes, we are working very closely with Ports of Jersey and we are doing everything we can to ensure we maintain some vital transport links for Islanders as we move deeper into the pandemic and into the winter.

7.13.1 The Connétable of St. Brelade:

Has the Minister with the Ports given any consideration to closure of the ports once again should the necessity arise?

Senator L.J. Farnham:

We have not ever closed the ports, we have put restrictions on travel. Of course we have to keep the ports open for essential travel, not least the importation of freight, the exportation of goods and, of course, the transportation of Islanders for essential work, for compassionate grounds, for urgent medical treatments and for essential work. We have kept that going right throughout the pandemic. Whatever happens with COVID-19 we will have to keep those routes and those corridors of transport open. What we are doing now with our safe to travel policy has only been enabled by the fact we have a very strong insurance policy with the mitigation and the pre-emptive measures we have in place from on-Island testing, speeding up the result service, second tests for amber regions, an increase in workplace testing and a new track and trace app coming out. As we face more challenges we are increasing the safety net behind those challenges, which should enable us to keep moving forward while stabilising the numbers of positive cases.

7.14 Deputy S.M. Ahier:

What arrangements have been made for access to relatives in residential care in the event of tighter COVID restrictions being imposed?

The Deputy of St. Ouen:

This will be a matter to be determined by each provider of residential care in consultation with our medical experts. For that purpose there is a group that has been set up and that meets weekly, at which all residential care providers are invited to attend virtually and discuss these issues. I do not think there is one standard practice across all care homes. There is guidance, of course, on the website and different ways perhaps, different methods of implementing that guidance to keep the residents safe. We are very well connected with the care homes through that group I have mentioned and any problems are raised at those weekly meetings.

7.14.1 Deputy S.M. Ahier:

Under such circumstances, will visits be permitted to residents who are in end of life care?

The Deputy of St. Ouen:

Subject to any medical considerations and the wishes of the home concerned, I see no reason why visits should not go ahead to those on an end-of-life care pathway. If the Deputy has any specific concerns, particularly about individual patients or generally, I would be pleased to address them. I am not aware of any problems. I am not receiving any comments or concerns from anyone on the subject of visiting people in residential homes.

7.15 Senator K. L. Moore:

Again a question for the Minister for Health and Social Services. Does the Minister have any plans to offer the ability for people to test themselves using home test kits in order to plan for ongoing travel or visits to residential homes, or other places, for example?

The Deputy of St. Ouen:

We have no plans, I have not seen any proposals in that respect and neither has that been discussed in terms of home care kits. There are private providers who are now providing testing, which is available to anyone on the Island who wishes to have a P.C.R. test for travel purposes or for visiting in care homes and other circumstances.

7.15.1 Senator K.L. Moore:

If I may, I would encourage the Minister to consider this. The private providers are very often extremely expensive. For example, perhaps would the Minister consider allowing people to make appointments to attend at one of the port's testing centres where staff there are sometimes subject to lighter periods of work during their 6-hour shifts?

The Deputy of St. Ouen:

We will consider the points raised by the Senator. It is the first time this has been raised with me. I would just make the point that COVID-19 is a notifiable disease so if it were to be the case that people were testing themselves at home, we would not want them, if they returned a positive test, to simply sit on that information and isolate. We need to know that they have returned a positive test. So there is that risk if home tests were available that we would not have that oversight and hence could not monitor the spread of infection in the Island. But I will speak with officers and the matter will be considered.

7.16 Deputy M.R. Higgins:

The sea cadets desperately need a new headquarters due to the state of their Fort Regent headquarters. I have been told that the department is considering using the former States of Jersey Police Station at Rouge Bouillon and that to do this some £250,000 will have to be spent on the building. Can the

Minister advise Members if it is correct that they will be temporarily moved to the old police station and what the cost will be?

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

Sorry, I missed the last few words of that question.

The Bailiff:

Yes, I am afraid that cut out for us as well. What were the last few words you said, Deputy Higgins?

Deputy M.R. Higgins:

Asking if the Minister can also confirm the cost of the work that needs to be done in the building.

The Connétable of St. Clement:

I had a meeting not so long ago with the committee members of the sea cadets and I agreed with them that the sea cadets have had a pretty raw deal over probably the last couple of decades. The building at Fort Regent currently is not fit for purpose. We have agreed that a temporary headquarters would be found for them, which should be operational next month, and I believe the committee are very enthusiastic about what we have offered for them. I cannot remember what the actual costs are, that is being dealt with by Jersey Property Holdings.

[14:45]

But what I have also said is that I expect a new permanent headquarters be identified for them before the end of the year and if not we will have to find the funds to refurbish and rebuild their headquarters at Fort Regent.

7.16.1 Deputy M.R. Higgins:

As the Minister knows, I am fully supportive of the sea cadets and the value of the organisation. Is the Minister going to be putting in a request for funds in the Government Plan for them to have a new headquarters, as you say, almost immediately because of the delays of the last 2 decades?

The Connétable of St. Clement:

Clearly we cannot build a new headquarters immediately. What I have charged my department and Property Holdings to achieve is a site and a plan for a new site if it can be achieved by the end of the year. If it cannot be done before the end of the year I will be bringing a proposition to the States to do, as I say, the rebuild or the refurbishment at Fort Regent, which I believe is the preferred option of the committee of the sea cadets.

7.17 The Connétable of St. Lawrence:

When will the reports that have just been completed into the 5 shortlisted sites for the hospital be available to Members?

Senator L.J. Farnham:

The reports have been finalised, the site selection shortlist reports, and are coming to the political oversight group I believe tomorrow. The proposal is then to publish the reports and make public the information when we lodge the report on the preferred site on 5th October, that is the current timescale.

7.18 Deputy K.G. Pamplin:

Will the Minister update the Assembly on his previous answer to my question around the work on assisted dying that his department were carrying out and, as he explained last time, were paused because of the pandemic, and the intention to establish a citizens' jury in their work in bringing this to the Council of Ministers and then the Assembly for a proposition in the future?

The Deputy of St. Ouen:

Yes, as the Deputy outlined a citizens' jury was proposed but, of course, that could not proceed due to the COVID emergency. There have been discussions taking place with the organisation which would facilitate the citizens' jury, not only in connection with the assisted dying issue but the same organisation is providing the citizens' assembly in connection with the environmental issues. There is discussion taking place with them because we have to work out whether we could establish a citizens' jury that would meet virtually, or could it meet physically, would the facilitator be present in the Island or online? We must come to a view on this but I worry about conducting a process through Teams or Zoom or anything like that. I do not think it would be quite as a considered or responsive process, but if that is what needs to happen, so be it. We are trying to deliver that citizens' jury in spring next year, that is the earliest date that is feasible in terms of these consultants, I believe. That would allow for States debate on the jury's report and recommendations before the end of next year. I appreciate it is delayed from what was first intended but the public health policy work, I trust Members will appreciate, needed to be prioritised over this policy work. That is as far as I can update the Assembly at the moment.

7.18.1 Deputy K.G. Pamplin.

I thank the Minister for his answer. Two parts: will he include non-Executive Members of the Assembly who have a personal interest in this subject matter with the jury selection and the ongoing work? Lastly, more importantly, will this be in a place before the next election where we will have something to either propose or debate? Is that his intended before the next election that we do have something, time allowing of course?

The Deputy of St. Ouen:

In answer to the first part, I do not think Members of the Assembly should be involved in the jury selection. I think it should be undertaken as a wholly independent process with a transparency that can show that the jury members have been selected as representative of the Island. My intention would be to bring something to the Assembly next year but, of course, we have these hurdles to overcome, the setting up of the jury, and it will depend of course on us continuing to keep COVID under satisfactory control. We are working on it, it is back on the agenda and we are trying to establish that jury to work on the topic next spring.

7.19 The Deputy of St. Martin:

A follow up to the last question. I am very disappointed with the Minister's answer there, I have to say. I am sorry to say that it is all well and good to say it is COVID-related but the citizens' jury by definition are not civil servants and they are not politicians, they are people who may well have been available via a video link - we ourselves have managed to work remotely - and for the Minister to say that this may come back to the Assembly some time next year is disappointing. I would ask him why this work has not been able to be done with citizens during the lockdown?

The Deputy of St. Ouen:

I think that would have been a big ask for so many groups and, in particular, those who might have served on the jury. One has to consider whether it would be appropriate to have been discussing processes around dying at a time when the Island faced those issues where death was facing us in March and April of last year. Just the limitations on the public service, that everybody's work was funnelled into protecting the Island from the COVID virus and we would have had to have drawn off officers to establish a citizens' jury. I also do not think we could have had the facilitators involved from the U.K. and that is necessary to ensure transparency and independence. It is just unfeasible. I am sorry if it has upset the Deputy but it would not have been feasible to go ahead as planned and I do hope Members appreciate that.

7.20 Senator K.L. Moore:

Is the Minister considering offering any financial incentives to airlines?

Senator L.J. Farnham:

The Ports of Jersey have an ongoing pre-COVID, during COVID and post-COVID business plan and marketing budget for the continuation and development of air routes. That work is ongoing through the pandemic and into the future. Outside of the States support for Blue Islands, which has been widely reported on, I am currently not aware of any further financial support that has been requested or any discussions at this moment in time, although that could change depending on how the situation changes as we move into winter.

7.21 Deputy K.G. Pamplin:

Can the Minister for Health and Social Services update - and I am in his hands if he would like to refer the question to the Minister for Treasury and Resources - on what the holdup is to the contract for the vaccination programme with all external government bodies, i.e. pharmacists and G.P.s? Can he provide when that contract will be agreed, subject to the proposal to extend opening hours on Sunday to be resolved at the next sitting? If he could just update what the holdup is on that contract?

The Deputy of St. Ouen:

I fear I cannot help the Deputy a great deal. I am not aware of any hold up. The matter is being negotiated. Negotiations are not yet concluded but I would not say there is a hold up. I am afraid I cannot assist further.

7.21.1 Deputy K.G. Pamplin:

I am just curious because of the indications of the time pressures that was put forward by the proposal that has now been withdrawn and the undergoing of such an enhanced vaccination programme that the sooner a date is put forward so people can start using the vaccinations which are on the Island already would be good for everybody concerned. So if he could provide an update to the Assembly as soon as possible, I think we would all appreciate that.

The Deputy of St. Ouen:

I will make enquiries and will update Members if there are any areas of concern. I am not aware of any proposal being withdrawn.

7.22 Deputy K.F. Morel:

I apologise to the Chief Minister if I have missed any sort of announcement but would the Chief Minister confirm whether the Emergencies Council is still operating as a decision-making body? If so, when is he planning to close down the Emergencies Council in favour of operating solely through the Council of Ministers?

Senator J.A.N. Le Fondré:

The Emergencies Council is a standing body. To date both the Emergencies Council and effectively a subset of it, which is the competent authorities have been working through the individual powers of the individual Ministers and the split, broadly speaking, is that the health crisis sits with the Emergencies Council and if time is an issue with the competent authorities then the economic side of things - because that tends to be a slightly slower pace, relatively - goes up to the Council of Ministers. That is the process that is staying. The Emergencies Council is likely to next meet probably some time in the next 2 weeks.

7.22.1 Deputy K.F. Morel:

It is interesting the Chief Minister says the Emergencies Council is a standing body, that may be the case but it is still up to the Chief Minister to call the meetings of the Emergencies Council. Does he

have a timeframe in mind when he will say that the work of the Emergencies Council with regard to COVID is over? Is that something that he has considered?

Senator J.A.N. Le Fondré:

The Emergencies Council is going to continue throughout the pandemic crisis and therefore I would envisage, particularly given what we are seeing elsewhere at this stage, that it will continue meeting probably until end of first quarter-ish next year.

7.23 Deputy M. R. Higgins:

Can the Minister advise Members what powers he has to require owners who have planning permission to expedite their developments and, if not, to demand that their properties not be left in a dilapidated condition. The sort of eyesore I have in mind is the old Pinocchio restaurant site on St. Aubin's inner road, which has been left almost derelict since planning permission was given maybe 10 years ago.

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

There is quite a bit to that question. The first thing is what powers does the Minister have to ensure that a planning permission that has been given and commenced is completed on a timely basis. The answer is none. But there are separate conditions relating to the condition of buildings. Procedures that whereby something is considered to be ... I cannot remember the words but there are certain criterion in the law that requires a condition notice to be served.

[15:00]

The general practice is not to do that because it is very heavy-handed and there are lots of properties, which are not in an ideal condition. It is generally reserved for both historic buildings and, most particularly, where they are in a dilapidated, dangerous state where the Constable has additional powers. I think to quote the one example that is getting really close to serving a notice, a notice of ourselves and I have advised the officers on that folly, where I am really convinced that we have a building there that is in very poor state and should be dealt with. I think that is the kind of criteria. It is an exceptional basis. That is the best I can answer the Deputy at the moment, I think.

The Bailiff:

I am afraid that brings to an end the time allocated for questions under this heading. That now concludes question time. There is nothing under J or K so we come on to public business. Before we come on to Public Business I understand the Minister for Economic Development, Tourism, Sport and Culture would wish to postpone the debate on the Draft Shops (Regulation of Opening) (Amendment – General Practitioner Surgeries and Pharmacies) (Jersey) Regulations 202- until a later sitting. Minister, did you want to say something?

Senator L.J. Farnham:

Thank you. That is correct. Following a meeting yesterday with the Health and Economic Affairs Scrutiny Panel who have asked for more time to consider this, it was agreed that I would withdraw this today and give Members notice that I intend to bring it back, hopefully with the support of the Scrutiny Panel at the next sitting on 6th October. I thank Members for their understanding. Thank you.

PUBLIC BUSINESS

8. Senators and Deputies: removal of citizenship requirement (P.75/2020) - as amended

The Bailiff:

Thank you, Minister. The first item of Public Business is the Senators and Deputies: removal of citizenship requirement, P.75, lodged by Deputy Tadier. There are 3 amendments lodged to the

proposition, one from the Deputy himself. Deputy, are you looking to proceed with your proposition as amended by all of the amendments?

Deputy M. Tadier:

Yes, please, Sir.

The Bailiff:

Does any Member object to that way of going? Very well, I ask the Greffier to read the proposition as amended.

The Greffier of the States:

The States are asked to decide whether they are of opinion - (a) that the requirement that Senators, Connétables and Deputies must be British citizens should be replaced by a requirement that they must be British or Irish citizens or qualifying citizens of a Commonwealth or European Union country; (b) that a person should have a continuous period of residence of 5 years, and be “entitled for work” under Regulation 4(2)(a) of the Control of Housing and Work (Residential and Employment Status) (Jersey) Regulations 2013, to be eligible to stand for election as a Senator, Connétable or Deputy; (c) that, for a person who is Jersey-born, there should be no requirement to have been ordinarily resident in Jersey for a set period of time prior to election day to be eligible for election to the States; and (d) to request the Privileges and Procedures Committee to bring forward the necessary legislative changes to the States of Jersey Law 2005 and the Connétables (Jersey) Law 2008.

8.1 Deputy M. Tadier:

It is unusual to be back in the Assembly and to be sitting down to address yourself and other Members, it almost feels like an act of rudeness but I know it will not be taken like that. I am pleased to be back in here today and hello to my colleagues who are listening online. This debate, first of all, is not the same proposition that I had tabled and in some ways I had to get my head around that because for me this really quite a principled argument. I have held this view for quite a long time, it is one that is shared by many and it is one which is opposed, to an extent, vociferously and viscerally by others. But I think that there is a middle ground when it comes to looking at progress that could be made in terms of election candidacy, criteria and eligibility. That recognises the fact that we are not in stasis as an Island or a democracy, that we have evolved in many ways. This debate has the potential and the risk, I would say, of taking us down many side tracks and avenues about abstract concepts of loyal, about technicalities of what happens in a scenario where we might go to war. What I would ask Members is to really look at the high-level narrative, which I think I, Senator Gorst and others are looking to bring, not just to the Assembly but to apply to our Island community more generally. That is one to say that what is a narrative that we want to be telling about our Island and our democracy. For my part, and I know for many others, it is one about openness, about the fact that we are a modern democracy, that we are looking out towards the world and that, as always, Jersey has been a melting pot for many different ethnicities and nationalities. Many people come to Jersey who are not born here from different backgrounds and different nationalities and make it their home. This is a slightly risky thought that I just jotted down a moment ago but I will say it nonetheless. There are many variations. I have heard it said that we are British by accident but we are Jersey through choice. That is not in any way to denigrate or take away from our British heritage. We know that the Island has been fought over for many centuries by those who would covet our geographical position and the political advantages that that gives. Nonetheless, we are an Island who has always maintained a strong identity of our own and which has taken the best, I think, of all the cultures and all the nationalities that our proximity has afforded us. To put this in a wider context, I talked about the continuum on which these changes happen. In 1994 it was the case that in order to even be able to vote in our Island elections - we did not have a proper general election then, there

were 3 types of elections which happened at different times - you had to be a British citizen. The decision was taken to change that because they recognised at the time, I think, that you had a huge swathe of people who had made Jersey their home, they might have lived here for 30 years or more, had families here and they had never participated in the democratic process, not because of a lack of interest but because of a prescription within the legislation and within the Jersey election law. It was recognised that it is much more sensible to let anybody take part in your democracy and it was decided that the British nationality was no longer important but that a residency requirement was important and a 2-year period was decided upon. That really, I think, was a gamechanger in many ways but still you have a generation of people from that period who still did not engage in politics after that because they felt: "I am not a true Jersey person. That there are 2 tiers of citizen here and while I might participate in the community economically and while I participate socially and culturally in Jersey life, I am not allowed to engage even in the democratic process." So it is that we are now in 2020, some 26 years on, and I think the complexion of the world has changed. I never grew up in a McCarthy-ist type of atmosphere where communism and capitalism were at each other's throats in the Cold War. I have grown up in a luckier time, I guess, in many ways where there has been a spirit of desire for co-operation and I think nowadays, especially going through this particular period of turmoil that we have seen with COVID, I think it has reminded us that a person's value to the community is not based on where they come from, it is not based on what passport they happen to have or even necessarily how long they have lived in the Island, it is about what they can contribute. I say that again, it is not just what they can contribute economically to our society but what they do and what their values are. It might be said: "It is not that difficult, if you really want to stand for election just do the British nationality exam, cough up the £1,000 [or however much it costs] and answer lots of questions" which I think probably have no real relevance in some cases to standing for election or wanting to be a representative in Jersey. For me, at the very base, what this comes down to is choice. I am a big believer in choice. I know that there were certain regimes in the past around the world that do not believe in choice, they believe in giving people either no choice or a limited amount of choice. But the ultimate democratic test is whether your constituents accept you. Whether that is in a small district within a Parish, in the Parish or in the whole of the Island. Ultimately it is up to the constituents to choose whether they want person X, person Y or person Z to represent them. There may well be people in a particular area who think that the first and foremost criterion for being an elected Member in the Assembly is your nationality. I would suggest that for the vast majority of them, I would hope - and certainly the ones I have spoken to - that is not the case. They look for a whole list of other criteria, which may range from compassion, it may include communication skills, they might include intelligence and the ability to be approachable. There is a whole list of things there. It would be strange, for example, if I, as somebody who was accidentally born in Jersey gets an automatic right to be able to stand for election and, if I can convince enough people, have a seat in this esteemed place. But somebody who might have been here for 40 years who perhaps does not have the requisite money to pay for that, they do not have a party who can pay for them to go through the nationality exam and they do not have a benefactor or sponsor or people who can necessarily coach them into doing that, surely the test is simply for them to be able to put themselves before the electorate and be elected. I think that is the beauty of democracy, it lets the people choose. Now, I do not want to labour the point too much but I will just add this one thing. COVID, I think, has really put this back into sharp focus because when you go to the airport or the harbour, or if you go to the testing centres, and I certainly did in the early days when the testing was offered to me. I remember being tested by someone at the desk who I suspect was not from Jersey, she was not born in Jersey, I do not know what her nationality was but she looked as if she was maybe from a different part of the world. I did not say to her: "I am sorry, I prefer to have somebody else take my blood." Of course I did not say that. Similarly I would not say she should not do that job because she does not have British nationality. At what point in the continuum are there certain jobs which you reserve for British and certain jobs that are reserved for non-British. That might have sounded like a slightly strange point to make but I have heard it said in hospitals, even in Jersey, that

people ... maybe not in Jersey but I have certainly heard patients say elsewhere that they want to be treated by white doctors or they want to be treated by British doctors or they want to be treated by a nurse who speaks English or who is English. I know what I would have said to those patients if I were the nurse or the doctor who said that to me. I am sure they are much more professional than I might have been in those situations. Why do I bring the issue of racism into it? Because this is not, on the surface, something that is necessarily about racism or racial prejudice but it does have to feed into a wider context that we as a diverse community in Jersey, with a long history of people coming ... especially from European countries but further afield, so whether in the past it has been Breton farm workers, it has been French workers in the Island, it is Portuguese, Polish nationals, Romanian, they have faced racism in our Island and they still continue to face racism and segregation in our Island. In the same way that we are shocked when we listen to the anecdotes and the true-life stories of people within the Black Lives Matter movement in the U.K., which is very topical on our T.V. screens and on our radio, hearing them, and I have heard them locally as well, about how British people have had to put up with being called the N word within their own communities. Similarly in Jersey we still have people in our schools this year, in 2020, being told they are the P word for certainly nationalities and no doubt other words and racial slurs. That is completely unacceptable and this debate is a way for us as an Assembly to say: "Well, what is the narrative in the story as I said at the beginning that we want to be putting out as an Island." As soon as you have segregation which says you are okay to do certain jobs in our Island and you are okay to be a police officer or an Honorary Police Officer within our Parishes doing the work that previously in fact only British nationals could do, you are okay to do that but when it comes to what we perceive as the most important jobs in Jersey ... and by the way I do not think that these are the most important jobs in Jersey. I think that everybody plays a very vital role in the Island.

[15:15]

Who are we to say that certain jobs are reserved for one section and certain jobs are reserved for another? That is where I am coming from. I do not mince my words, Members will know me by now, that is how I feel about these issues. I do want to talk to the amendments because I think there will be some Members out there nodding virtually or otherwise with me, saying: "Yes, absolutely agree with what Deputy Tadier said for the most part" and there will be those who do not agree. My concern is there are people out there listening and saying: "Yes, that all sounds quite reasonable, it cannot be right that an English or a Scottish person can come to Jersey and stand for election after 2 years but a Portuguese who has lived in Jersey for 35 years and knows Jersey like the back of their hand and is well established in the community cannot stand for election." I think people get that it is an absurdity because this is the Jersey Parliament, it is not the British or the U.K. Parliament. But they might be thinking: "But I cannot accept Senator Gorst's amendment because that creates now a 2-tier system." It creates a 2-tier system between, on the one hand, the British, the Commonwealth and the E.U. citizens, but there might be Filipinos in Jersey, by way of example, who are not part of the Commonwealth I do not think, I may stand corrected. There may be people from Russia or from China who would want to be in Jersey and who have lived here for decades who want to stand. Absolutely I accept that as a purist argument that is correct but, again, I want to look at this in the whole. I look at the Jersey community and the vast majority of foreign nationals who have made Jersey their home do come from a European context and they probably come from those countries that I mentioned before. Of course, we know that we have had a long history, in recent times certainly, of those African Commonwealth nations coming to the Island as well. I see this as a huge step forward and the attractiveness about what I think about Senator Gorst's amendment - although it is not the purist model that I would ideally like to see - is that there is at least an inherent logic in his report because you can argue, of course, that European Union member states and Commonwealth member states share some of the commonalities with what we have as a democracy. They probably follow many of the standing orders, certainly in terms the Commonwealth, and that the value systems and the general ideas that we aspire to, all within the valid political differences that we have, are well

understood and well-shared. So I would ask those Members who I completely understand might be wishing to pursue, as I said, that purist argument to look at the bigger picture of what we can achieve. We can go out into our communities and say that we have achieved something progressive today and that we have heard their voice. Turning to Deputy Higgins' amendment, which deals specifically with the ability for Jersey-born people who might have been away and therefore not had the requisite time back in the Island. I am fairly relaxed about that. I personally think that it might cause an issue when it comes to a disparity between those who can vote in Jersey, because you have to normally have been here 2 years to be able to vote, although as long as you have been back 6 months you are okay if you have already got your status. But I will certainly let Deputy Higgins speak to that. I am quite relaxed about that because different countries do have different approaches. I am going to try to anticipate a couple of the arguments that will come up. I have tried to keep this about the positives about why we should adopt this but I would like to pre-empt some of the arguments that may come forward in due course. I think one of the arguments that has been put forward is the one about what happens if we go to war. As I said, I think that is a slightly strange argument. We live in peace times. It is entirely possible already in many countries which allow E.U. nationals to stand for election for that to happen. I think you could ask, what happens if we go to war with Westminster, because that is probably much more likely in a lot of ways. I do not mean literally in a physical war but we know that there has always been a healthy tension, and sometimes an unhealthy tension, between what the drivers are in the U.K. politics and how they might seek to encroach on what Jersey is trying to do in its own domestic and increasingly in its own foreign policy. It seems to me that if we only allow British people to stand for election who might have been here for even 5 years, they are much less likely to necessarily know the Island than somebody who is a foreign national, let us call them - I do not particularly like that term - but has been here a much longer period of time. I think I will leave those arguments there because I have probably lost my thread slightly on that particular part. I think this is the point at which to move the proposition as it has been made and, as I said, I look forward to hearing from Members and hopefully we can keep this to a positive debate. Thank you.

The Bailiff:

Is the proposition seconded? [**Seconded**] Does any Member wish to speak on the proposition? There is a question for the Attorney General from Deputy Morel. It might be as well to ask that before we start any of the debate.

Deputy K.F. Morel:

Apologies, I am not 100 per cent sure but I just wanted clarity from the A.G. (Attorney General). At the moment with regard to part (b) of the proposition, is there a minimum time that somebody must have been resident in Jersey before they can stand for elections to the States Assembly? Thank you.

Mr. M.H. Temple Q.C., H.M. Attorney General:

Yes, there is a minimum time. If you give me a moment I can just quickly look it up. I think it is Article 7 of the States of Jersey Law and it is a minimum residence period. Sorry, I thought I had printed it off but I am having trouble finding it. Now, I have it. It is Article 7 of the States of Jersey Law and a person must be of full age and have been ordinarily resident in Jersey for a period of at least 2 years up to and including the day of the election or ordinarily resident in Jersey for a period of 6 months, up to and including the day of the election, as well as being ordinarily resident in Jersey at any time for an additional period or an additional periods which total at least 5 years. So there is a minimum residence requirement.

The Bailiff:

Did a phone go off at some point?

The Attorney General:

Sir, I am at my desk because the States Greffier wanted me to be at my desk and if my phone goes off I am afraid ... I would ask some kindness as regard to the Greffier's policy.

The Bailiff:

The requirement that you are physically at your desk I think makes it rather difficult because you presumably cannot turn off that phone, is that correct?

The Attorney General:

Indeed, Sir, that is correct.

The Bailiff:

I think we will move on in that case.

The Attorney General:

Grateful, Sir.

8.1.1 Deputy R. Labey of St. Helier:

I think Members should keep 2 things uppermost in their minds during this debate. We are not electing people to the States here today, we are simply allowing their names to go on a ballot paper. If they eventually end up as Members of States Assembly it is down to and because of the will of the people. If some of our highly valued, massively contributing citizens and residents who happen to have come from another place and retained the citizenship of their birth right, if they do end up in the Assembly, they may make the Assembly look like, sound more like the people, the community it represents. That has to be a massive positive. The other thing that I think is important to remember is Jersey has been named as the worst for civic engagement among the O.E.C.D. (Organisation for Economic Co-operation and Development) countries, 36th out of 36. If that is broadened out to regions, we are 379th out of 403. We should not be in the business of disenfranchising anybody. The reverse is true, we should be engaging with and enfranchising as many of our community as we possibly can to be as inclusive as we possibly can. It is so important, it is such a big part of the work I am doing at the moment responding to the E.O.M. (Election Observation Mission) report. I sought office because I wanted to be the architect of a new life for Jersey or at least part of that team, a new inclusive life, a community at ease with itself, comfortable in its own skin. A new value and respect for our heritage and our past and preserving it and honouring it. A new confidence in facing the future. A new interest in good government rather than an obsession with bureaucracy. This is one of those propositions before us which costs nothing but the message it will send out will be of huge impact. We are so out of step with all our nearest neighbours. I think it is time we were in step with them and it can only be a positive. I think it is something that if the Assembly chooses to go with Deputy Tadier today - and I really hope it does - that will cost nothing but it is something that the Assembly can feel good about. It is an important positive step. It is going to happen. We should start that process today and send out a really important message of inclusivity to all our citizens. That is my contribution.

The Bailiff:

There is a further question for the Attorney General from Deputy Martin.

Deputy J.A. Martin:

Because the Deputy did not cover it too much, and I know it is Deputy Higgins' amendment, part (c), it is just what does it mean. So (b) obviously says about the entitlement work law and everything and Deputy Higgins' amendment talks about grown-up Jersey-borns leaving for better work prospects, better education later in life. But from my memory as well, we have hundreds ... not every year but let us say a few hundred every year, babies that are born. If for some reason or another parent takes them off-Island very, very early in life, so their only connection to Jersey is they are

born here, I think if they came back to work they would need to cover part (b) to work and get some ...

The Bailiff:

Deputy, this has to be a focused question to the Attorney General, you are rather making a speech at this point.

Deputy J.A. Martin:

I will not be speaking again. Sorry, Sir, I was trying to get my point ...

The Bailiff:

Even so, it is either a question for the Attorney General or it is a speech to be taken in turn when you are called. Do you have a question for the Attorney?

Deputy J.A. Martin:

Yes, part (c) in its clearest form, does that mean anybody born in Jersey, may have only lived here 6 months, can come back and stand for the States straight away? That is my clean question. Thank you.

The Attorney General:

It may be that you might think that the meaning of a proposition as amended is a matter for the Chair but for my part, I must say that as I read at least the version that was circulated in Deputy Tadier's email this morning, I had understood that, yes, there would have been no requirement for ordinary residence for a person who was Jersey born, that would include persons who were just born here and then left the Island for whatever reason, perhaps within a few months or years after their birth. I do note that in the Control of Housing and Work (Residential and Employment Status) (Jersey) Regulations 2013 there is some further narrative around entitled status and being Jersey born. A person has entitled status if the person was born in Jersey and has been ordinarily resident in Jersey for a period of at least 10 years.

[15:30]

I do not think that sort of language is in either Deputy Tadier's or Deputy Higgins' amendment.

The Bailiff:

Thank you very much, Mr. Attorney. You were right to make the observation that the interpretation of the proposition is a matter for the Presiding Officer and I agree with the tentative suggestion you have made as to its meaning, which is there is no requirement for residence and therefore a person who is Jersey born can vote at any point in effect.

8.1.2 Connétable R. Vibert of St. Peter:

I will be support Deputy Tadier's proposition as amended. My experience with the Honorary Police in St. Peter has shown me the importance of diversity in all its forms, although in this case I will restrict my comments to nationality. In St. Peter over the last decade we have had one of the most diverse forces in the Island. We have welcomed officers from any nationality, provided they could legally stand for nomination and pass all the relevant checks and our force has been strengthened as a result. To date we have had officers who were originally nationals of Portugal, Poland, Romania, France, Canada, New Zealand, Bangladesh, India and Mexico, as well as officers from Jersey and the U.K. One of our Centeniers is probably the only Czech national to serve as a Centenier and is much appreciated by everyone in the Parish. They have all brought their own skills with them and their experiences of jurisdictions outside of Jersey has enhanced the Honorary Police. In many cases they have been fluent in several different languages. Perhaps the only skill which we could not benefit from was our Mexican officer's previous experience of fitting bullet-proof glass cars, which

we did not consider necessary on the surface of the new police car. Likewise, I believe the Assembly can benefit from this diversity and the knowledge and experience of people who have chosen to make Jersey their home and it is time that we should do this. I would ask all Members to vote for this proposition.

8.1.3 Deputy G.C. Guida:

Sorry, this is a bit novel. I keep learning from all those professional politicians from Reform how you structure a speech by first extremely quickly dismissing all the really, really important parts and say, no, no, we should concentrate on this because those things, which are founded in legalities, we should really not look at them. Just because we have spent thus far this life living in an entity, Europe, where nationality was slowly not degraded but spread around and made less important, does not mean that nationality is not important. In fact it raises rights and duties at a massive level. Just because we have avoided them, living in Europe and not having to think about them too much, does not mean that they do not exist. We are talking about war. I am sorry, this is going to be a little bit disjointed but, yes, war. We are not forcing any large world conflict in the future but if we elect somebody in the Assembly who is a foreign national, not naturalised British, it could be anybody in the world. The way our Assembly works also means that they could have any position which are in our Assembly. Anybody elected as a Deputy of the smallest Parish can become Chief Minister. We could have a Chief Minister from Syria, with which our Government is not exactly in good terms right now. What does it mean for us if our Chief Minister right now is from a country with which the British, as a whole, have their small differences? These things can happen. There are some duties due for a British national that are not due for a non-British national. We have just extended the Sexual Offences Law to apply to the whole world but only if to British citizens. If you go to Thailand for a little sexual holiday, we can pursue you there, extradite you and try you in Jersey for that crime committed abroad if you are a British citizen. If you are not, fine, no, go there, break their laws, break our laws; nothing we can do about it. This is 2 duties that I can think of. There is quite a long list of duties that British citizens have to comply with when they are in Britain and which we would not be able to enforce on citizens of other countries. We are talking very quickly of dismiss allegiance, allegiance is not important; why would we bother with allegiance? Right now I am a British citizen. If the French call me and go: "So, tell me, how is this fishery thing going on? What is your negotiating point right now?" If I was exclusively a French citizen I would probably not even be allowed to consult about it. I would say: "Sorry, but legally my allegiance is to a different state and secrets of the Jersey state are less important." It does not matter that I swore allegiance to the Crown of a different country; no, the French have a hold on me. No, I am a British citizen, I have sworn allegiance to the Crown several times and I take this seriously and legally it is very, very serious, it is something that could lead to jail. But I do not have a problem, I am sorry, I am a British citizen, I swore allegiance to the Crown, I cannot divulge the secrets of my state, even to a country I am also a citizen of. Again, this is really the things that come up like this in my head of this particular discourse and I am just scratching the surface; this is very, very important. It also brings the point that there needs to be a filter to who can become a Member of the States. Usually it evolves through time and it ends up being reasonable because you see that it works. If you were to take away one requirement that has worked, been useful and been tested through time, there will be hundreds of loopholes coming up. It will be very, very easy if we take away the nationality requirement, you have other problems. If you do not take the nationality test, we do not have a test of English as a foreign language as a requirement. Somebody who does not speak a word of English could be elected, come to this Assembly and speak in a language foreign to all of us, nobody understood and still have a legal right to be here. What do you do then? We control things. I have changed countries, I have lived in different countries 11 times in my life. In each country I felt like a guest. I am here, thank you very much for having me. I will have a good time while I am here; I will try to be helpful but I am a guest. I am not going to interfere with your culture and I am not going to try to change the way you do things. Then I ended up in the place, yes, the place of my choice where I chose to

finish my life. This place I want to help further and this place I want to help direct. However, I accept 100 per cent that this place would say: "Before you have anything to do with us we want to make sure that you know about our past, that you know about our culture, that you know about our history and that you could speak our language." The naturalisation process is very, very simple. If you have spent 5 years in the U.K. you are allowed to take it. There is one test of culture which, frankly, almost 90 per cent consists of remembering the names of the 6 wives of Henry VIII and a test of language, which is, again, very basic conversational English; it is very, very simple. It is a great leveller because talk about the Europeans or Commonwealth citizens, anybody in the world who has spent 5 years anywhere in Britain, anywhere in Great Britain can become a citizen. You know that when you have a British citizen that is a very, very small, very low common level of cultural knowledge, English knowledge and the desire to truly participate in the life of their country. There are very, very few jobs that require the British nationality but that is one last thing. Again, you could be given any job within the Government and you could be elected to any ministry, you could be Chief Minister but if you are not British the sort of secrets that will be shared with you will be different. Because we have to sign the Official Secrets Act and we have to go through an extended test that will determine whether it is safe to share things with us. For some of us, like myself, it is not very important. I do not need to know those things, so I have declined and it is not a problem. But some Ministers absolutely have to go through this, otherwise they cannot be told what is being discussed in the U.K. They cannot be part of negotiations. If you are not a national you would be left out of it. Anybody working at the borders has to be a British national. It would be very, very difficult for somebody from a different nationality and trusted with keeping our borders safe. There are quite a few jobs like that where the British nationality is important, the nationality of the country. The last thing, yes, I would like to mention again, you can become a dual national of every country in the world, so there is no barrier to having a dual nationality. There is an exception of 10 countries which will not allow you to claim dual nationality. For example, if you want to naturalise as a German, they will want to make sure that you do not have any other nationality. If you want to be in Germany you want to nationalise as German. But they would not take your nationality away if you nationalised as something else; they do not have that right. I believe it is true for the other countries like Japan and Andorra which cannot accept dual nationality. There are really no practical obstacles in becoming British and I think quite a large interest in doing so if somebody aims to be part of the States of Jersey.

The Bailiff:

Thank you, Deputy. Did you have a point of order, Deputy Tadier?

Deputy M. Tadier:

Yes, Sir. I do not want to interrupt what was a very good speech but I think the Deputy said something which would be misleading, which was that anybody could get elected and speak any language in this Assembly. I do not think that part of the Standing Orders permits that. Could you just confirm which languages we are allowed to speak and address people in the Assembly?

The Bailiff:

As I am sure Members are aware, there are only 3 official languages in the States Assembly: English, French and Jèrriais. The most recent is a recent addition and the business of the Assembly must be carried out in one of those languages; that is clear.

8.1.4 Connétable J. Le Bailly of St. Mary:

If someone has been living in Jersey and wishes to serve our Island in the States Assembly, then surely being British is vital. If not, we could have our legislation and constitution changed by someone who has no permanent connection to Britain. We are British, we fall under the Jersey flag,

but I am proud to be British and I would be appalled, along with many Jersey people, that anyone who is not British could change our legislation.

[15:45]

8.1.5 Deputy I. Gardiner:

On first look it seems like a very fair proposition, why make political offers dependent upon citizenship? It is, for me, a very complicated proposition to think about. I would like to bring to Members' attention 3 points, 3 concerns, and if these concerns can be addressed by the proposer, by Senator Gorst because some of them will be about the amendment, I would really consider this when I will vote. First of all, probably Members are aware that I made the decision twice in my life to take different citizenship. It is not an easy process. The most important part it is a psychological part; when I ask myself, what does it mean for me to be Jersey/British? Because I have a Jersey passport, I have a type of British passport but it does not count really in Europe. What do I feel to do this step? I did not have to take British citizenship, I could be a permanent resident in Jersey for the rest of my life. I did not think about a career in politics when I made this decision. It was important for me to do this because I recognise that Jersey is my home. I got married here, I have a child here and this is my home. The question for me is why people do not take citizenship, especially as a lot of countries, as Deputy Guida mentioned, allow dual citizenship. When I speak with the people, once somebody raised it is the money. Okay, from my perspective, this is the £1,000 that needs to be put to pay for the citizenship. Maybe we need to look at how it can be cheaper or give a subsidy for permanent members of the community who would like to become a politician but I think it is not a valid reason to change the legislation, for me at least. Number 2: it is the test, sorry, it does not work for me and, again, as Deputy Guida said, I have done the test. It is not a difficult test. I know that Deputy Tadier mentioned it is just a question. The Jersey part was very interesting for me to learn. I have learned about the political system in Jersey, before I did not know about the political system in Jersey when I learned through my citizenship exam. I was engaged, so during this test I did learn about it. I have learned about different things that kind of opened my eyes and so I have a different perspective of life in Jersey when I took this exam. A further reason that was taken, the hassle of complex admin. People do not like paperwork and I understand it. At the same time we are dealing in the States with so much paperwork and if I am not able to put my application forward it is a big question mark, why? Basically what I am trying to say, I need to understand the reason why people decide not to take citizenship when they are allowed to take it. Until I understand this reason, which will be a valid reason, and I need to understand psychologically, it would be very, very difficult to work or visit. I understand we need a representative. I would love to have diversity. We have 20-something per cent of residents that English is their second language and we obviously do not have 20-plus per cent in the Assembly representatives from these communities. For me it is why the question about identity of being an immigrant and local identities should come together. Here we are talking about political leadership of Jersey. We are talking about very few people who make decisions about everything and on behalf of everyone in Jersey. If people do not feel that Jersey is their home and they would rather take a home elsewhere, I do have some dissonance about it and please address this point: why people would not decide if they are home to be a citizen? I looked into Wikipedia, and I am coming to my second point, a citizen is referenced to a personal alliance to the Government. It is given in exchange to protection home and abroad. A citizen, specifically a person, who legally belongs to the country and a resident is a person who is legally living and working in a particular locality. I also looked at the 5 requirements for naturalisation, which a candidate must meet. First, be over 18 years old. Second, be of good character. Third, be currently living in the U.K., we need to be currently living in Jersey. Fourth, meet the English language requirement and, fifth, pass the Life in the U.K. test. I cannot believe that any States Member would even propose that we have anyone from elsewhere become an elected Member of Assembly that cannot meet these 5 basic things to become a Member. Again, I am taking point and this is what I am saying, it is British, it is not Jersey. Maybe we need to work together, diversity forum; we discussed it so many times. We have a political

engagement group and we have Island Identity Policy Development Board. Maybe to consider to create a Jersey citizenship, make a Jersey certificate that these 5 people will give us a type of ceremony after living here 5 years or 10 years, whatever the Assembly will decide. But it will be Jersey, something that I am learning, I am going through and I am going through the ceremony to become a Jersey, celebrate being Jersey. I would like to address and maybe ask the A.G. to address the point, the legality part that Deputy Guida raised, because I would like to understand what international implications of not being Jersey. One point that I thought about during the COVID, when the restrictions applied and we had the no-travel zone, some of our residents happened to be in the country of origin, country of their residency. One of the first answers from the departments was but they are citizens of X country, why should we help them to come back to Jersey? They are home. It took time, some of them managed to come and we supported some of them. No, but again it has happened. It is not some scenario, it has happened 6 months ago. I would like to really understand what are our obligations between citizenship and residency, if possible. Now to the amendment version. I know that Senator Gorst has the best intention to open the Assembly and to bring the diversity but what it brought to us basically, it is I would have to become a citizen to be a Member of this Assembly, when another person who was born in, I do not know, Poland and it does not matter, would become without this requirement. How fair is it? I know that the Constable of St. Peter mentioned people involved in the Honorary Police, so the person who is serving in the Honorary Police who came from Mexico, he will not be allowed to stand if we are adopting this proposition. He is basically doing his service, together with other members from different countries, and he would maybe be the best person in the Honorary Police of St. Peter but will not be able to stand to the States. Are we creating legislation just to discriminate against Africa, Middle East, America, South America, Hong Kong? We have African, Caribbean community on the Island, so basically the Caribbean part of the community will be able to stand for the elections but the African part of this community, one community will not be able to stand for the election. It feels like we are creating a new type of discrimination. But now it is very simple, if you have registered citizenship you stand for election, if you do not have registered citizenship you do not stand for election. Again, I would like to close, let us consider, what is Island identity? I think it should be incorporated. We have residents from different countries in the world and this is what Deputy Labey said, we want to send a message that we are embracing all our citizens but with this we are not really. We are creating new discrimination. Let us create something over the line that we can do it together and I will listen for the replies.

The Bailiff:

Deputy, you have indicated in your speech you would like to ask a question of the Attorney General. I am afraid I could not quite divine what the question was that you wanted to ask. Is there a question you would like to ask of the Attorney?

Deputy I. Gardiner:

Yes, please.

The Bailiff:

You do not need to say it now, you can think about it and then ...

Deputy I. Gardiner:

No, I have a question.

The Bailiff:

Very well. What is the question for the Attorney General?

Deputy I. Gardiner:

The question for the Attorney General is: what are the possible international implications for a political Member not being a citizen? If any international law can ... like extradition that has been

mentioned or protection, is it the difference between a politician being a resident, a politician being a citizen on an international level?

The Bailiff:

International level, are you able to be more specific because it strikes me that that might be a very broad question indeed for the Attorney to try and answer and probably not possible within the confines of the time allocated for this debate? Do you have any idea as to what international implications you are concerned about?

Deputy I. Gardiner:

I would follow up with Deputy Guida's example, when somebody committed a crime in another country but he is not a British citizen, would ...

The Bailiff:

You would like the Attorney General to confirm what the position would be if a British citizen committed a crime in a foreign country and a non-British citizen but resident in Jersey committed a crime in a foreign country; is that correct?

Deputy I. Gardiner:

Correct.

The Bailiff:

Mr Attorney, are you able to assist the Assembly with this or would you like some time?

The Attorney General:

I can assist the Assembly with the Deputy's question now. If a foreign national were to commit a criminal offence in Jersey, then that is an offence in this jurisdiction clearly and it would be against our laws. We would prosecute that foreign national in this jurisdiction. As regards the first limb of the question, I think the question was if a Jersey citizen was to commit an offence in a foreign jurisdiction and ...

Deputy I. Gardiner:

Can I correct it, please? If the Jersey resident, not Jersey citizen, committed a crime in a foreign jurisdiction; they are a citizen of a different country but he is a Jersey resident.

The Attorney General:

I am not sure that that would make a huge amount of difference to the analysis as to whether or not they were a resident or a citizen. But I have to say it would depend on the laws of the country where the offence was committed. They may have some particular law which would make a difference. But the ordinary rule would be that the offence would have been committed in the overseas jurisdiction and it would be a matter for the prosecuting authorities in that jurisdiction to prosecute. There is an exception that we have recently passed in the Sexual Offences Law which allows for certain offences, sexual offences that are committed abroad by, I think, Jersey residents but I would have to check. I think Jersey residents, rather than citizens, can be prosecuted here rather than abroad. I hope that assists the Deputy.

The Bailiff:

It may or may not but there are a number of questions waiting for you now, Mr Attorney. The first, I think, is Deputy Lewis.

Deputy K.C. Lewis:

Yes, indeed, some excellent speeches today. My question to the Attorney General is if a young person elected to the States of Jersey was called up for, say, national service, what would be the result?

The Bailiff:

Sorry, so a young person who had dual nationality, is that correct, Deputy, who is called up for national service in the country in which he is ...

Deputy K.C. Lewis:

No, who retained their original nationality and was called up for national service, if it was no longer a requirement to have British nationality.

The Bailiff:

Mr Attorney, are you able to assist? I think the question is: if the British nationality test is taken away and, therefore, a foreign national can be elected, what would be their obligation for national service were they to be called up? I think that is the question, Deputy Lewis, is it?

[16:00]

Deputy K.C. Lewis:

Absolutely. Thank you, Sir.

The Attorney General:

I think I would need a little more time to research the answer to that question.

The Bailiff:

In which case we have another 2 questions listed for the Attorney General. Shall we ask them now and the Attorney can take some time and come back if needs to do so?

Deputy G.J. Truscott:

I was just wondering what is being proposed, would it pass a discriminatory test in going forward, insomuch as it was mentioned, for example, that an Honorary Police officer standing in St. Peter for election could stand under what is being proposed, whereas a Mexican Honorary Police officer with the same amount of time spent in the Island could not? Would it pass a discriminatory test?

Deputy R.J. Ward:

My question is regards Jersey law, Article 8 about disqualification of office of Senator and Deputy. Just to say that this Article 8 would not change at all if we agree this change to citizenship and the same rules of disqualification would apply in terms of previous conviction in Jersey or abroad, regardless of nationality because I assume that it would.

Deputy M.R. Le Hegarat:

Can we assume that when we go to court to be sworn in, you swear allegiance to the Crown that this would still apply? Because even though some police officers were not British or the rules were changed so that they did not have to be British, however, they still have to swear allegiance to the Crown.

The Bailiff:

Those are a number of questions for you, Mr Attorney. If you would like to indicate when you wish to give the advice that is available to the Assembly, we will see that on the Chat, unless you wish to do so now.

The Attorney General:

I can answer most of the questions now. I think the only one I cannot answer is Deputy Lewis' question about national service; that would be the one I would need some more time on. In relation to Deputy Truscott's question about discrimination, my advice to the Assembly is, no, I do not think this would create a discrimination law issue. I say that for 2 reasons, the first is that if one looks at the legislation concerning Parliaments for most countries, and I looked at a list of them this morning provided by the, I think, Commonwealth Parliamentary Association. Of 194 countries on that list, 188 did have nationality requirements for membership of their legislatures. The fact is that most countries do have some form of nationality requirement, whether it is pitched at just being a national of that country or it is slightly wider in the way that is contemplated by Senator Gorst's amendment, is equal. The fact is that most countries have that sort of nationality requirement. Looking at the case law, the courts have held that to be a perfectly appropriate limitation for the purposes, for example, of the European Convention on Human Rights. It was considered in the Barclay case and Sark case; there is European Court case law which also confirms that position that supports it. Then the second reason I give that answer is that if one looks at the Discrimination Law that we have in Jersey, I think it is quite clear that its provisions do not really apply to politicians in terms of their nationality requirements. Those are the 2 reasons that I would give in response to Deputy Truscott's question. In response to Deputy Ward's question, I agree with him. I do not see that Article 8 of the States of Jersey Law is being amended by this proposition. I do not see a change to its effects in terms of disqualification of politicians once they have assumed office. As far as Deputy Le Hegarat's question is concerned, as far as I am aware and looking at the propositions, I do not see that they contemplate a change in the oaths of office that were either in the States of Jersey Law or in, for example, the Code of 1771. There would, as I understand it, still be a pledge of allegiance to the Crown. But, as I say, I will need more time in relation to Deputy Lewis' question.

8.1.6 Senator S.Y. Mézec:

Firstly, I just want to commend Deputy Tadier, who has stuck to his guns on this subject and I think has been entirely right to do so. I think this debate itself got off to quite a good start and I hope it can be put back on track to the sorts of contributions like what you had from the Constable of St. Peter, who I think gave a really good speech that really got to the point of what this is about in how he spoke about the experiences of the Honorary Police in St. Peter, which, by the sounds of it, is quite a diverse force. He used the word "enhanced" to describe that Honorary Police force, enhanced by the contribution that is made by the officers from other backgrounds, from other nationalities, people coming together selflessly to contribute to their community, to give back to one another and try to make their community a better place. That, I think, is ultimately what this is about. It is about recognising that doing that is a source of strength; it is not a source of weakness. In our unique context as Jersey, as an island which is British but remember that Britain is not Jersey, in recognising that we sit comfortably in a family of nations that have their own things that make them unique and special, just as we do too, that we can, as part of an island society, which is welcoming and open to people from other places, that we can welcome their contribution, to celebrate that and, most importantly, to benefit from the talents and the experiences that they have, which many of them would be willing to contribute. But right now are prevented from doing so because of a rule we have, which is quite unique in a bad way to Jersey, that to be a Member of our Parliament you have to be a citizen of Britain, a country which is not synonymous with the word "Jersey". If we had a version of Jersey citizenship, then this debate would be over and done with. I think it probably would be uncontroversial to say you ought to be a Jersey citizen to be a Member of Jersey's Parliament but no such concept exists and no such concept can exist as long as we are not a sovereign state. We recognise that we sit uniquely in this family of nations and that those who contribute to our society may not necessarily be representative of what happens in the U.K. or other British territories. This is something that is accepted in other British territories too. Guernsey has no citizenship requirements to serve in their Parliament. All of these questions, which are posed by Members like Deputy Guida, and I am going to come on to some of his comments later, are all dealt with in Guernsey; they are

getting on fine. They are having their election right now. I have met people who have served in the States of Guernsey who have not been British citizens and nobody questions their loyalty, nobody treats them as a sort of second-class States Member because they are not a citizen of the States, which ultimately we are connected to, even though there is no local version of citizenship. It is the case in the national Parliaments of the constituent countries of the U.K. that people from other parts of the country can go there and become Members of those Parliaments. You do not have to be Welsh to serve in the Welsh Parliament. You do not even have to be British; you can be a European Union citizen, you can be a Commonwealth citizen. Of course, in the U.K. Parliament you do not have to be British; you can be a Commonwealth citizen with a right to remain in the U.K. You can be an Irish citizen because of the Good Friday Agreement, and a thoroughly good thing that that is too. It must surely be weird that Jersey has some of the strictest requirements in the British Isles on who can serve in our Parliament. It is, essentially, determining the right of somebody to stand in our Parliament is delegated to another Parliament, the Parliament of the U.K. that determines the nationality rules, to decide who can stand for our Parliament. I think that is clearly wrong in that it deprives us, as a community, of our ability to determine who we want to represent us in our Parliament. If there are to be people out there who are so small-minded to say that they would not want to be represented in our Parliament by somebody who did not have British nationality because they may have fallen for some of the points that Deputy Guida made about loyalty and about war and nonsense like that, then do not vote for them. You are free to do so, you are free to pick whatever reason you like for not voting for someone but depriving us, as a community, of the choice of who to vote for and wanting to vote for somebody based on their character, based on their C.V. (curriculum vitae), based on their policies most importantly, is fundamentally undemocratic and it does not recognise the unique situation that Jersey is in. This subject came up a few times during the 2018 election and my fellow Senators will have to forgive me for repeating the same joke but I think I managed to get away with it about 3 or 4 times during the hustings, that there really is an absurdity here where somebody can come to Jersey from the British overseas territory of Pitcairn Island, which is as far away from Jersey as it is possible to be without going into outer space, come to Jersey, kick their feet up and do nothing for 2 years and then they have got the right to run for election in Jersey. Yet somebody who was born in Madeira but moved to Jersey at 6 months old, went to school here, speaks perfect English, lived and worked here for decades, paying their taxes, taking all sorts of voluntary roles, served in the Honorary Police, et cetera, who is loyal to Jersey - and that should not be questioned, their loyalty - because they do not possess a document, a document that ultimately offers them nothing else in the Island, that person cannot run for election and cannot ask their fellow Jersey people to support them to represent them and give back to their community by serving in the States Assembly; that must surely be absurd. The fact is that people can acquire British citizenship through methods which have nothing to do with Jersey. You may acquire your British citizenship, having been from whatever other country and then living in the Shetland Islands for a while and acquiring it there and that then makes you qualified to be able to run for Jersey if you then move here and stay here for 2 years. Yet somebody born outside of the U.K. and worked here for decades would not have that right. That is clearly an injustice and that is clearly discrimination. What this proposition does is it attempts to move in the right direction. It attempts to say that there should be a wider selection for who ought to be eligible to run for our Parliament here, based on our unique situation, based on our connections to our European neighbours, based on our connections to the Commonwealth and something that is very important to the Island. The thing that I do not like about this debate, and Deputy Guida was, I think, the main proponent of this, was this idea about loyalty. It is the suggestion that there are legal implications for having nationality of another country and then what that requires you to do. The idea that in a state of war you might be required to behave one way versus another. I really do not like this for 2 reasons, I think, primarily; the first is that your possession of a British passport of British nationality in many instances there is no test of any of these things. I am a British citizen, I have a British passport. I did not apply for it, I did not ask for it, I did not take any test and I did not swear any oath of allegiance for it.

[16:15]

The reason I got it is because I happened to be born here. I have passed no test, I have met no standards to have that, yet others here who may work very hard for our community and have so much to give are seen with suspicion because they have not taken this test, because they do not have this document. I really do not like this because it is divisive. It suggests that there are people in our society who are secretly battling for the other team, who are secretly working against us, and that is a sinister argument to make. It is not my experience of many of the wonderful people who I have encountered in our Island and in our society from other places contributing here to make this a better place. He used the example of Syria, which I took particular offence to, purely because when I used to live in London I had friends from Syria who were great people. I volunteered at Citizens Advice Bureau with somebody from Syria who was very hard working and wanted to give back to the community that she was settled into. Someone's national background is not a sign of their character, not a sign of their capability to deliver for their community. To second-guess that is wrong and I really hope Members do not fall for that. That is the first reason that I do not like that. The second reason I do not like it is because it is, of course, possible that Jersey and the U.K. might fall out; that we might have a disagreement over how Brexit is going. We might have a disagreement over the right to determine what happens to our seas and our fishing policies, for example. How do you work out loyalty into that one? Who are we truly loyal to there if you have your British citizenship, which is not Jersey citizenship? You open your British passport and it says in the first few lines of it that it is the property of the United Kingdom Government, not the Jersey Government in it. Whose side are we on there? Will we have citizenship of a country who we might ultimately be at odds with? Of course, our loyalty is to Jersey. It does not matter that we are citizens of a country that we might have a disagreement with. I think these are excuses and I think that they really downplay what it means to be a Jersey person, which your loyalty is not based on what documents you have here, it is based on whether you love this Island or not and whether you want it to succeed and are prepared to do your bit to make it happen. What document or what passport you have really has nothing to do with it. I really hope that Members will accept this proposition. It is a really, really important step in saying to those people in Jersey who work hard, who love this Island, who consider it their home now and for ever, that we welcome their contribution and that if they are wanting to take part in politics and to play a part in the governing of this Island, that we would welcome that and we would be able to benefit from their talents, from their expertise and their perspectives. We already do so by having dual nationals in the Assembly already from other countries and that could be expanded by having those from those other countries, European Union and Commonwealth islands, without them having to go through the process of acquiring citizenship for the U.K., which is not Jersey and going through the expense of that, many of whom might not be able to afford it and which automatically puts them at a disadvantage. If we want to talk about discrimination there is financial discrimination, essentially, there preventing those people from running for election. I urge Members to support this proposition, demonstrate that we are an open and welcoming Island and to bring our rules up to standard. Move away from having the most restrictive rules in the British Isles, having more liberal rules resembling what already is the case in other parts of the British Isles and welcome that contribution. There is absolutely nothing, apart from benefit, that we can have from this. These arguments about loyalty and war really are sinister and have no place in the year 2020 in trying to improve the way that we govern this Island. I urge Members to support the proposition.

8.1.7 Deputy L.B.E. Ash of St. Clement:

I find it slightly strange that we should even be debating this subject. I know, of course, that there is now a movement within our midst where if one is British we are now called upon to be collectively ashamed of who we are and indeed our historic past. As a measure of atonement we should abandon our way of life that was hard won by previous generations. If you do not abide by this new Islington cult, then of course you are branded a racist. I do not originally hail from this gem of the sea but I am proud to sit in this Assembly as a British citizen and represent both Islanders of all races today

and the traditions hard gained by previous generations of Islanders. It is interesting that nearly everywhere in the world you have to be a citizen of that country to sit in its Parliament, to be in the French Assembly I believe you have to be a French citizen, likewise the German Assembly a German citizen. The E.U. is slightly different; to sit in the E.U. Assembly you can hail from different countries. You could be Spanish and stand in France but you would have to have hailed from an E.U. nation to stand in those other countries. As for the House of Commons, you can stand as a Commonwealth individual; that is a historical situation, a situation that perhaps now should be disbanded with the latest move to rewrite our history and it probably could even be seen as slightly patronising now under the new P.C. (politically correct) guidelines. But this is what is amazing, is it not, that we are saying this, we are trying to pass something here that allow E.U. citizens to sit in our Assembly when we would not be able to sit in their Assembly; allow French citizens to sit in this Assembly when we could not sit in theirs? This is why I am amazed that people feel you should not have to commit yourself to being a British citizen or indeed, coming to Deputy Gardiner's point, if we were ever to be independent as a Jersey citizen. As to the amended version that was brought by Senator Gorst, we end up with a very strange situation where we can have E.U. citizens, we can have Commonwealth citizens but we cannot have American citizens, the very people who are a few miles away from here, played such a major part in the freedom of this Island, would not be entitled to sit within this Assembly. There are those - and I know Deputy Tadier is one of these because he said it on the radio when we appeared - that do not see themselves so much as British but as citizens of the world. It is a wonderful thing to be a citizen of the world and, to an extent, we all are but the world is not a level playing field. I am thrilled that Deputy Tadier feels he is a citizen of the world. I also know he is a tremendous Francophile. But can I suggest that when the COVID pandemic hopefully subsides in the not too distant future, he helps out the ailing world aviation industry and takes a trip to Riyadh where he can spend a leisurely afternoon as a citizen of the world, taking in the latest beheading. He can of course open a bottle of France's finest to enjoy the spectacle but I suspect shortly after doing so he would be removed from the area and despite his protestations that he is a citizen of the world, would discover that Deputy Le Hagarat's ban on smacking has not, rightly or wrongly, yet been made law in the Kingdom of Saudi Arabia. He will then, of course, call the Embassy of the World's Citizens, only to find that the number does not, has not and may never exist. He may call the French Embassy but, as he is a British citizen, he may be met with a Gallic shrug of the shoulders. He will then ring the British Embassy, who I can assure you are pretty good at dealing with these things, even in the case, I understand, of Reform members. They will do their level best to make sure in the splendid words of the passport that he is not let or hindered. In conclusion, you either want to be a signed-up member of the community you seek to represent or you do not. No one is now or, I hope, ever on this Island going to prevent someone becoming a British citizen or indeed, as I said if we were to go independent, a Jersey citizen. But if you want to be in charge of where an Island or a country is heading, then at least you should make the commitment to being a citizen of that island or country.

8.1.8 Senator I.J. Gorst:

Normally I am pleased to follow the last speaker. I am not sure in this case that I can say that. But I can set the Deputy's mind at rest; he is very worried and I must correct the original mover of the proposition on this, in this regard as well. He is very worried that I might be seeking membership of Reform Jersey. I can assure him with great confidence that I most certainly would not be welcome by them and nor is this amended proposition a progressive proposition in the way that the mover of it might have thought.

Deputy M. Tadier:

Sir, would the Senator give way for a moment?

Senator I.J. Gorst:

Of course I will, Sir.

The Bailiff:

A point of clarification obviously.

Deputy M. Tadier:

I just want to say that he is very welcome to join Reform Jersey but there is £1,000 membership fee that ...

The Bailiff:

Yes, thank you, Deputy. That is not really a point of clarification of either your speech or the Senator's speech thus far but there we are.

Senator I.J. Gorst:

Of course it is not the membership fee that would put me off, it is the socialist policy manifesto that would put me off and does put me off, but there we are. These debates, I think, are interesting. Sometimes they bring out the best in us, sometimes perhaps not. But they are important debates and I think some of the issues that we face in this debate, let us be clear, does stem from the fact that we are not a sovereign state, therefore, we have and can be confused about the citizenship of the Island of Jersey. It was the Constable of St. Mary, he said he was a proud British citizen and the Deputy from St. Clement indicated the same. I am a proud British citizen. I am a British citizen living in one of Her Majesty's Crown territories. I am absolutely loyal to the British Crown. Perhaps that is one of the reasons why I have felt so welcome and so at home in this adopted home. But let us be clear, I, like perhaps some other Members, receive from time to time what I consider to be unfortunate messages reminding me, putting me straight that I am, in the eyes of the correspondents, an Englishman living in Jersey. This is the confusing issue, which Deputy Tadier is bringing again to the Assembly. Contrary to how my voting record might appear, it is not the third time he is bringing it and I am feeling sorry for him, so I am siding with him. I am trying to help us, as an Assembly and as an Island, grapple with these complex issues. It was the former Bailiff and then Senator that I had the privilege of working alongside in the last 2 terms of Government, who rightly used to say that a Jersey man and a woman was one that had chosen Jersey as their home or being born here and was committed to and dedicated to and saw their future in this Island and wished to serve Islanders and the community that we are all privileged. It is a privilege when we look around us that we are privileged to be a part of.

[16:30]

Some of us might have come here by accident, being dragged by our spouses, others have come to make a better life economically and socially for themselves and for their families and others recognise that it was a privilege to have been born here and wished to carry on the fantastic traditions that this Island has. We are proudly British and I do not think we should apologise for that, as the previous speaker suggested, some indicated. We are proudly British, warts and all. What does it mean to be a British citizen, to have maybe those qualities and aspirations of British citizenship? Each one of us would probably list different elements, as we have said, loyalty to the British Crown, as embodied by the rule of Her Majesty. Belief in the rule of law; that is something that this Island rightly prioritises and you oversee a great example of a judicial system that upholds in this community the rule of law. Let us be clear, the rule of law elsewhere is being challenged; sometimes by some that we would expect to be upholding it. That is a challenge to what it means to be a British citizen. It means tolerance. It means being part of a community. For me it means being reasonable and rational and pragmatic. Again pragmatism, something that seems to be in short supply. It means caring for one another. It means being welcoming. The voluntary service that the Constable of St. Peter so eloquently spoke about in his Parish. But for each one of us who is a British citizen it will mean something different and I am sure I have missed out many elements of it. But that is not exactly what

it means to be Jersey. The Deputy of Grouville is doing some work in regard to thinking about these matters and to stimulating conversation about them. Because I think our relationship with the British Crown and being autonomous in the way that we are, but not being sovereign, has served Islanders well for hundreds of years. It is right at the heart of who we are. It is right at the heart of our economic success and prosperity and it should, and I hope will, continue to be. But we are an Island, and this has been brought into sharp relief by the Brexit situation, that has 20,000 E.U. citizens contributing in a very positive way to our community, socially, again as we heard in St. Peter, voluntarily, again as we heard in St. Peter, and other Parishes are the same, and economically. Because of the decision in the United Kingdom, not our decision, that the United Kingdom wished to leave the European Union, those 20,000 E.U. citizens are affected in Jersey. Not their own decision, but somebody else's decision. We rightly have made the decision to create a scheme that we have called the Settled Status Scheme because we want them to stay. We want them to continue to be contributing and a vital part of our community. That is right and proper. But some of them have seen the bureaucracy of the system and it has not been easy for all of them who have had to prove their length of residency, in fact it has been quite challenging. Some of them have asked themselves: does Jersey really want them and welcome them in the way that we say we do. I want to be clear to them this afternoon and say of course we absolutely do. If we want them to stay and be part of our community is it unreasonable to, in this regard, say that because of our connection to Europe, not just geographically but in many other ways as well, as the United Kingdom is leaving the European Union, for good or ill, we and I wish to continue to have a strong and growing and deepening relationship with the European Union? This is a very small but important way of saying to those citizens in our community, who will have gone through the process of having settled status because that is the way that they will have the right to remain, other E.U. citizens coming in the future will have to go through a different process and will not have that right to remain. So they will have gone through the process that gives them the right to remain, we will have said we want them to remain and be welcome. Is it unreasonable to say that we want them to be involved, not just in those elements that I have said, but even in the way that we govern ourselves and we look to the future through the political process? I do not think it is unreasonable to do that. There have been some red herrings about whether one would be really committed to Jersey and to the legislature and the Government as opposed to the previous country of origin and nationality. But I think it is a red herring for this reason in regard to E.U. citizenship because they may not have gone and become a British citizen, and I cannot speak on their behalf in answer to Deputy Gardiner about why that might have been. There is anecdotal evidence to suggest that the £1,000 application fee is too great for some. I do not think that is unreasonable because it is a large amount of money. But they have made the decision, in answer and to Guida, and I liked both of their contributions very much, because it really got to the heart of what we are trying to talk about. They have gone through that process of wishing to remain through the settled status regime, and that is the only way that they can remain, so they are showing commitment to Jersey outside of this commitment to British citizenship. That is a strong commitment and I encourage them to continue to do that. Of course, if they are Irish citizens, they do not need to go through that settled status regime and it had been argued to me that I was counting Irish citizens twice. Of course, because of the Common Travel Area and the long and historic roots there, it is not unreasonable to count them twice, and I make no apology for that. Then we come on to Commonwealth citizens, and I perhaps do not agree entirely with what Deputy Gardiner said in this regard. Of course many African countries are members of the Commonwealth, as the Caribbean countries as well. I, for one, think that the Commonwealth can and is a great force for global good. It is perhaps fair to say from time to time it has not always functioned as optimally as it might have done, but I am convinced that it can see a rejuvenation and a new purpose in the years ahead, of course with Her Majesty as the current head, but to be in due course replaced by the Prince of Wales. As we as a Government and as an Island have, throughout various Commonwealth organisations, sought to influence that organisation from the Commonwealth Parliamentary Association to the organisation that your officers look to, the Conference for Speakers and Presiding

Officers, the Commonwealth Magistrates and Judges Association, all enhance who we are as Islanders and this community, not to mention the Commonwealth Games. We know, from an economic and commerce point of view, we are doing more business and we are seeking to do more business with Commonwealth countries. The reason I say it is confusing but it raises issues is that, in order for a Commonwealth citizen to be able to stand for the Assembly, they would need to be qualifying citizens, as they are elsewhere in the family of British islands where Commonwealth citizens can stand, and therefore they would need to have indefinite leave to remain. In order to have indefinite leave to remain they have to have gone through a British citizenship process. So some of the concerns that have been raised by those who feel that this is a step too far are largely unfounded. I do not think this is a radical socialist progressive regime. Rather, and here I look to what I thought were very helpful comments of the Privileges and Procedures Committee, which showed a comparison of the requirements that were required in order to stand for the States with our fellow British islands and what the requirements were there. This would, to a very large extent, simply bring us into line in that regard. But I return now to a theme that Deputy Tadier picked up right at the start, and that was a post-COVID world that we will be living in. We are not living in it yet; we are living in a COVID world. But we have surely all seen that we are the most successful when we come together, when we work together, and when we stand together. It is going to be absolutely critical. I am convinced that the work that my colleague, the Minister for Economic Development, Tourism, Sport and Culture, is doing in ensuring that he supports the economy through these difficult times, I am convinced that we can have a strong future. But it is only going to be a strong future if we all stand and work together. We are going to have to face a challenge of having good strong, and I would say conservative-leaning, candidates coming forward in the next election. Deputy Tadier rightly would say left-leaning candidates. But that is as it should be, people from every area of the Island and every political persuasion making good positive decisions for that strong future that we can have. COVID showed us that, through differing lenses, we should not look down on others, we should not think that one job is more valuable in another in the way that we have in the past, should not think that one person's contribution is less than another's.

[16:45]

We should come together as a community. This change in a very, some would say, small way, I understand some argue in an unnecessary way, but I think that this small change can help us come together and help, again in a small way, encourage individuals from across our community to come and stand for election. Of course there will be the work that the P.P.C. have to do in bringing forward the changes to the legislation to deal with some of those technicalities that I have just touched upon. But, having voted against Deputy Tadier and his proposal when it was as wide as it was, and I make no comment about Syria, but would have included Syrians. The reason I make no comment is because those of us who have visited out there and been privileged to travel know that - prior to the civil war - Syria was a very advanced country. So I have changed my mind in this small way, but it is an important way, that we should and can, through the settled status regime, extend the ability to stand to E.U. citizens and the same as we seek to build our relationship with the Commonwealth with those citizens who will have indefinite leave to remain who will already have made a form of commitment to British citizenship. I will leave my comments there and I ask Members who might, on the previous 2 occasions, like I have, voted against this proposal; I ask them to consider carefully and perhaps this time think about this in a different way and think about the collegiate way in which this small change can deliver change for the better into the future. I have spoken for long enough, thank you.

The Bailiff:

I note that the Attorney General is ready to answer the last outstanding question. Attorney, now might be a convenient time.

The Attorney General:

If the position was that the politician did not have British citizenship and was called back to national service from their country of origin, the effect of that would be that, if the politician were to agree to that, that is likely to put them in breach of Article 8 of the States of Jersey Law, which means that there is a grounds for disqualification of the relevant Deputy or Senator if they are not resident in Jersey for 6 months. So a requirement to carry out national service, if it was for more than 6 months, which it probably would be, is likely to put them in breach of that requirement and would be a ground for disqualification of the Deputy or Senator. I have not checked the Constables Law but I assume it would be the same. Then we come to the question of what if the Senator, Deputy or Constable were not to agree to carry out the military service, then it would be a question of could the relevant other foreign state enforce the requirement to carry out military service on the person in Jersey? The position there is probably the most relevant law is the Extradition Law 2004 and, in summary, looking at that law, the position is going to be that the person in Jersey, the Senator or Deputy, would not be able to be extradited to the other jurisdiction by reason of a failure to carry out military service. The reason I say that is that there is a form of dual criminality test in the Extradition Law, so if it was a criminal offence over in the other jurisdiction to fail to carry out military service, then the question is, is that also an offence under Jersey law, and I do not see that it could be. So, in summary, I do not think that the politician in the circumstances raised by Deputy Lewis could be extradited by reason of failure to carry out military service. I hope that answers the Deputy's question. While I am speaking, I just should quickly mention, in relation to Deputy Ward's question to me about there is no amendment related to the States of Jersey Law. I should have just added that there would be a minor consequential amendment if the proposition had passed in that in Article 8 a ground for disqualification as a Senator or Deputy is if the person is no longer a British citizen. There would clearly need to be a minor consequential amendment if the proposition were to be adopted by the Assembly today.

Deputy I. Gardiner:

If an elected Member who is not a British citizen commits a financial crime in Jersey, run away to the country where he or she is citizen, could we bring them back to Jersey for trial?

The Attorney General:

Obviously, I would have to go through the relevant code in terms of the provisions of the code in terms of determining whether or not a criminal offence had been committed in this jurisdiction, which I would be prosecuting. Assuming that I was satisfied that there was a criminal offence, then the likelihood is that we could extradite that person because the test in the Extradition Law is that it must be an offence that is punishable by 12 months or more. If it was a serious financial crime then that would be likely to be punishable by 12 months or more imprisonment.

8.1.9 Deputy L.M.C. Doublet:

I will be speaking in support of this proposition and I thank Deputy Tadier for bringing it because Members will know that I think it is critical that we work to diversify our Assembly because we have some huge problems with our democracy at the moment. Looking at the data on voting, only 32 per cent of eligible voters use their vote. We have committed to tackle this. Deputy Tadier may have already mentioned the Common Strategic Policy, which says: "We will nurture a diverse and inclusive society. We are a diverse community made up of different nationalities, ages and genders. Sometimes these differences act as barriers to participating in society. As a Government we will work to remove barriers and promote inclusion and equal opportunity for all, including supporting and encouraging greater diversity in boardrooms and the Assembly." So we have all signed up to this and I have not seen a lot of work in this area, so really this kind of proposition should be coming from Government. So again I do thank Deputy Tadier. We have heard a lot of questions to the A.G. and speeches, which have focused on the potential problems that could come about. Some of them, in my view, have been quite outlandish, talking about what might happen if we have a war or if we

have somebody committing financial crimes. This is missing the point somewhat because what about the problems that we do have right now that are wrong with our democracy? The fact is that we have a big problem and the fundamental issue is that this Assembly does not represent our population as it really is. I am afraid to say, despite our best efforts, we are not making decisions in the best interests of our population as it is because we do not look like and we do not represent the population as it is. Deputy Gardiner I believe quoted a figure - and please correct me if I misheard this - I think she said that around 20 per cent of our population are ethnic minorities. That was an interesting statistic and I thank the Deputy for that. This made me think, within that 20 percent there will be a lot of people that do not have British citizenship but, nevertheless, they are part of our community. If we are to represent our community as it is, why should we not have a similar proportion of people in our Assembly to that 20 per cent? So 20 per cent of our Assembly should be, similarly to our population, people who are ethnic minorities and some of those States Members, it will follow, will not have British citizenship if we are representing our population. Looking at the statistics again around this, there was a survey carried out, a ComRes survey I think by the States Greffe, which looked at interest in politics. We might assume that people from ethnic minorities are not as interested as Jersey-born people. That could be perhaps a logical deduction to make if we look around our Assembly when we are all here because there are very few people who may identify as being part of an ethnic minority. But it is not that people from these groups are not interested because the figures are very similar. So 64 per cent of Jersey-born people are interested in Jersey politics; 58 per cent of people with a Portuguese or Madeiran background are interested, so the levels of interest are similar, so why are they not here? Why are they not voting, only 17 per cent of the Portuguese community said they voted as opposed to 57 per cent of Jersey-born. Why are the ethnic minority communities not participating in our democracy? There is something wrong with the democracy. It is not that there is something wrong with those people in those groups. Some of the barriers to ethnic minorities are similar to the barriers that groups such as women and people with disabilities face when they seek to have access to the political system. A lot of it comes down to human nature and it is a fact that humans seek out people who are similar to them. When we socialise, when we work, when we are going about our day-to-day business, we are naturally inclined to seek out people who are not different from us, so people who are similar. So there are already lots of barriers to someone who is from an ethnic minority group when they are trying to participate in democracy. They might not have a Jersey-sounding name and we all know, on the doorstep at election time, some people will ask: "Oh, I knew your father" or: "I knew your grandmother" and: "That is a good Jersey name". Some of us have benefited from that and we should not be really because it does not speak to our competence as States Members. Appearance, if someone looks like they are from a different country, then that is another barrier, but again it does not speak to their competence as a potential States Member. Again, language barriers. I do accept that a good level of English is absolutely something that is needed.

[17:00]

But then when we are having quite high-level debates with niche terms, again that can be a barrier and something that we should seek to help with and remove. I could go on. One of the most important barriers, what is one of the most pivotal barriers, is access to gatekeepers. I have mentioned this in the Assembly before that I think that as States Members we have a responsibility to be reaching out because we are the gatekeepers. We do not have an established political party system and I know Reform Jersey do a very good job acting as gatekeepers and attempting to get people to stand for election through that route, but the rest of us, we are also gatekeepers. We know that expression: "A tap on the shoulder." That happens a lot is that somebody who is already in politics, and by the law of averages it is likely to be an older white Jersey-born male, and I do not disparage people from those groups at all, but that is the average States Member; that is perhaps what they are. So, given human nature, that person is naturally going to be more likely to seek out somebody who is like them. But what we have a responsibility to do, whether we are men or women or whatever we look like or

sound like, is to try to diversify our Assembly and, to not tap somebody on the shoulder that looks like us, but to give that help and that attention to somebody who might add to the diversity of the Assembly. That is an aside. There are so many barriers already, this is one that we can just take away. Why would we not do that? Why would we seek to add to the barriers that are already there that people from ethnic minorities already have to jump over and work harder and harder than most of us to access the political system and to participate in our democracy. It is not that people cannot do paperwork, it might not be that they cannot afford, although I do think that is a significant barrier, but all of these things add up. They add up, to me, to be something that is pretty insurmountable. The barriers are massive because, when we look around, and I know we are not all here today, but we can imagine what our Assembly usually looks like, we are not diverse. Taking away this barrier might just make it a little bit easier for someone who is competent and intelligent and passionate about Jersey, whether or not they have British citizenship, to go through that test of the election, because that is the ultimate test. I agree wholeheartedly with what Deputy Tadier, and I think Senator Mézec said as well, about the election is the test. We should not be so arrogant as to put other tests on candidates because the public know best; the public know who is the best person to represent them. So I would have supported this proposition unamended and I will support it amended and I would urge other Members to do as well because I think it provides us with a very reasonable compromise and I hope that Members will support it.

8.1.10 Deputy J.H. Young:

Before this debate, I thought this was going to be an easy decision, straightforward, as a progressive I thought this was a simple choice. But I found the debate an excellent one and I want to thank Members for their analysis. Because it raises the issues of nationality, identity and residence, and they are complex issues. For me, I speak as what I call on my website an adopted Channel Islander, having lived in Jersey for 40 years, and of course being brought up in the U.K., and so I was listening carefully to Deputy Ash and Senator Gorst and also Deputy Guida and Deputy Gardiner. In my mind, I thought I was brought up with a traditional view, I should be supporting, I should be taking the line I need to and I must protect that. But the reality is that the world has changed. The world has changed completely and those concepts of nationality are very fluid. The reality is that we have people from other communities, a part of our community originally, and who have been with us and working with us and contributing to our economy for many, many years. The things that other Members have said about making sure that there are no barriers to those people becoming part of our Assembly are important to deal with. I originally thought when I saw the amendment from Senator Gorst: "Why do we include the E.U., because we have left?": But then the more I thought about it, no, many of the people in our country are originally from E.U. countries and we need good relationships with our neighbours. So, unusually, I found myself very much coming down, as Senator Gorst said, he wanted to see lots of conservative candidates - I obviously have a different persuasion - but I find myself in harmony with Senator Gorst's proposal. But I do have one remaining issue on the proposition and that is the issue of residence. Part (c) of the proposition that says there should be no requirement for Jersey-born people to have been ordinarily resident in Jersey for any period of time prior to the election or nomination day. When I compare that with Article 7 of the law, (1)(b)(i) and (ii), it seems to me that runs the risk of creating a 2-tier structure where ordinarily resident is very, very wide. People have spoken about students coming back and so on. Ordinarily resident is not the same as resident. Ordinarily resident is generally a complex term in law and at the moment I am troubled about replacing what is in Article 7(1)(b)(i) and (ii) of the States of Jersey Law. At the moment it says: "Ordinarily resident in Jersey for 2 years up until the election or for 6 months and then additional periods over 5 years." I would have liked to vote separately on item (c) because I do not want to create any anomaly and then end up creating a 2 tier, because the distinction between Jersey born and not is now ... frankly, since we are going with the spirit, I think Members are going to pass this. I do not think that has anywhere near the relevance that it used to have. So I ask the Deputy

whether he is prepared to put that item (c) separately to the vote, but I shall be supporting the other elements.

The Bailiff:

The time that question will be answered will be when Deputy Tadier comes to sum up.

8.1.11 Deputy K.F. Morel

It has been a very interesting debate and it is certainly not an easy debate. In fact it is one that I have pondered a lot over the past few weeks since it was lodged. But just picking up on Deputy Young, it is just easy to speak about the most recent speech I have heard. There was an interesting point that he said that nationality is a very fluid concept. I have to strongly disagree with him. Nationality is not fluid and nationality, although it can be changed, it is not as simple as a transaction in a shop, for instance. One of the reasons I say this is because nationality and citizenship do matter. They matter from my own experience; I have learned this. In fact Deputy Young talked about being a Channel Islander, and that is something that I was labelled in officialdom by a bureaucracy due to Protocol 3 of the U.K.'s Accession to the European Union back in 1972. I was labelled a Channel Islander when I was born and that is something that does not exist. There is no Channel Island nation, there is no Channel Island citizenship, yet one was created. As a result of that Channel Island citizenship, I was allowed no rights within the European Union. It is something that I felt strongly and keenly because I always felt very European and indeed I studied French, I studied Spanish, I speak smatterings of other European languages, and yet I knew that I would never be able to live or work in the European Union because my citizenship mattered. Through that hard way of learning about citizenship, I have had to view this proposition through those eyes. You might say of course you were denied access because of your citizenship, therefore you should want to open this up to everybody. But I have to question why would the European Union be so keen to ensure that only European Union citizens had rights within their jurisdiction. Why would the European Union only allow citizens of the European Union to sit within their Parliament? I feel that the answer really lies in this idea of shared values and the idea that within the European Union, whether you are from Italy, from Finland, or from Portugal, you share certain values. That is something I can certainly subscribe to and I personally felt I shared those values but bureaucrats had decided that it was something they would not allow me to demonstrate. Indeed, I find it very interesting that the 2 Members of our Assembly who did not begin life as British citizens are indeed 2 people who have spoken most strongly about the importance of being British citizens for the purpose of this proposition. Because they understand that it is about signing up and sharing values that bring us together; that we have a starting point as Members of our Assembly. So there is that idea that by sharing a citizenship you are signing up and showing that you share certain values. Now, for many of us that is citizenship by birth, for Deputy Guida and Deputy Gardiner it is citizenship by choice, and in fact you would say that they have more explicitly stated their desire to share the similar values to the rest of us in the Assembly. As someone who would really, if I had my way in life, would claim a Jersey citizenship over all other citizenships, I realise that the reality is Jersey is not a nation. Jersey does not have citizenship, even though I was given this bizarre Channel Islander one by bureaucrats; our citizenship, the reality is it is British. That is the truth and indeed 60 million British citizens are now going to learn what it is like not to have rights within the E.U. and I feel they will probably find their life is poorer for it. I speak, as I said, from experience. But by signing up to this shared citizenship and this understanding of our basis, our foundation, when we meet in this Assembly we have a starting point, I believe that is important. While there is no question that diversity is vital in this world, we also do need a starting point and something we can all gather around together. When I look at what I think is Senator Gorst's amendment, I feel that Senator Gorst's amendment has worsened the proposition. In some senses you either accept everyone or you accept only British citizens. Senator Gorst's proposition draws random lines around parts of the world and says: "You can sit in the Assembly", "You cannot sit in the Assembly", depending on which side of the line it is drawn. Senator Gorst has drawn lines around

random parts of the world and said they should be able to sit in this Assembly and others should not. I believe he has done that because of this idea of shared values.

[17:15]

I cannot understand how you can look at a country like Brunei, a member of the Commonwealth, and a country, which, under Senator Gorst's amendment, would enable citizens of that country to sit in our Assembly without having taken any form of British citizenship. Knowing that in Brunei, not only are they living under a monarchy dictatorship essentially, but they are also living in a land where homosexuality is punishable by death. Indeed, just within the past year or so, they were talking about that death being by stoning. There is nothing in my mind that says that is a shared value with our Island. So if someone from Brunei did want to move to Jersey and did want to sit in our Assembly, I feel it would be right that they sign up to our shared values by adopting British citizenship. Similarly, a case for another member state of the Commonwealth is Pakistan, where religious intolerance is to such a level that, again, blasphemy is punishable by death. Yet, under Senator Gorst's amendment, someone from Pakistan could just move to Jersey and become a Member of the States without having signed up for that foundation stone of shared values, which in this case is British citizenship. Similarly, someone from Iceland would not be able to sit in the Assembly under Senator Gorst's amendment. Iceland is a nation, a European nation, similar to Jersey in many, many ways. They are a liberal democracy. They are an island. They are 330,000 people, we are 100,000 people, so they have a similar size population. There are parts of our histories, which do touch each other in terms of the Normans, and so there is no question in my mind that I share plenty of values and shared values as a British citizen with Icelandic citizens, yet under Senator Gorst's amendment Icelandic people would not be able to sit in our Assembly without adopting British citizenship. Similarly, Norwegian people would not be able to sit in our Assembly without adopting British citizenship. So Senator Gorst has taken this proposition, which at one point for us States Members was a simple decision of everyone in the world, any citizen of the world bring able to sit in our Assembly, or British citizens only being able to sit in the Assembly, and he has confused it. To be honest, he has made a mess of the original proposition. So, as amended, and I did indicate this to the proposer, I cannot possibly support this proposition as amended because there are now far too many lines drawn. In fact we heard Senator Mézec talk about the contradictions of someone from Pitcairn being able to turn up to Jersey and become a Member of the States within 2 years, whereas someone from Missouri who has lived here for 30 years would not be able to do so. The same thing holds with this amendment, someone from Iceland cannot, someone from Brunei can. So it is, in my view, impossible to support this proposition as amended. It is a shame it has been amended because it really has confused the matter hugely and means that we are not talking about diversity, we are talking about permitted levels of diversity, which is an even more bizarre concept. I just briefly want to touch on the idea that more people will vote if we open up membership of the States to non-British citizens. That is not the case. It is almost demonstrably not the case. Every time this Assembly has opened up voting, it has barely moved the gauge in terms of civic engagement. We lowered the age of voting to 16, we still only get 30-something per cent people voting. Previous to that, we had lowered the time you needed to be resident in Jersey to 2 years. That moved little, if at all, the gauge in terms of voting engagement. Opening the doors wider does not mean more people flow through them. Our answers to civic engagement lie in us as States Members engaging with the public; they do not lie with us making laws, which just make it easier to stand or easier to vote, easier to be a States Member. We need to understand that. It is our responsibility to engage with our public and encourage them to vote and enthuse them to vote. The answer is not done by proxy just by changing a law here or there. So I feel it is not possible to support this amended proposition where, if nothing else, the amendment is a real hash of the intention of the original proposition and so, whether you liked the original proposition or feel that British citizenship should be a must, I do not think this amended proposition is an answer to either and I would urge all Members to support it.

The Bailiff:

Deputy Higgins has indicated a question for the Attorney General and the Attorney General has indicated he would like to add to one of his previous answers. So, Deputy Higgins, now might be a suitable time for posing such a question.

Deputy M.R. Higgins:

Just following on from the comments of Deputy Morel, he indicated that he felt aggrieved by the fact that Protocol 3 of the Protocol to the Treaty of Accession prevented him as a Jerseyman being allowed to work and live in Europe. Can the Attorney General confirm to me that the reason why that particular element of the Protocol was there was because Jersey sought exemptions in another area and it was almost a quid pro quo. Also, that although he did not have ...

The Bailiff:

This is not a question for the Attorney in the sense that you are making a statement of what you think the position is and, if you compose it precisely as a question, I am struggling to understand why a historical reason for making Protocol 3 in the form that it was can be possibly relevant to this debate, but perhaps you can help me with that, Deputy, I do not want to shut you down unreasonably.

Deputy M.R. Higgins:

I will try to rephrase it. Basically I want to understand why Deputy Morel, for example, did not have an automatic right to work and live in the European Union, he is using that as an example of where ...

The Bailiff:

Deputy, is the point rather not that, whatever the correctness of the view of Deputy Morel is about that, it is Deputy Morel's view that he has expressed and that has motivated him. Does the legal reality of the position assist in the debate?

Deputy M.R. Higgins:

It might impact on Deputy Morel's view of how he votes in this debate. It may change part of his view.

The Bailiff:

Mr Attorney, are you able to assist?

The Attorney General:

I am afraid I did not catch the Deputy's question. Please could he repeat it?

The Bailiff:

Are you able to inform the Assembly as to why Protocol 3 provided for a definition for Channel Islanders, which prevented - if indeed it did - Channel Islanders from living and working in the European Union?

Deputy M.R. Higgins:

It was the right to live and work in the European Union as opposed to doing so. They could apply for permission, but it is the right side of it.

The Attorney General:

I would need some time.

The Bailiff:

Did you have further advice you wished to proffer on a different matter?

The Attorney General:

Yes, just reflecting on the last answer I gave to Deputy Gardiner in relation to her question as to whether we in Jersey would be able to extradite a Senator or Deputy or a Constable who had committed a financial crime and then, as she put it, run away to another jurisdiction. I said that we would and that is the general position. But I thought I should make clear that there are jurisdictions where it is much more difficult to extradite people from because they, in their national legislation, impose barriers to extradition of their citizens. There are various countries, an example in the E.U. might be Austria. I just wished to make that clear.

The Bailiff:

Thank you very much, Mr Attorney. Deputy Tadier has a question for the Attorney General.

Deputy M. Tadier:

It follows on from Deputy Gardiner's question. Where somebody does have British nationality but also has another nationality, and then they commit a financial crime and then run off to that country and seek to stay there, is the position the same for that dual or 3-nationality individual who may be an elected States Member?

The Bailiff:

Is that a question you would like some more time for as well, Attorney?

The Attorney General:

Yes, these are quite detailed questions on Extradition Law and I will definitely need more time to answer that. They boil down to questions about what is the foreign law of Austria in relation to extradition and my knowledge is obviously of Jersey law. So asking me to research Austrian law on extradition of dual-national citizens, I can do it, but it will take a bit of time.

The Bailiff:

Thank you very much, Mr Attorney. It seems to me that there is a move on the chat to propose the adjournment. We are 4 minutes from the normal time when we might adjourn and I have one further Member who has indicated the wish to speak and of course, even if there are no others after that, then Deputy Tadier will wish to respond. Is the adjournment proposed? Is that seconded? **[Seconded]** Does any Member wish to speak on the question of the adjournment?

Deputy M. Tadier:

I would, I have put something in the chat. If we only have one Member left to speak, and I am not sure if others will want to speak, I would be happy to sum up in short order. But if there are many left to speak then I would prefer the adjournment.

Deputy G.P. Southern:

I wish to make a contribution too and I believe there are more who have not spoken in this quite important debate.

The Bailiff:

I have to say that a number of Members are now indicating they wish to and of course the Attorney General is left with answers to give to the Assembly that he needs time to consider. The adjournment is proposed and seconded and nobody is indicating a desire not to adjourn. Accordingly, the Assembly stands adjourned until 9.30 a.m. tomorrow morning.

ADJOURNMENT

[17:27]